









THE  
REVISED CODE  
OF

CHICAGO *Ordinances, etc*

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[PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.]

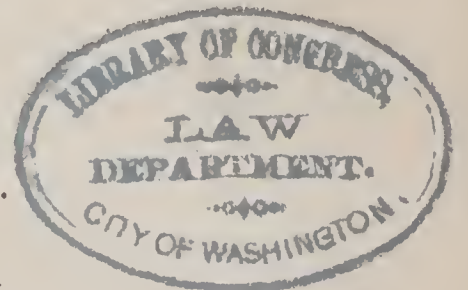
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VOLUME I.

INCLUDING GENERAL ORDINANCES OF THE CITY AND MATERIAL  
PROVISIONS OF THE CONSTITUTION AND STATUTES  
OF THE STATE OF ILLINOIS RELATING TO  
MUNICIPAL GOVERNMENTS.

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REVISED AND CODIFIED.



WILLIAM G. BEALE,

Corporation Counsel.

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ASSISTED BY

DANIEL F. FLANNERY AND BYRON BOYDEN.

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W. B. CONKEY COMPANY  
CHICAGO  
1897

JS 709  
A3  
1297

STATE OF ILLINOIS, )  
County of Cook, ) SS.  
CITY OF CHICAGO. )

I, WILLIAM LOEFFLER, City Clerk of the City of Chicago, do hereby certify that the ordinance entitled "An ordinance revising and consolidating the General Ordinances of the City of Chicago," passed by the City Council of the City of Chicago on the 8th day of April, A. D. 1897, was published in the Chicago Dispatch, a newspaper printed and published in the said City, on the 29th day of April, A. D. 1897, in accordance with the City Charter.

Witness my hand and the corporate seal of said city,  
this 29th day of April, A. D. 1897.

{ SEAL OF THE }  
{ CITY OF CHICAGO. }

WILLIAM LOEFFLER,  
*City Clerk.*

1 147  
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## CITY OF CHICAGO.

IN THE CITY COUNCIL, May 25, 1896.

The following preambles and order were introduced by Alderman NOBLE B. JUDAH and duly passed:

*Whereas*, Ordinances and amendments of ordinances, passed since January 1, 1897, have never been published in book form under authority of the City Council in such manner as to be admissible in evidence in court, and

*Whereas*, The supply of published ordinances in book form not so admissible in evidence is now nearly exhausted, and

*Whereas*, The absence of any authorized publication in book or pamphlet form of ordinances requiring publication which have become complete through the approval or non-action of the Mayor is a constant source of embarrassment to the City, particularly to the Law Department, the Police Department, and the office of the City Clerk, therefore, it is

*Ordered*, That the Corporation Counsel be and he is hereby directed to cause to be properly compiled, edited and published under his supervision as soon as practicable and in such manner that the publication may be admissible in evidence in court, all ordinances of the City of Chicago which shall appear to be in force at the time of such publication, including all ordinances appearing to have any present force in territory heretofore annexed to the City of Chicago, but passed by the respective municipal authorities having jurisdiction over any such territory prior to such annexation, and that the Comptroller be and he is hereby directed to pay the expenses of the work and of publication out of any moneys available for the purpose not otherwise appropriated.



## AN ORDINANCE

CONCERNING THE PRINTING AND PUBLISHING OF THE REVISED ORDINANCES  
OF THE CITY OF CHICAGO.

*Be it Ordained by the City Council of the City of Chicago :*

SECTION 1. That the ordinances governing the City of Chicago as edited, revised and as codified in chapters, articles and sections by WILLIAM G. BEALE, Corporation Counsel, be and the same are hereby ordered printed and published, by authority of the City Council of the City of Chicago, in bound volumes. The first volume shall be entitled "THE REVISED CODE OF CHICAGO," and shall include the general ordinances of the city, material provisions of the constitution and statutes of the State of Illinois relating to municipal governments, and also extracts from the former charter of the city.

The second volume shall be entitled "SPECIAL ORDINANCES OF CHICAGO," and shall include all special ordinances passed by the City Council, and all special ordinances passed by the various cities, villages and towns heretofore annexed and now a part of the City of Chicago.

SECTION 2. This ordinance shall be in force and effect from and after its passage.

STATE OF ILLINOIS, )  
COUNTY OF COOK, } ss.  
CITY OF CHICAGO. }

I, James R. B. Van Cleave, City Clerk of the City of Chicago, do hereby certify that the above and foregoing is a true copy of an ordinance entitled "An ordinance concerning the printing and publishing of the revised ordinances of the City of Chicago," passed by the City Council of said city on the 8th day of April, A. D. 1897, and approved by the Mayor on the 9th day of April, A. D. 1897.

I further certify that the original ordinance, of which the foregoing is a certified copy, is by law intrusted to my custody for safe keeping, and is on file in my office.

Witness my hand and the corporate seal of said city this tenth day of April, A. D. 1897.

{ SEAL OF THE }  
{ CITY OF CHICAGO. }

JAS. R. B. VAN CLEAVE,  
*City Clerk.*

Published and issued in book form on the 7th day of May, A. D. 1897.



# MAYORS

OF THE

# CITY OF CHICAGO

FROM THE

DATE OF ITS INCORPORATION, MARCH 4, 1837, TO THE YEAR 1897.

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WILLIAM B. OGDEN.....	Elected May	2d,	1837
BUCKNER S. MORRIS.....	"	March 6th,	1838
BENJAMIN W. RAYMOND.....	"	" 5th,	1839
ALEXANDER LLOYD.....	"	" 3d,	1840
FRANCIS C. SHERMAN.....	"	" 5th,	1841
BENJAMIN W. RAYMOND.....	"	" 7th,	1842
AUGUSTUS GARRETT.....	"	" 7th,	1843
ALSON S. SHERMAN.....	"	" 7th,	1844
AUGUSTUS GARRETT.....	"	" 5th,	1845
JOHN P. CHAPIN.....	"	" 3d,	1846
JAMES CURTISS.....	"	" 2d,	1847
JAMES H. WOODWORTH.....	"	" 7th,	1848
JAMES H. WOODWORTH.....	"	" 6th,	1849
JAMES CURTISS.....	"	" 6th,	1850
WALTER S. GURNEE.....	"	" 4th,	1851
WALTER S. GURNEE.....	"	" 2d,	1852
CHARLES M. GRAY.....	"	" 14th,	1853
ISAAC L. MILLIKEN.....	"	" 13th,	1854
LEVI D. BOONE.....	"	" 8th,	1855
THOMAS DYER.....	"	" 10th,	1856
JOHN WENTWORTH.....	"	" 3d,	1857
JOHN C. HAINES.....	"	" 2d,	1858
JOHN C. HAINES.....	"	" 1st,	1859
JOHN WENTWORTH.....	"	" 6th,	1860
JULIAN S. RUMSEY.....	"	April 16th,	1861
FRANCIS C. SHERMAN.....	"	" 15th,	1862
FRANCIS C. SHERMAN.....	"	" 21st,	1863
FRANCIS C. SHERMAN.....	"	" 20th,	1864
JOHN B. RICE.....	"	" 18th,	1865
JOHN B. RICE.....	"	" 17th,	1866
JOHN B. RICE.....	"	" 16th,	1867
JOHN B. RICE.....	"	" 17th,	1868
R. B. MASON.....	"	Nov. 2d,	1869
JOSEPH MEDILL.....	"	" 7th,	1871
HARVEY D. COLVIN.....	"	" 4th,	1873
MONROE HEATH.....	"	July 12th,	1876
MONROE HEATH.....	"	April 3d,	1877
CARTER H. HARRISON.....	"	" 1st,	1879
CARTER H. HARRISON.....	"	" 5th,	1881
CARTER H. HARRISON.....	"	" 3d,	1883
CARTER H. HARRISON.....	"	" 7th,	1885
JOHN A. ROCHE.....	"	" 5th,	1887
DEWITT C. CREGIER.....	"	" 2d,	1889
HEMPSTEAD WASHBURNE.....	"	" 7th,	1891
CARTER H. HARRISON.....	"	" 4th,	1893
GEORGE B. SWIFT, pro tem.....	"	Nov. 4th,	1893
JOHN P. HOPKINS.....	"	Dec. 19th,	1893
GEORGE B. SWIFT.....	"	April 5th,	1895





# OFFICERS OF THE CITY GOVERNMENT

OF THE

## CITY OF CHICAGO.

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Hon. GEORGE B. SWIFT,  
Mayor and President *ex-officio* of the City Council.

JAMES R. B. VAN CLEAVE,  
City Clerk.

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### MEMBERS OF THE CITY COUNCIL.

*First Ward,*

FRANCIS P. GLEASON.  
JOHN J. COUGHLIN.

*Second Ward,*

MARTIN BEST.  
CHARLES F. GUNTHER.

*Third Ward,*

NOBLE B. JUDAH.  
HENRY S. FITCH.

*Fourth Ward,*

MARTIN B. MADDEN.  
WILLIAM S. JACKSON.

*Fifth Ward,*

WILLIAM J. DOERR.  
WILLIAM E. KENT.

*Sixth Ward,*

HENRY STUCKART.  
CHARLES MARTIN.

*Seventh Ward,*

EDWARD HAAS.  
NATHAN T. BRENNER.

*Eighth Ward,*

JOHN BENNETT.  
FRANK MEEK.

*Ninth Ward,*

JOSEPH E. BIDWILL.  
VACLAV KLENHA.

*Tenth Ward,*

ANTON NOVAK.  
AUGUST W. MILLER.

*Eleventh Ward,*

CHARLES E. HAMBLETON.  
FRANK F. GAZZOLO.

*Twelfth Ward,*

JAMES L. CAMPBELL.  
CONRAD KAHLER.

*Thirteenth Ward,*

CHARLES F. HOLMAN.  
WILLIAM T. MAYPOLE.

*Fourteenth Ward,*

GEORGE A. MUGLER.  
ALBERT W. BEILFUSS.

*Fifteenth Ward,*

JOSEPH F. HAAS.  
JOHN ANDERSON.

*Sixteenth Ward,*

GEORGE C. LENKE.  
PETER KIOLBASSA.

*Seventeenth Ward,*

STEPHEN P. REVERE.  
MAGNUS C. KNUDSON.

*Eighteenth Ward,*

JOHN J. BRENNAN.  
JOHN A. ROGERS.

*Nineteenth Ward,*

THOMAS GALLAGHER.  
JOHN POWERS.

*Twentieth Ward,*

JOHN H. HARTWICK.  
CHARLES W. PROBST.

*Twenty-first Ward,*

FREDERICK A. HOYER.  
NATHAN M. PLOTKE.

*Twenty-second Ward,*

ADOLPHUS W. MALTBY.  
JOHN MAYNARD HARLAN.

*Twenty-third Ward,*

JOHN WEISBROD.  
THOMAS J. O'MALLEY.

*Twenty-fourth Ward,*

WILLIAM R. MANIERRE.  
CHARLES M. WALKER.

OFFICERS OF THE CITY GOVERNMENT.

MEMBERS OF THE CITY COUNCIL—Continued.

*Twenty-fifth Ward,*

GEORGE B. MILNE.  
AUGUST F. PORTMAN.

*Twenty-sixth Ward,*

WILLIAM FINKLER,  
WILLIAM E. SCHLAKE.

*Twenty-seventh Ward,*

GEORGE S. FOSTER.  
HUBERT W. BUTLER.

*Twenty-eighth Ward,*

THOMAS SAYLE.  
CHARLES H. RECTOR.

*Twenty-ninth Ward,*

JAMES J. MCCARTHY.  
ROBERT MULCAHY.

*Thirtieth Ward,*

JOHN W. UTESCH.  
ETHAN A. MOWRER.

*Thirty-first Ward,*

ISAIAH T. GREENACRE.  
CLARK T. NORTHROP.

*Thirty-second Ward,*

WILLIAM KENT.  
WILLIAM MAVOR.

*Thirty-third Ward,*

GEORGE W. SHEPHERD.  
CYRUS H. HOWELL.

*Thirty-fourth Ward,*

JOHN O'NEILL.  
JOHN B. MATH.

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CITY OFFICERS.

WILLIAM G. BEALE, Corporation Counsel.

OSCAR D. WETHERELL, City Comptroller.

ADAM WOLF, City Treasurer.

JOSEPH DOWNEY, Commissioner of Public Works.

WILLIAM R. KERR, Commissioner of Health.

JOHN J. BADENOCH, Superintendent of Police.

DENNIS J. SWENIE, Fire Marshal.

ROY O. WEST, City Attorney.

PHILIP MAAS, City Collector.

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CIVIL SERVICE COMMISSION.

JOHN M. CLARK, President.

ROBERT A. WALLER.

CHRISTOPH HOTZ.

EDWARD J. PHELPS, Secretary.

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DONALD L. MORRILL, Attorney.

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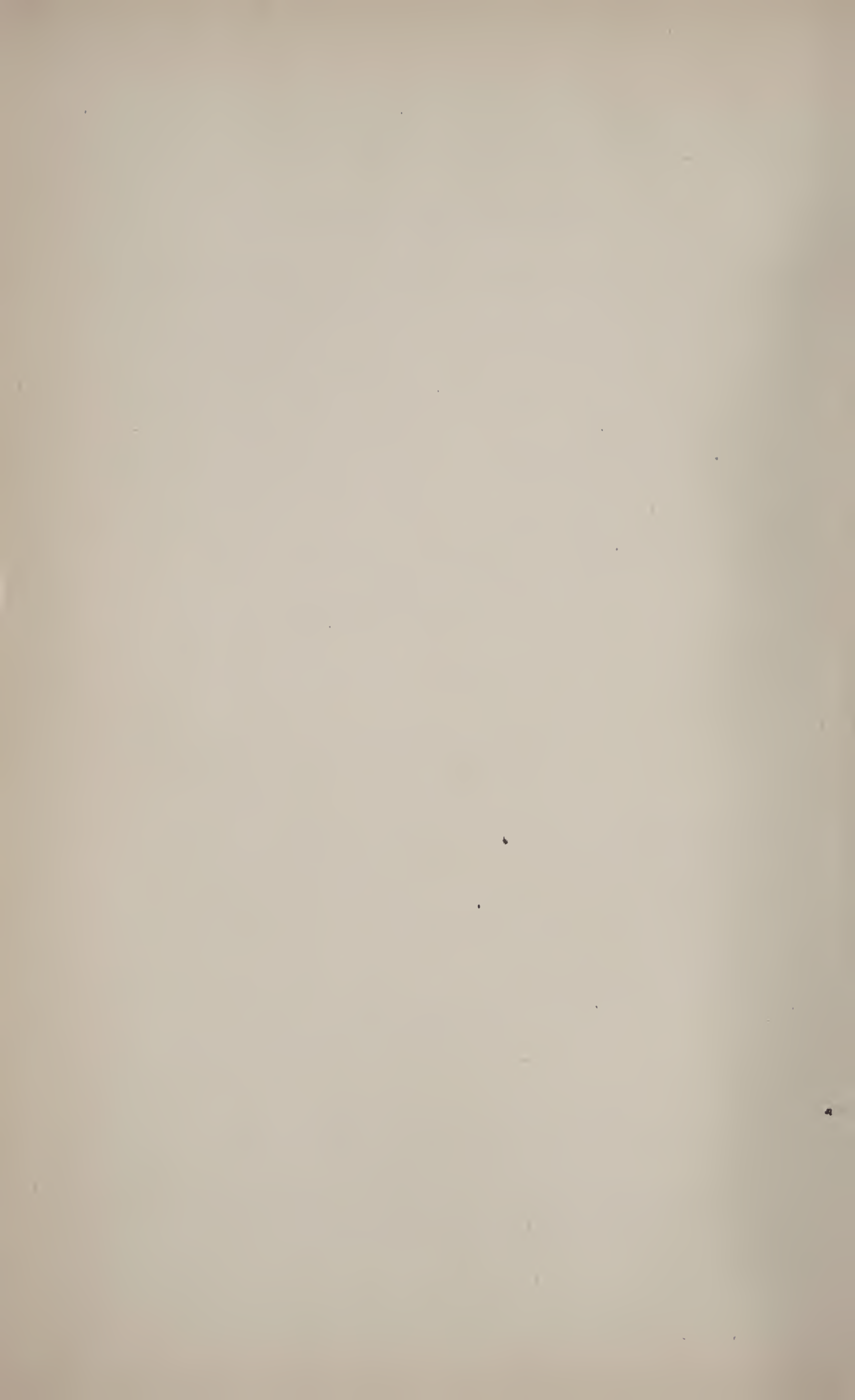
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INSPECTORS OF HOUSE OF CORRECTION.

GEORGE B. SWIFT, Mayor, Chairman.

ADAMS A. GOODRICH.      WILLIAM GARDNER.      DR. A. LAGORIO.

MARK L. CRAWFORD, Superintendent.



# HISTORICAL.

First meeting of the Board of Trustees of the Town of Chicago was held at the residence of Mark Beaubien on the 12th day of August, A. D. 1833.

## CITY OF CHICAGO

INCORPORATED MARCH 4, 1837.

April 23, 1875, the City of Chicago adopted "An Act to provide for the incorporation of cities and villages," approved April 10, 1872.

## GROWTH OF CHICAGO—AREA.

### ORIGINAL TOWN OF CHICAGO

Included territory bounded on the east by Lake Michigan, on the north by Chicago Avenue, on the west by Halsted Street and on the south by Twelfth Street.

### CITY OF CHICAGO

At the date of its incorporation included territory bounded on the east by Lake Michigan, on the north by North Avenue, on the west by Wood Street, and on the south by Twenty-second Street.

### FIRST EXTENSION.

By act of Legislature, February 16, 1847—West to Western Avenue.

### SECOND EXTENSION.

By act of Legislature, February 12, 1853—South to Thirty-first Street and North to Fullerton Avenue.

### THIRD EXTENSION.

By act of Legislature, February 13, 1863—South to Thirty-ninth Street.

### FOURTH EXTENSION.

By act of Legislature, February 27, 1869—West to Crawford Avenue.

### FIFTH EXTENSION.

County Court, May 16, 1887—Section 36, T. 40 N., R. 13.

### SIXTH EXTENSION.

County Court, April 29, 1889—Section 25, T. 40, and part of Cicero.

April 29, 1889, the area of Chicago was 43.812 square miles.

### SEVENTH EXTENSION.

By election, June 29, 1889—City of Lake View.....	10.408	square	miles
By election, June 29, 1889—Town of Jefferson .....	29.530	"	"
By election, June 29, 1889—Town of Lake.....	36.000	"	"
By election, June 29, 1889—Village of Hyde Park.....	49.132	"	"
By election, June 29, 1889—Part of Cicero.....	1.000	"	"

### EIGHTH EXTENSION.

By election, April 1, 1890—Village of Gano..... 1.773 square miles

### NINTH EXTENSION.

By ordinance, May 12, 1890—South Englewood..... 2.899 square miles

AUTHORIZED EDITIONS AND PUBLICATIONS.

TENTH EXTENSION.

By election, November 4, 1890—Village of Washington Heights .....	2.810 square miles
By election, November 4, 1890—Village of W. Roseland....	1.793 " "

ELEVENTH EXTENSION.

By election, April 7, 1891—Village of Fernwood.....	0.981 square miles
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TWELFTH EXTENSION.

By election, April 4, 1893—Village of West Ridge.....	2.125 square miles
By election, April 4, 1893—Village of Rogers Park .....	1.750 " "

THIRTEENTH EXTENSION.

By election, November 7, 1893—Village of Norwood Park...	2.125 square miles
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FOURTEENTH EXTENSION.

By ordinance, February 25, 1895—Part of Town of Calumet.	1.000 square miles
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Total area of Chicago, April 8, 1897.....187.138 square miles

Extreme width of Chicago, fourteen and one-half miles; extreme length, twenty-six miles.

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AUTHORIZED EDITIONS AND PUBLICATIONS OF THE ORDINANCES OF THE CITY OF CHICAGO.

MUNICIPAL LAWS, CHICAGO, 1856.

Passed by the Common Council, September 15, 1856. Compiled, revised and codified by George W. and John A. Thompson.

LAW AND ORDINANCES, CHICAGO, 1866.

Passed by the Common Council, January 1, 1866. Compiled and arranged by Joseph E. Gary.

LAWS AND ORDINANCES, CHICAGO, 1873.

Passed by the Common Council, July 21, 1873. Compiled and arranged by Murray F. Tuley.

THE MUNICIPAL CODE OF CHICAGO, 1881.

Passed by the City Council, April 18, 1881. Codified and revised by Egbert Jamieson and Francis Adams.

SUPPLEMENT TO THE MUNICIPAL CODE, 1881.

Published August 13, 1883. Compiled and arranged by Clarence A. Knight.

SUPPLEMENT TO THE MUNICIPAL CODE, 1881.

Published January 10, 1887. Compiled and arranged by Clarence A. Knight.

THE REVISED CODE OF CHICAGO, 1897.

Passed by the City Council, April 8, 1897. Revised and codified by William G. Beale, Corporation Counsel, Daniel F. Flannery and Byron Boyden.

THE  
REVISED CODE  
OF  
CHICAGO

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VOL. I.





# THE REVISED CODE

## OF

### CHICAGO.

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#### AN ORDINANCE FOR REVISING AND CONSOLIDATING THE GENERAL ORDINANCES OF THE CITY OF CHICAGO.

WHEREAS, It is necessary that the general ordinances of the city of Chicago should be consolidated and arranged in appropriate chapters, articles and sections; that omissions should be supplied and defects corrected, and that the whole should be rendered plain, concise and intelligible; therefore,

Be it ordained by the city council of the city of Chicago, as follows:

#### CHAPTER I.

##### THE MAYOR.

**1. Office—duties.]** The mayor shall keep his office at such place in the city as may be provided by the city council. He shall sign all commissions and permits granted by the authority of the city council, except as otherwise provided, and such other acts as by law or ordinance may require his certificate.

**2. Licenses—issuance and revocation.]** The mayor shall grant licenses for the purposes authorized by this ordinance to such residents of the city of the age of twenty-one years, duly qualified according to the ordinances of the city council, as he may deem proper, unless the city council shall otherwise designate, and may revoke the same at pleasure.

**3. Supervision of officers.]** The mayor shall supervise the conduct of all the officers of the city; examine the grounds of all reasonable complaints made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the proper tribunal for correction.

**4. Officers—appointment of.]** The mayor shall appoint, by and with the advice and consent of the city council, all officers whose appointment is not by the laws of this state otherwise provided for; and whenever a vacancy shall happen in any office, which by law he is empowered to fill, he shall within thirty days after the happening of such vacancy, communicate to said council the name of his appointee to such office, and pending the concurrence of the city council

cil in such appointment, the mayor may appoint some suitable person to discharge the duties of such office.

**5. Reward proclamation.]** The mayor may, whenever he shall deem it necessary, issue his proclamation for the apprehension of any person who may have committed a crime within the city of Chicago, and may, in such proclamation, offer a reward, not exceeding three hundred dollars, to be paid out of the city treasury, upon the certificate of the mayor that the service required has been performed.

**6. Tax titles—conveyance of.]** The mayor and city controller are hereby authorized and empowered to sell and convey any and all lots and parcels of land to which a title is held by the city under sale and conveyance for the city taxes or assessments, upon such terms as may be agreed upon, with the consent of the finance committee; but in no case shall such sale and conveyance be made for a less consideration, in case of tax titles arising from sales for general taxes, than the amount of the original purchase money and subsequent taxes paid by the city, with interest at the rate of ten per cent. per annum.

**7. Flags and decorations.]** The mayor shall have power and authority to display flags or other decorations on, in or about the city hall or other public buildings belonging to the city.

#### PRIVATE SECRETARY AND CLERKS.

**8. Secretary—duties.]** The mayor may appoint a private secretary whose duty it shall be to preserve and keep in the mayor's office all books and papers which are usually filed, or which are required by law to be filed therein; to deliver to the city council, and to the respective departments, all messages from the mayor in writing; to attend in the mayor's office during the usual office hours, and to perform such other services as may be required by the mayor.

**9. Mayor's clerks.]** There may be two clerks in the mayor's office, who shall be severally denominated the first assistant clerk and the second assistant clerk, who shall be appointed by the mayor, and whose several duties it shall be to attend daily at the mayor's office, and to perform such duties as may be required by the mayor.

## CHAPTER II.

### CITY COUNCIL.

**10. Standing committees.]** The city council shall nominate and appoint its standing committees.

**11. Committee reports.]** Every committee of the city council, in reporting upon a subject referred to them, must attach to their report all resolutions, petitions, remonstrances and other papers in their possession relative to the matters referred.

**12. Aldermen—compensation.]** The compensation to be paid aldermen for their services is hereby fixed at the sum of three dollars to each alderman, for each meeting of the city council actually attended by him; and no other compensation than for attendance upon such meetings shall be allowed to any alderman, for any services whatsoever.

## CHAPTER III.

### CITY CLERK.

**13. Duties—deputy city clerk.]** The city clerk shall, in addition to the duties now imposed upon that officer by law, perform the following duties:

1. He shall issue notices to the members of the city council, when directed by that body; to the members of the different committees of that body, and to all persons whose attendance will be required before any such committee, when directed by the chairman thereof,—and shall also issue notices of special meetings.

2. He shall attest all the licenses granted by the mayor or the city council, under the ordinances of the city.

3. He shall, without delay, deliver to the officers of the corporation, and to all committees of the city council, all resolutions and communications referred to those officers or committees by that body.

4. He shall, without delay, deliver to the mayor all ordinances or resolutions under his charge, which may require to be approved or otherwise acted upon by the mayor, with all papers on which the same were founded.

5. He shall, on the first day of each and every month, report to the city comptroller, in writing, the name of each alderman, and the number of meetings of the city council held during the preceding month which such aldermen actually attended.

6. He may appoint a deputy, who, in the absence of the clerk, in case of sickness or otherwise, shall be empowered to perform all the duties of the city clerk.

### ORDINANCES.

**14. Engrossment of ordinances.]** Every ordinance shall be engrossed by the clerk before the vote is taken on its final passage, unless otherwise ordered by three-fourths of all the aldermen elected, except such ordinances as may be sent to the council by the department of public works.

**15. Record of ordinances.]** All ordinances passed by the city council shall be recorded by the clerk in a proper book or books with indexes. The originals shall be filed in the clerk's office, and due proof of the publication of all ordinances requiring publication by the certificate of the printer or publisher shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinances. It shall be the duty of the clerk to report to the council (the same to be made a part of the official record) all

acceptances of ordinances and bonds in connection therewith, which have been filed in his office since the preceding meeting.

**16. Free plates, badges, etc.]** Wherever any ordinance in force in the city of Chicago requires licenses to be obtained for the purpose of carrying on any business or occupation, and the provisions of such ordinance require the licensee to obtain from the city clerk a metal plate or badge for the purpose of indicating that the license fee for the current year has been paid, it shall be the duty of the city clerk to deliver said plate or badge free of charge to the person paying the license fee, and said fee shall be considered as covering the cost of said plate or badge, or both.

## CHAPTER IV.

### FINANCE.

#### ARTICLE I.

##### CITY COMPTROLLER.

**17. Department of finance—created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of finance, and which said department shall have control of the fiscal concerns of said city in the manner as herein provided.

**18. How composed—comptroller head of.]** Said department of finance shall embrace the city comptroller, the city treasurer, and the city collector, and all such clerks and assistants as the city council may, by ordinance, see fit to prescribe and establish. The comptroller shall be the head of said department, and have the management and control of all matters and things pertaining thereto.

**19. Fiscal year.]** The fiscal year of the city of Chicago shall commence on the first day of January in each and every year.

**20. Municipal year.]** The municipal year of the city of Chicago shall commence on the thirtieth day of April in each and every year.

**21. Comptroller — office created — term:]** There is hereby created the office of city comptroller, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**22. Comptroller — appointment of.]** He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**23. Bond.]** Said comptroller, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of one hundred thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**24. Clerks—appointment of.]** The comptroller, with the consent of the mayor, shall appoint such assistants, clerks and subordinates in his office as the city council may authorize, and he shall be held responsible for the fidelity of the persons so appointed by him, and he may remove them.

**25. Bonds of clerks.]** Said comptroller shall require good and sufficient bonds to be given by all assistants, clerks and em-

ployes in his office who shall receive or have the care, custody or handling of any moneys or other valuable things belonging to the city of Chicago; which said bonds shall be approved by the mayor.

**26. Duties of subordinates.]** All subordinate officers, assistants, clerks and employes who shall be employed in the office of said comptroller, shall be subject to such rules and regulations, and shall perform such duties as shall be prescribed or required of them by said comptroller, or the ordinances of the city.

**27. Comptroller's power.]** Said comptroller shall be charged with and shall exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and, as such, shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts and choses in action belonging to said city, except such as are directed by law or ordinance to be deposited elsewhere; and shall possess and carefully preserve all assessment warrants, except warrants for the collection of water rates, or assessments, and the returns thereof made by any collector or receiver of assessments, and all leases of markets, wharfing privileges, and other public property of said city.

He shall have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city, the payment of interest, and over all the property of the city, and the sale or the disposition thereof; over all legal or other proceedings in which the interests of the city are involved, and shall have authority, with the approval of the mayor, to institute or discontinue such proceedings, and to employ additional counsel, in special cases, where he thinks the city interests require it, and generally, in subordination to the mayor and city council, to exercise supervision over all such interests of said city as, in any manner, may concern or relate to the city finances, revenues and property.

**28. Audit and settle claims.]** He shall revise, audit and settle all accounts in which the corporation is concerned, either as debtor or creditor, or where provision for the settlement thereof is not otherwise provided for by law, and the settlement of which is not especially committed by ordinance to some other authority.

**29. Verification of claims.]** He shall have power, in making such settlements and adjustments, and for the purpose of ascertaining the true state of any balance or balances so due, to require any claimant or claimants to deposit and file with said comptroller a statement in writing under oath as to any fact, matter or thing concerning the correctness of any account, claim or demand presented.

**30. Record—house of correction.]** It shall be the duty of the comptroller to keep a record of the names of all persons committed to the house of correction, in a book or books to be provided for that purpose, showing the date of committal, days of imprisonment, amount of fine, etc.

**31. Leasing of city realty.]** When provision for appraisers shall be made by a lease to which the corporation is a party, or in which it is interested, appraisers on behalf of the corporation to determine the rent on renewal of the lease, or the value of buildings to be paid for on the expiration thereof, shall be appointed. The appraiser or appraisers on the part of the corporation may be appointed by the mayor and the comptroller.

**32. Acceptance of streets.]** The comptroller may accept the cession of streets or avenues, or parts thereof, not ceded or opened, on receiving a sufficient conveyance thereof to the corporation, with a map of the ceded premises annexed thereto, and a certificate of the counsel to the corporation, approving the same. But in all cases the expense of the cession must be paid by the party by whom it is made.

**33. Records.]** Said comptroller shall open and keep, in a clear, methodical manner, a complete set of books, under the direction of the mayor and finance committee of the city council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts and other things kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

**34. Officers to make statements to.]** He shall require of all officers charged in any manner with the receipt, collection or disbursement of the city revenues, to make monthly statements in writing, under oath, showing in detail all such receipts, collections and disbursements, and file the same in the office of said comptroller.

**35. Power to enforce statements.]** It shall be the duty of the comptroller, whenever any officer shall refuse or neglect to make such report, or adjust his accounts, whenever required so to do by the comptroller, and pay over to the proper officer any moneys in his possession belonging to the city, to cause a notice in writing to be served upon such officer and his sureties, demanding a settlement of his accounts forthwith; and in case of the refusal or neglect of such officer, for a period of five days after said notice, to make such settlement and pay over said moneys, said comptroller shall report such officer to the mayor, who shall immediately remove him from office; and proceedings for the recovery of any moneys due the city shall be at once instituted against such delinquent and his sureties.

**36. Unexpended appropriations.]** It shall be the duty of the city comptroller, at the close of each fiscal year, to place to the credit of the general fund all unexpended appropriations for such year, but which shall not include contracts or liabilities entered into by virtue of authority of such appropriation, and which remain unpaid at the close of said fiscal year; Provided, that no such disposition shall be made



of any trust fund or funds or special assessments that by law are specific and under the direct control of officers specially appointed for their disbursement.

**37. To debit officers receiving money.]** It shall be the duty of the comptroller, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts.

**38. Annual statements—contents.]** The comptroller shall make out an annual statement, for publication, on or before the 1st day of March, in each year, giving a full and detailed statement of all the receipts and expenditures during the fiscal year ending December 31st. Said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balances of money then remaining in the treasury, with all sums due and outstanding; the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city; which statement, when examined and approved by the finance committee, shall be published by him as aforesaid.

**39. Annual estimates—contents.]** He shall also, on or before the first Monday of February in each year, before the annual appropriations are made by the city council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year, commencing on the first day of January; he shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvement and the probable expense thereof; of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall, also, in such report, show the aggregate income of the preceding fiscal year from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the city council may fully understand the money exigencies and demands of the city for the current year.

**40. Monthly statement.]** In addition to the other duties of the comptroller of said city, it is hereby made his duty, on or before the tenth day of each and every month, to make out a monthly statement, giving a full and detailed statement of all the moneys received and from what sources, and on what account received, and of all moneys ordered to be paid, or drawn for by warrant, by him, and on what account the same have been paid, for the month preceding that in which such statement is made; and the said comptroller shall cause

the said monthly statement to be delivered to the city council at its next regular meeting.

**41. Mayor and comptroller to sign warrants.]** The mayor shall sign all warrants drawn upon the treasurer; and the same shall be countersigned by the comptroller, and shall state therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn.

**42. Annual settlements.]** The comptroller and the finance committee shall meet annually in the month of February, and compare all reports and statements made by the comptroller, treasurer and collector, and report thereon to the city council.

**43. Interest on judgments.]** The comptroller shall, upon the demand of the legal owner of any final judgment heretofore rendered, or which may hereafter be rendered against the city of Chicago, pay the legal and statutory interest thereon semi-annually, in the months of January and July of each year until such judgment is paid, or until payment thereof is tendered by the city of Chicago to such owner.

**44. Publish pay-rolls.]** It shall be the duty of the city comptroller to make a monthly report to the city council, that the same may be published in the printed proceedings thereof, of each and every pay-roll upon which he shall make payments to any employes of the city; such pay-roll to contain the name and place of residence of each employe, and shall indicate the services for which such employe is paid.

**45. Water fund—investment of.]** It shall be the duty of the city comptroller, hereafter to invest the surplus money in the hands of the city treasurer, belonging to the water fund of the city of Chicago, in the manner following: Upon the refunding or the issuance for refunding purposes by the city of any of its bonds, the comptroller shall invest so much of the surplus money which may be in the hands of the city treasurer to the credit of the water fund, and which shall be available by the purchase of said bonds or securities, and said bonds shall be registered by the comptroller as being the property of the water fund, and shall not be negotiated or sold until so ordered by the city council; Provided, this section shall not apply to water fund bonds.

**46. Police and firemen's relief fund.]** One-fourth of all the fines collected by the city of Chicago for the violation of city ordinances, and which are not by statute appropriated to other purposes, and one per centum of the net receipts from saloon licenses, shall be hereafter set aside and transferred by the city comptroller to the credit of the police and firemen's relief fund, for the use and benefit of the same; Provided, that the amount received from this and other sources so appropriated, shall not exceed thirty thousand dollars per annum. And provided, further, that when at any time it shall be ascertained that the amount so received shall exceed the sum of thirty thousand dollars, the excess of that sum shall be returned to the general fund of the city.

**47. Illinois Humane Society.]** All fines, paid in money, imposed through the agency of the Illinois Humane Society, under the laws and ordinances of the city of Chicago, shall, when collected, be transferred by the city comptroller to the credit of said society, to be applied to its support, and all fines imposed through the act, agency, or prosecution of any special policemen appointed on the application of said society, shall be regarded as imposed through the agency of the Illinois Humane Society.

## ARTICLE II.

### BONDS.

**48. To whom payable—endorsement.]** By the endorsement of the comptroller upon any bonds of the city, payable to bearer, when presented for that purpose by the owner, such bonds shall become payable only to the party named in such endorsement, his assignees or legal representatives, anything on the face of such bond to the contrary notwithstanding. The affidavit of the party presenting any such bond, or his authorized agent or attorney, that he is the owner thereof, shall be sufficient evidence to the comptroller of such ownership.

**49. Form of endorsement.]** The endorsement of the comptroller may be in the following form: "By virtue of the Act of the general assembly of Illinois, the ordinances of the city of Chicago, and the consent of (A. B.) the owner of this bond, this bond is made payable only to said (A. B.) his assignees, or legal representatives, anything on the face thereof to the contrary notwithstanding. (C. D.) comptroller."

### SPECIAL ASSESSMENT BONDS.

**50. Manner of execution.]** Whenever the corporate authorities of the city of Chicago shall provide by ordinance to issue improvement bonds for the purpose of anticipating the collection of the second and succeeding installments of special assessments heretofore levied or hereafter to be levied, in pursuance of the provision of an act entitled, "An Act to authorize the division of special assessments in cities, towns and villages into installments and authorizing the issuing of bonds to anticipate the collection of deferred installments," approved June 17, 1893, in force July 1st, 1893, such bonds shall be lithographed or steel-engraved on the best quality of heavy bond paper, of design to be approved by the mayor, and shall be signed by the mayor or bear his lithograph fac-simile, and also shall be signed by the commissioner of public works, countersigned by the city comptroller, and attested by the city clerk.

**51. Coupons—form.]** Coupons shall be attached to said bonds which shall bear the fac simile signature of the city comptroller, and shall be in substantially the following form:

Coupon No..... \$....

The city of Chicago, Illinois, promises to pay bearer at the office of the city treasurer, in said city, on the.....day of..... 189.., the sum of.....dollars, being the annual interest on improvement bond No....., series No. ...., dated....., issued in anticipation of the collection of the .....deferred installment of special assessment No....., named in said bond, said sum to be paid solely out of the fund levied for such purpose, when collected.

.....  
City Comptroller.

Such bond shall have its amount printed or lithographed across the face thereof in large figures.

**52. Custody — sale — proceeds.]** In the event that said bonds are sold, the city comptroller shall have entire charge of the sale, and the proceeds derived from such sale shall be paid by the purchaser into the city treasury, and used for the sole purpose of paying for the improvement for which said bonds are issued.

**53. Anticipate installments.]** In all cases where the city of Chicago has heretofore levied any special assessment payable in installments pursuant to law, but on which the collection has not commenced, improvement bonds of the city of Chicago shall be issued for the purpose of anticipating the collection of the second and succeeding installments, pursuant to and in accordance with the provisions of an act entitled "An Act to authorize the division of special assessment in cities, towns and villages into installments and authorizing the issue of bonds to anticipate the collection of deferred installments," approved June 17th, 1893, and in force July 1st, 1893, and also in accordance with the foregoing provisions of this article.

**54. Series—division of.]** The number of series into which the bonds issued on account of any special assessment shall be divided, shall correspond to the number of deferred installments as the same are fixed by the ordinances for the respective special assessments.

ARTICLE III.

CITY TREASURER.

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

**56. Appointment of assistants.]** He shall appoint all assistants, clerks and subordinates employed in his office, and may remove them.

**57. Bonds of assistants.]** It shall be the duty of said treasurer to require good and sufficient bonds to be given by all assistants and clerks in his office, who shall receive, or have the care, custody, or handling of any moneys or other valuable thing belonging to the city, which said bonds shall be approved by the mayor.

**58. Duties.]** He shall receive all moneys belonging to the corporation, and shall render at the end of each and every month, and oftener if required, a statement, under oath, to the city comptroller, showing the state of the treasury at the date of such account, and the balance of the money in the treasury. Said statement shall set forth all the moneys received by him, and from whom, and on what account they shall have been received; also, of all moneys paid out by him, and on what account they shall have been paid.

**59. Duties as to fines.]** It shall be the duty of the treasurer to receive all fines of persons who may have been committed to the house of correction, and to make a duplicate receipt of the payment thereof to the comptroller; and when it shall appear by the books of the comptroller that the term of imprisonment of any person is ended by virtue of such payment, or the expiration of his term of sentence, or both, the comptroller shall certify the fact to the superintendent of the house of correction, who shall carefully preserve said certificate and thereupon discharge the prisoner named. All fines received as aforesaid, shall belong to and be credited by said comptroller to the house of correction fund.

**60. Report of defalcation.]** He shall report to the comptroller any officer authorized to receive money, who may fail to make a return of the moneys received by him, at the time required by law, or by the ordinances of the city.

**61. Books of account.]** Said treasurer shall cause to be kept books of account, in such manner as to show with entire accuracy, all moneys received by him, and from whom, and on what account they shall have been received; and of all moneys paid out by him, and on what account they shall have been paid; and in such manner that said books may be readily understood and investigated; which books, and all papers and files of said office, shall be at all times open to the examination of the comptroller, the finance committee, or any member of the city council.

**62. Banks for city deposit.]** Said treasurer shall be required to deposit and keep all moneys in his hands belonging to the city of Chicago, in such banks as may be designated by the city council; and the mayor, comptroller and chairman of the committee on finance shall secure from time to time, as occasion may require, proposals from such banks as they shall recommend for the deposit therein by the city treasurer, of the moneys in his hands belonging to the city, and to submit such proposals to the city council for acceptance.

#### ARTICLE IV.

##### CITY COLLECTOR.

**63. Collector—office created—term.]** There is hereby created the office of city collector, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**64. Appointment.]** He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**65. Bond.]** Said collector shall, before entering upon the duties of his office, execute a bond, with sureties, to be approved by the city council, in the sum of two hundred and fifty thousand dollars, conditioned for the faithful performance of the duties of his office.

**66. Clerks—appointment of.]** The city collector, with the consent of the mayor, shall appoint such various assistants, clerks and subordinates in his office as the city council may authorize, and he shall be held responsible for the fidelity of the persons so appointed by him and may also remove them.

**67. Duties.]** He shall execute all special assessment and other warrants, which by law and the ordinances of said city may be executed by such collector, and shall perform such other duties as now are, or may hereafter be, imposed upon him by law or the ordinances of the city.

**68. Daily payment to treasurer.]** He shall, each and every day, pay over to the city treasurer all moneys collected by him from any source whatsoever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city comptroller, who shall, at the same time, or on demand, give such collector a copy of any such receipt so filed.

**69. Monthly statement.]** He shall furnish and file with the comptroller a monthly statement of all moneys received by him, and from whom, and on what account they shall have been received.

**70. Books of account.]** It shall be the duty of the city collector, under and subject to the direction and supervision of the city comptroller, to keep books and accounts, which shall show all receipts and moneys received by him, and other matters pertaining to his office; such books and accounts to be kept in a clear, intelligible, and methodical manner.

**71. Report of delinquent special assessments.]** The time within which the city collector shall make his annual report to the treasurer and ex-officio county collector of Cook county, of the delinquent special assessments, as required by section 39 of article 9 of chapter 24, Revised Statutes of Illinois, be and the same is hereby fixed as on or before the first day of April of each year.

**72. Rebate, when.]** Said collector shall allow a rebate of one per cent. upon the amount of all special assessments which shall hereafter be paid to him, prior to such special assessments being turned over as delinquent to the county collector of Cook county, and shall also, in giving the notice required by law of such special assessments being due and payable, add thereto a notice to the property owners that they will save said one per cent. and subsequent costs, by the payment of such special assessments before the same are turned over as delinquent to the county collector.

## CHAPTER V.

### LAW.

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#### ARTICLE I.

##### CORPORATION COUNSEL.

**73. Department created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of law, and shall embrace the corporation counsel, the city attorney, the prosecuting attorney, and such number of assistants and clerks as the city council may, by ordinance, see fit to prescribe and establish.

**74. Term.]** There is hereby created the office of corporation counsel, who shall be the head of the law department, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**75. Appointment.]** He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**76. Bond.]** Said corporation counsel, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**77. Assistants—appointment and removal]** He shall have the power of appointing and removing all assistants and clerks in his office.

**78. Superintendence of law matters.]** He shall superintend, and, with the assistance of the city attorney and prosecuting attorney, conduct all the law business of the city.

**79. Drafts of ordinances.]** He shall draw such ordinances as may be required of him by the city council, or by any committee thereof.

**80. Contracts, deeds, etc.]** He shall draw the leases, deeds and other papers connected with the finance department, and all contracts for any of the other departments of the corporation, when so required by the head of the department.

**81. Legal opinions.]** He shall, when required, furnish written opinions upon subjects submitted to him by the mayor or city council, or by any department of the municipal government.

**82. Term ended—delivery to successor.]** Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the corporation counsel shall forthwith, on demand, deliver to his successor in office all deeds, leases, contracts, and other papers in his hands, belonging to the corporation, or delivered to him by the corporation or any of its officers, and all papers in actions prosecuted or defended by him, then pending and undetermined, together with his register thereof, and of the proceedings therein.

**83. Annual estimate.]** He shall prepare and submit to the comptroller, on or before the first day of February in every year, an estimate of the whole cost and expenses of providing for and maintaining said department during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the city council, with his annual estimate.

## ARTICLE II.

### CITY ATTORNEY.

**84. Bond.]** The city attorney shall, before entering upon the duties of his office, execute a bond to the corporation, with two sufficient sureties, to be approved by the city council and filed in the office of the comptroller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

**85. Drafts of ordinances.]** He shall draw such ordinances as may be required of him by the city council, or by any committee thereof.

**86. Contracts, deeds, etc.]** He shall draw the leases, deeds and other papers connected with the finance department, and all contracts for any of the other departments of the corporation, when so required by the head of the department.

**87. Docket of causes.]** He shall keep in proper books to be provided for that purpose a register of all actions in courts of record, prosecuted or defended, in which the city may be a party, and all proceedings had therein, and which shall at all times be open to the inspection of the mayor, comptroller, or any committee of the city council.

**88. Term ended—delivery to successor.]** Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, he shall, forthwith, on demand, deliver to his successor in office all deeds, leases, contracts, and other papers in his hands belonging to the corporation, or delivered to him by the corporation, or any of its officers, and all papers in actions prosecuted or defended by him, then pending and undetermined, together with his register thereof, and of the proceedings therein.

**89. Annual report.]** He shall annually, on or before the first day of February in each year, report in writing to the city council a statement of all suits instituted and pending in courts of record in



which the city of Chicago is plaintiff or defendant, in which report shall be stated the names of all defendants and plaintiffs, the nature of the actions, the date of the commencement, and the several steps that may have been taken in court during his term of office to bring such suits to final issue, to be accompanied with such explanatory remarks as said attorney may see fit to append—to the end that the council may be kept more fully advised as to the legal affairs of the city. He shall also attach to his said report a list of all such cases as may have been disposed of during his term of office and subsequent to his last report, together with their results; said reports shall be made up to the first day of January in each year.

**90. Assistants—appointment and removal.]** He shall have the power of appointing and removing all assistants and clerks in his office.

### ARTICLE III.

#### PROSECUTING ATTORNEY.

**91. Office created.]** There is hereby created the office of prosecuting attorney, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**92. Appointment.]** He shall be appointed by the mayor upon the recommendation of the corporation counsel and city attorney, and by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**93. Bond.]** He shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**94. Duties.]** The prosecuting attorney is charged with the prosecution of all actions for violation of the ordinances of the city, and with the conduct of all proceedings before justices, or upon appeal to the criminal court. He shall institute an action in every case where there has been a violation of any city ordinance, when instructed to do so by the city council, or the chief officer of any department, or upon the complaint of any other person, when, in his judgment, the public interest requires that the same shall be prosecuted.

**95. Compromise actions.]** He may, with the consent of the city attorney, compromise with the party complained of, either before or after an action shall have been brought for any violation of an ordinance of the city council, when the penalty does not exceed twenty-five dollars, and when, in his judgment, the public interest does not require that an action should be prosecuted therefor; and he shall have the power to discontinue any action upon such terms as to him may seem equitable.

**96. Appeal cases.]** He shall not appeal any case in which judgment shall have been given against the city, except with the consent of the corporation counsel.

**97. Report to corporation counsel.]** He shall, on the thirty-first day of December in each year, report to the corporation counsel the transactions of his office during the year, and with such other information as he may deem necessary or proper.

**98. Delivery of papers to successor.]** Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the prosecuting attorney shall forthwith, on demand, deliver to his successor in office all papers in his hands belonging to, or delivered to him by the corporation or any of its officers, and all papers in actions prosecuted by him, and which are then pending and undetermined, together with his register thereof, and of the proceedings therein.

## CHAPTER VI.

### AMUSEMENTS.

**99. Classification for license.]** For the purpose of providing for the licensing and taxing of theatricals, shows, amusements and all public exhibitions for gain, in a just and equitable manner, the same are hereby divided into five classes which shall be known as the first, second, third, fourth and fifth, as follows:

1. All entertainments of a dramatic or operatic character, including lectures, public readings and recitations and exhibitions of paintings or statuary, shall belong to and be known as entertainments of the first class.

2. Concerts or other musical entertainments, panoramas, performances of any feats of jugglery, sleight-of-hand or necromancy and exhibitions of any natural or artificial curiosities, shall belong to and be known as entertainments of the second class.

3. Circuses, menageries, caravans, exhibitions of monsters, freaks of nature, and revolving wheels carrying passengers, shall belong to and be known as entertainments of the third class.

4. Side-shows, concerts, minstrels or musical entertainments given under a covering of canvas, variety and minstrel shows, athletic, ball and similar games of sport, and all other exhibitions, performances and entertainments not here enumerated, given in a building, hall or under canvas or other covering, within any enclosure or upon private property, shall belong to and be known as entertainments of the fourth class.

5. All street shows, exhibitions and devices, such as bird shows, galvanic batteries, lifting machines, blowing and striking machines, and all other exhibitions and performances or devices for the trial of strength, given, performed or had upon or along the streets or public grounds of the city of Chicago, and all exhibitions or shows not included in the four foregoing classes, shall belong to and be known as entertainments or exhibitions of the fifth class.

**100. Entertainments—license.]** No person or persons shall give, within the limits of the city, any of the entertainments mentioned in this chapter, for gain, without a license for that purpose first had and obtained from the mayor, under the seal of the city, under a penalty of not less than fifty dollars and not exceeding two hundred dollars, for each and every violation of this section: Provided, that for musical parties or concerts, and exhibitions of paintings or statuary, given by citizens of this city, not engaged in the giving of such entertainments as a business, no license shall be required.

**101. License.]** Each license shall express for what it is granted and the time it is to continue; and, the following tax, or license fee,

shall be imposed upon each license granted, as aforesaid, and paid to the city collector, on the granting of such license as follows, to-wit:

1. For entertainments of the first class, ten dollars for every performance or exhibition.

2. For entertainments of the second class, ten dollars for every performance or exhibition.

3. For entertainments of the third and fourth classes, the following sums: For each circus, or circus and menagerie, three hundred dollars for each day; for each menagerie, two hundred dollars for each day; for each side show without any circus or menagerie, seventy-five dollars for each and every day of exhibition; for each concert, musical or minstrel entertainment given under a covering of canvas, ten dollars for each day; for each revolving wheel carrying passengers, fifty dollars for each day.

4. For each variety and minstrel show, athletic, ball or similar games or sports, ten dollars for each day; and exhibitions of monsters or freaks of nature, and all other exhibitions, performances and entertainments not hereinbefore enumerated, given in a building, hall or under canvas, or other covering, or within any enclosure, the sum of twenty dollars for each week or part thereof; but if such exhibition or show shall continue for a whole month or more, then at the rate of fifty dollars per month.

5. For each exhibition, show or device of the fifth class, or any entertainment or other exhibition not hereinbefore otherwise designated, ten dollars for each and every month or part thereof. And no license shall be issued for any entertainment or amusement of the third class in or upon any building, lot, enclosure, ground or place, any part of which is within fifteen hundred feet of any of the boundary lines of any of the public parks wholly or in part located within the city of Chicago.

**102. City clerk to issue.]** Every license shall be issued by the city clerk, on notice to him from the city collector, that the license tax or fee has been paid, and shall be signed by the mayor.

**103. Mayor to classify.]** The mayor shall determine in every case, where application for a license under this chapter is made, the class to which the entertainment belongs, and the person or persons to whom the license may be granted shall pay the license tax or fee herein fixed for such license.

**104. Annual license—first class.]** The owner or lessee of any hall or theater, in which the entertainments given are, as a rule, of a dramatic or operatic character, and the highest admission price exceeds fifty cents, shall, on the payment of three hundred dollars to the city collector, or if the highest admission price does not exceed fifty cents, then on the payment of two hundred dollars to the said collector, have the occupants of his or their hall or theater exempted from license for one year.

**105. Annual license—second class.]** The owner or lessee of any hall, theater, museum, or other building, in which, as a rule, entertain-

ments of the second class are given, on the payment of two hundred dollars to the city collector, shall have the occupants of his hall, theater, museum, or other building, exempted from license for one year.

**106. Annual license—third class.]** The owner or lessee of any hall, theater, museum, or other building, in which, as a rule, variety, minstrel, or other performances and exhibitions of the third class are given, on the payment of one hundred dollars, shall have the occupants of his or their hall, theater, museum, or other building, exempted from license for one year.

**107. Entertainment defined.]** The word "entertainments" used herein, shall be taken to mean and include, theatricals and other exhibitions, shows and amusements, wherein or whereby, any person or persons shall act, play, or perform any play, opera, or other dramatic or musical composition, or give performances of any kind, or give any show or public exhibition for gain.

**108. License subject to ordinances.]** Every license granted under the provisions hereof, shall at all times be subject to the ordinances of the city existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply.

**109. Prohibitions in licenses—revocation.]** All licenses for entertainments, where a license is required, shall contain a proviso that no gaming, raffle, lottery or chance gift distribution of money or articles of value shall be connected therewith or allowed by the person obtaining said license, or in anywise permitted or held out as an inducement to visitors; such license shall also state the number of persons such licensed theater, hall or other building has accommodations for, and no more than that number shall be allowed to occupy such theater, hall or other building at any one time; and when any person or persons shall be charged by a credible person with having violated the provision 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 to his satisfaction, he may revoke the license of any such person or persons, and every such person or persons so offending shall be subject to a penalty of not more than one hundred dollars.

**110. Concert in saloon—permit.]** No person or persons shall be allowed to give any concert or entertainment for gain, in any licensed saloon or grocery, or in any place the entrance of which shall be through a saloon or grocery, within the city of Chicago, without a special permit from the mayor; and any person or persons violating the provisions of this section shall be fined in a sum not less than five dollars, nor exceeding fifty dollars, and shall have his or her license revoked, in the discretion of the mayor.

**111. Fire marshal's certificate.]** The owner or lessee of every licensed theater, hall, or other building, shall post and maintain during the period of his license, in some conspicuous place near the main entrance, a printed certificate, properly framed, showing the class of entertainments for which said theater or hall is licensed; its seating ca-

capacity; the number of exits, and size of each; and the number of aisles in each circle, which said certificate shall be signed by the fire marshal; and shall also state, if such be the fact, that he has personally examined said building, and considers it safe.

**112. License—penalty for not taking out.]** It shall be the duty of every proprietor or lessee of any theater, hall, or other building where public entertainments are given, before he permits any person or persons to use the same for the purpose of giving any entertainment therein for gain, to obtain from the mayor the license herein required, either in his own name, or in the name of the person proposing to give such entertainment, under a penalty of not more than fifty dollars for each and every violation of this section.

**113. Church festivals.]** The mayor is hereby authorized to make and allow a rebate in the license fee of all such concert and other halls wherein are held and had church festivals and entertainments, society and social meetings and club parties, in such sum and in such manner as in his judgment is fair and just.

**114. Carousell—conditions.]** No license shall be issued to any person, firm or corporation to conduct in any building which fronts on any street, a place of amusement wherein an apparatus commonly known as carousell, or merry-go-round is operated, unless the applicant for such license shall present to the city collector the written consent or petition favorable to the same from persons owning a majority of the frontage of lots on the same street or streets, within two hundred and fifty feet on each side of the lot or lots upon which such building is located, and like consent from the owners of a majority of the five hundred feet of frontage on the opposite side of the street or streets, constituted by measuring two hundred and fifty feet each way from a point opposite the middle of the frontage of the land upon which said building is located.

**115. Mutilation of posters—penalty.]** It shall not be lawful for any person or persons to destroy, tear, mutilate, cover over, or otherwise deface or injure, any bill or poster (posted in such places as may be permitted), descriptive of any performance or entertainment given in any licensed theater or hall, or in pursuance of a license given by the city; and any person or persons violating the provisions of this section, shall be subject to a penalty of not more than twenty-five dollars for each and every violation thereof.

**116. Intoxicating liquors.]** It shall not be lawful for any person or persons to sell or give away any spirituous, vinous, malt, or other intoxicating liquors, in any theater, hall, or other building in which public entertainments are given for gain, nor in any room or rooms connected with the same, without a special permit from the mayor, under a penalty of not more than one hundred dollars for each and every violation of this section.

**117. Aisles obstructed—penalty.]** No person shall be allowed to stand in or occupy any of the aisles or passage ways during any per-

formance, service, exhibition, lecture, concert, ball, or any public assemblage, nor shall there be any chairs, settees, camp stools, or other obstructions of any kind in the lobby, aisles, or passage ways in any theater, hall, or other public building, when the same is occupied by the public, under a penalty of not more than one hundred dollars for each and every violation of this section.

**118. Police power.]** It shall be the duty of all members of the police force to see that the provisions in the preceding section are strictly observed, and in case of any violation thereof, forthwith to proceed to clear any obstructed aisle, passage-way, or lobby, and to arrest the offender or offenders.

**119. Doors to open outward.]** All persons owning, leasing, managing, or having charge of any church, theater, opera house, public hall, or place of amusement in the city of Chicago, shall be required to have all doors leading to or from the same hung so as to open out therefrom.

**120. Programmes show diagram of exits.]** It shall be the duty of the owner, lessee or manager of every building in which public exhibitions are given and where programmes are issued, to cause a diagram showing the exits of such building to be printed on such programme. All exit openings in such buildings shall have the word "Exit" in letters at least six inches high applied to the auditorium side and to the stage side of every such exit. There shall be kept in readiness for use on the stage of every theater, hall, or building in which public entertainments of any character are given, at least four casks full of water and two buckets to each cask. Said casks and buckets shall be painted red and marked "Use for fire only." There shall also be provided hand pumps or other portable fire-extinguishing apparatus and, at least, four axes, and two twenty-five feet hooks, and two fifteen feet hooks, and two ten feet hooks on the floor of the stage and on each tier or floor under or over the stage.

**121. Special police.]** It shall be the duty of every owner or lessee of every licensed theater, hall, or other building, to keep and preserve good order in and about his premises, and to that end he shall hire, and keep at his own expense a sufficient number of special police patrolmen.

**122. Refusal to move when directed.]** It shall not be lawful for any person or persons to stand in the lobby or outer entrance to any licensed theater, hall, or other public building, or on the sidewalk adjacent to, and within fifty feet of such entrance, after a request to move on, made by the owner, lessee, or any police officer, under a penalty of not more than twenty-five dollars for each and every such offense.

## CHAPTER VII.

### AUCTIONS AND AUCTIONEERS.

**123. License—fee—bond.]** Any person may become an auctioneer and be licensed to sell real and personal property at public auction, at a place to be named in said license, upon paying to the city collector the sum of three hundred dollars, and executing a bond to the city, with two sureties, to be approved by the mayor, in the penal sum of one thousand dollars conditioned for the due observance of the ordinances of the city.

**124. Application—contents.]** Every person who may wish to obtain a license, as above mentioned, shall apply in writing for the same to the mayor, setting forth therein his proposed place of business and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent, in writing, of the mayor.

**125. Expiration—revocation.]** All licenses to auctioneers shall be made to expire on the last day of April in each year, and shall be subject to revocation by the mayor, whenever it shall appear to his satisfaction that the party so licensed shall have violated any provision of any ordinance of the city relating to auctions or auction sales, or any condition of the bond aforesaid.

**126. Penalty.]** Any person or persons who shall sell, or attempt to sell at public auction, in this city, any goods, chattels, or personal property whatever, except under and by virtue of legal process, or under and by virtue of a mortgage, without first having obtained a license therefor, as above required, shall be subject to a fine of not more than the sum of fifty dollars for each offense.

**127. Sales prohibited without license.]** All sales of goods, wares and merchandise, or other personal property, at public auction, within the city, except such as are made under and by virtue of legal process, shall be made by a person, his co-partner or clerks, who shall have first obtained a license for such purpose, as herein provided.

**128. Designate partners and clerks.]** Every auctioneer, at the time of receiving his license, shall file with the city clerk a writing, signed by him, designating the co-partner and the clerks mentioned in the preceding section of this chapter, and upon any change of such co-partner or clerks shall file a like writing setting forth such change; and if any auctioneer shall permit any other person than such co-partner or clerks to sell any article at auction at the place designated in such license, he shall forfeit his license, and, on con-



viction thereof, shall be fined not to exceed fifty dollars for each offense.

**129. Chapter applies to clerks.]** All the provisions of this chapter shall apply to such co-partner and clerks while acting as auctioneer, and such co-partner and clerks, so acting as auctioneer, shall be subject to all the penalties hereby imposed upon auctioneers for like offenses or violation of this ordinance.

**130. Sales elsewhere prohibited.]** No auctioneer shall sell, or offer for sale, at public auction, any goods, wares, merchandise, or other personal property, in any place, house, store or other building, other than in the place, house, store or building where he is authorized to sell by his said license, without a special permit from the mayor; Provided, however, that no permit shall be granted without the person or persons asking or desiring such permit first paying therefor, to the city collector, twenty-five cents for each day such sale shall occupy, where such proposed auction sale shall be held in any private house or residence; and when such proposed auction sale shall be held in any other place, then upon payment of fifty cents for each day such sale shall occupy.

**131. Sale of plate.]** It shall be the duty of every auctioneer who shall offer for sale any watch, plate or jewelry of any kind, to announce to the persons present, in a loud voice, whether the same be gold, gold plate, silver, silver plate, or base metal, before proceeding to sell the same. Every auctioneer who shall offer for sale any watch, plate or other jewelry, without first making such announcement, shall, on conviction thereof, pay a fine of not more than fifty dollars nor less than ten dollars, for each offense.

**132. Right to return.]** The purchaser at an auction sale of any watch, plate, or jewelry shall have the right to return it to the auctioneer at any time within five days from the day of sale, if the watch, plate or jewelry be not of the quality represented to him, and the auctioneer shall return to the purchaser the price of the article. Should he refuse to do so, he shall forfeit his license and be liable to a fine of not more than fifty dollars. And it is hereby provided, that if it shall be made to appear, to the satisfaction of the mayor, that the place of sale, or the place of business, of any such auctioneer shall have been closed at any time during said five days, for the purpose of avoiding an offer to return any such article so sold, the mayor shall revoke the license of such auctioneer.

**133. Substitution.]** Any auctioneer who shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder, shall forfeit his license and be liable to a fine of not more than fifty dollars.

**134. False representations.]** Any auctioneer or person being present when any watch, plate or jewelry is offered for sale, who shall knowingly, with intent to induce any person or persons to purchase

the same, or any part thereof, make any false representation or statement as to the ownership of, or the character or quality of, the article or articles so offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such article or articles, shall, on conviction thereof, be subject to a fine of not more than fifty dollars; and if such false representation is made by such auctioneer, or by any other person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

**135. Sales on sidewalk.]** No auctioneer, his co-partner or clerks, shall, without special permit from the mayor as hereinafter provided, sell, or expose for sale, at public auction, any goods, wares, merchandise, or other personal property, to any person or persons, who, at the time of bidding for the same, or whilst examining the same, shall be on the sidewalk or carriage-way of any street in the city.

**136. Death of licensee.]** In case of the death of any auctioneer before the time limited in his license shall have expired, his co-partner or co-partners, if he has any, or his personal representative, may continue to act under the license for the unexpired time.

**137. Sale on street—permit.]** No goods, wares, merchandise, or other thing whatever, shall be sold at auction, or exposed for sale, by any auctioneer, his co-partner or clerks, in any street, avenue, alley, or public place in the city of Chicago, unless a special permit in writing be first obtained from the mayor, who is hereby authorized to grant a permit to make such sales, when, in his opinion, such permission will not interfere with the free travel of any such street, avenue, alley, or public place, and will not be, in any respect, injurious to the city or inhabitants thereof.

**138. Noises prohibited.]** No bellman or crier, nor any drum or fife, or other instrument of music, nor any show signal, or means of attracting the attention of passengers, other than a sign or flag, shall be employed, or suffered or permitted to be used, at or near any place of sale, or at or near any auction room, or near any auction whatsoever.

**139. Penalty.]** Any person or persons violating any provision or provisions of this chapter, where no other penalty is imposed, shall be subject to a penalty of not less than twenty-five dollars, nor more than fifty dollars, for each and every offense.

## CHAPTER VIII.

### BATH HOUSES, MASSAGE, MANICURE, ETC.

**140. Application for license—contents.]** Any person or persons desiring to keep any public bath house, room, place or establishment wherein the business of furnishing baths, massage treatment, movement cure or treatment, or any treatment of patrons by manipulation of the person, or manicure treatment or chiropody is carried on shall make a written application for a license therefor to the city collector, which application shall contain the name of the applicant and the location of the proposed room, place or establishment.

**141. License-fee—location.]** Upon compliance with the foregoing section and payment to the city collector of an annual license-fee of five dollars, any such applicant shall be entitled to a license to carry on or engage in the aforesaid business. If after the issuance and delivery of a license hereunder any change be made in the location of the place of business covered thereby, notice thereof shall be immediately given to the city clerk and city collector.

**142. Posting of license—limitation.]** Every such license when granted shall be posted in a conspicuous place in each establishment having such license, and shall contain a description of the room or rooms or place or establishment where the business thereby licensed is to be carried on and shall be personal to the licensee and not transferable, and shall be confined to the rooms specified therein.

**143. Revocation.]** Any such license which may be granted under the provisions of this chapter shall be subject to revocation, at any time, by the mayor at his option.

**144. Bath houses without license prohibited.]** No person or persons shall keep any public bath house, room, place or establishment wherein the business of furnishing baths, massage treatment, movement cure or treatment, or any treatment of patrons by manipulation of the person, or manicure treatment or chiropody is carried on unless such person or persons shall have first procured a license therefor, as herein provided; Provided, however, that nothing herein contained shall apply to public bathing houses where baths are given or sold without any attendants; nor to baths attached to and forming part of any barber shop; nor to any person who is licensed under the laws of the state of Illinois to practice medicine and is engaged in the practice of such profession, nor to the office or rooms of such person, provided that such person authorized to practice medicine does not employ female assistants for purposes of manipulation or operating upon male patients.

**145. Police inspection.]** Any room or rooms, place or establishment in which any business of the kind mentioned in this chapter is licensed shall, at any and all times, be open to inspection by the superintendent of police or his authorized officers or subordinates.

**146. Treatment by female attendants prohibited.]** It shall be unlawful for any proprietor, manager or employe of any room, establishment or place wherein is carried on any of the kinds of business, treatment or operations mentioned in this chapter, to furnish, provide, permit or suffer female attendants to bathe, treat, manipulate, operate upon or attend male patrons, and it shall also be unlawful for any female attendant, employe or inmate of any rooms, establishment or place wherein is carried on any of the kinds of business, treatment or operations mentioned in this chapter to bathe, treat, manipulate, operate upon or attend any male patrons thereof.

**147. Penalty.]** Any person violating or refusing to comply with any of the provisions of this chapter, or conducting the business aforesaid without a license shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars for each and every offense.

## CHAPTER IX.

### BICYCLES.

**148. Speed—rules of the road.]** No velocipede, bicycle or tricycle shall be ridden upon or along the public streets, avenues, alleys or other public grounds or ways within the city of Chicago at a speed exceeding ten miles an hour. And no velocipedes, bicycles or tricycles shall be ridden more than two abreast. All velocipedes, bicycles or tricycles while in motion shall keep to the right.

**149. Lamps required at night.]** Velocipedes, bicycles and tricycles must carry lamps and keep them lighted at night.

**150. Custody — release from — bicycle in charge of officer.]** Any officer having arrested any person for any violation or alleged violation of this chapter shall at once release such person from custody if such person shall consent that the bicycle or tricycle which was then in the charge or use of such person may be taken in custody by such officer and held as security for the appearance in court of the person so offending, and for the payment of any fine or costs that may be adjudged against him or her. The person owning or using such wheel, in order to secure immunity from being held under arrest, shall sign an agreement as follows:

“This certifies that in consideration of being released from custody for an alleged violation of an ordinance of the city of Chicago, requiring a lighted lamp on bicycles and tricycles used at night, I hereby consent that the bicycle in my possession known as (here insert name, number or descriptive marks of bicycle or tricycle) may be taken by the police department of the city of Chicago, and held as security for my appearance in court.

“Signed.....”

Thereupon, it shall be the duty of the officer to convey said bicycle to the nearest police station, where the same shall be safely and securely kept until the charge against such person so arrested has been tried or disposed of as hereinafter provided.

**151. Officer to give receipt.]** The police officer receiving such bicycle shall give a receipt therefor to the alleged offender, substantially as follows:

“Received of (here insert name) a certain bicycle designated as (here insert name, number or descriptive marks of bicycle or tricycle), which is to be taken by the police department to the ..... police station to be held as security for the appearance of (here insert name of alleged offender), and to be returned to him upon payment of any fine and costs that may be adjudged against him.

“(Signature of officer).....”

“Wearer of Police Star No.....”

**152. Offender booked.]** The charge against such alleged offender shall be entered upon the books and records of the police court in exactly the same way as though said person had been brought in personally in charge of the officer, and a certain time, not less than three days thereafter, shall be designated for the trial of such alleged offense.

**153. Bicycle returned.]** Any person against whom such charge has been made may at any time thereafter before the time designated for the hearing of said charge, appear at the police station and pay a fine of three dollars and costs, without any trial, and thereupon such person shall be discharged, and his or her bicycle or tricycle shall be at once restored to him or her, and said charge shall thereupon be at once disposed of without trial.

**154. Refusal to sign agreement.]** Any person so arrested who shall neglect or refuse to sign such consent as above provided shall be taken to the police court or justice court and held to bail as in ordinary cases.

**155. Hearing.]** Any person, who has surrendered his or her wheel for security as herein provided, and who shall not desire to pay the sum of three dollars and costs in order to have such wheel released, shall have the right to have said cause heard at the appointed time, or at such time thereafter as the justice of the peace or police magistrate may designate in the usual and ordinary way.

**156. Consent—when not given.]** No officer shall take any wheel except upon consent of the person in charge thereof, and except upon his giving a receipt therefor as is hereinbefore provided.

**157. Penalty.]** Any person violating any of the provisions of this chapter shall upon conviction be fined not less than three nor more than ten dollars for each offense.

## CHAPTER X.

### BILLIARD AND POOL TABLES, PIN AND BALL ALLEYS, AND SHOOTING GALLERIES.

**158. License required—penalty.]** No person shall have or keep for his or her profit, within the city of Chicago, any billiard or pool table, pin alley, ball alley or shooting gallery, without first obtaining a license therefor, as hereinafter provided, under a penalty of not less than five dollars nor more than one hundred dollars for each and every offense.

**159. Annual license.]** The mayor is authorized to issue annual licenses to persons to keep and run for profit, billiard and pool tables, pin alley or alleys, ball alley or alleys, and shooting galleries, as hereinbefore mentioned, upon the payment therefor to the city collector at the rate of ten dollars for each billiard or pool table, pin alley, ball alley or shooting gallery aforesaid, and such licenses shall expire on the first day of May next after their issuance: Provided, nothing herein contained shall be construed as requiring a license from persons keeping or running billiard or pool tables without charge for the use of the same.

**160. Minors not to play—penalty.]** No person or persons who keep or run pool tables, or who keep or run pool rooms wherein is kept or used any pool table of any kind whatsoever, shall permit or allow any minor to play thereon, or use any such table, or be or remain in or frequent said room, under a penalty of not less than ten dollars nor more than twenty dollars for each and every offense, and shall further forfeit his license; and any such minor so found playing pool in any pool room in the city of Chicago, or frequenting the same, or being therein, shall be subject to a fine of not less than five dollars nor more than ten dollars for each and every offense.

**161. Revocation of license.]** Whenever it shall come to the attention of the mayor that any such billiard or pool room or alley or shooting gallery is the resort of thieves, or dissolute or disreputable persons, he may at once revoke the license for the same.

## CHAPTER XI.

### BILL POSTERS AND POSTING.

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#### ARTICLE I.

##### BILL POSTERS.

**162. License.]** No person, firm or corporation, shall carry on the business of bill posting within the city of Chicago without first having obtained a license for such business, as hereinafter provided.

**163. Application.]** Any person, firm or corporation desiring to carry on the business of bill posting or of a bill poster, shall file with the city collector an application in writing containing the full name of the person, or style of the firm or corporation, and the location of the place of business, for which such license is desired.

**164. Fee—exception.]** Upon compliance with the foregoing section, and the payment to the city collector of an annual license fee of one hundred dollars, any such applicant shall be entitled to a license to carry on such business or vocation as aforesaid: Provided, however, that any person carrying on the business or vocation of bill posting, who does not use a horse and wagon, or a cart in his said business, shall be charged for such license only the sum of twenty-five dollars per annum.

**165. Change of location.]** If after issuance and delivery of a license hereunder, any change be made in the location of the place of business covered thereby, notice thereof shall be given to the city clerk and city collector.

**166. Penalty.]** Any person, firm or corporation, violating any of the provisions of this article, shall be subject to a penalty of not less than one hundred dollars nor more than two hundred dollars.

#### ARTICLE II.

##### BILL POSTING.

**167. Where prohibited—penalty—prima facie evidence of violation.]** No persons shall paste, post, paint, print, nail, or otherwise fasten any hand bill, sign, poster, advertisement or notice of any kind whatsoever, or cause the same to be done, on any curbstone, flagstone, or any other portion or part of any sidewalk or street, or upon any tree, lamp post, hitching post, telegraph pole, telephone pole, hydrant,



bridge, pier, or upon any structure, within the limits of any street in the city of Chicago, except such as may be required by the ordinances of the city of Chicago, without the express consent of the city council, and no person shall paste, post, paint, print, nail or otherwise fasten any hand bill, sign, poster, advertisement or notice of any kind, or cause the same to be done, upon any private wall, window, door, gate, fence, advertising board or sign, or upon any other private structure or building, unless he is the owner thereof, without the consent in writing of the owner of such wall, window, door, fence, gate, advertising board or sign, or other private building or structure, under the penalty of not less than ten dollars nor more than one hundred dollars for each and every offense. And when any hand bill, sign, poster, advertisement or notice of any kind shall be found pasted, posted, painted, printed, nailed or otherwise fastened on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamp post, hitching post, telegraph pole, telephone pole, hydrant, bridge, pier, or upon any private wall, window, door, gate, fence, advertising board or sign, or other private building or structure, in any way advertising any person, firm or corporation, the finding of such hand bill, sign, poster, advertisement or notice shall be prima facie evidence that it was pasted, posted, painted, printed, nailed or otherwise fastened, contrary to the provisions of this section, by the person, firm or corporation thereby advertised.

**168. Medical advertisements prohibited—penalty.]** No person, firm or corporation shall post or cause to be posted on any advertising wagons, or upon or in any place within the city of Chicago where the same can be seen from the streets, alleys or other public places of the city, any advertisement, hand bill or notice of any character whatsoever, giving or purporting to give information from whom or where medicine or remedies of whatever kind may be obtained for the cure, prevention or treatment of uterine diseases, or diseases peculiar to females; venereal disease or diseases of the genital organs, or nervous debility, impotence, sterility, or barrenness; gonorrhoea, gleet, stricture, syphilis, affection of the prostate gland, abortion or miscarriage, or articles or means of preventing conception, under a penalty of not less than twenty-five dollars nor more than fifty dollars for each and every violation of this section.

**169. Obscene or immoral pictures—penalty.]** No person, firm or corporation, carrying on the business of bill posting, shall, within the limits of the city of Chicago, post or cause to be posted, so that the same can be seen from the streets, alleys or other public places of said city, any advertisement containing pictures or illustrations of an obscene or immoral character, under a penalty of not less than twenty-five dollars nor more than two hundred dollars for each and every offense.

**170. Revocation.]** It shall be the duty of the mayor to revoke the license of any bill poster who may violate any of the provisions of this chapter, in addition to the penalties therein provided.

## CHAPTER XII.

### BLASTING.

**171. Blasting unlawful.]** It shall be unlawful for any person or persons, corporation or corporations, to blast rock or stone within the corporate limits of the city of Chicago, except as herein provided.

**172. Permit required.]** Any person or persons, corporation or corporations, desiring to prosecute the business of blasting rock or stone within the corporate limits of said city may apply to the mayor for permission to carry on said business, which permission shall be granted upon compliance by said person or persons with the provisions of this chapter.

**173. Bond.]** Such person or persons, corporation or corporations, shall execute a bond to the city of Chicago, with good and sufficient sureties, to be approved by the mayor, in the penal sum of ten thousand dollars, conditioned to save the city harmless from any loss or damage which may accrue to any person by reason of such blasting of rock or stone; and further, that he, it, or they will fully and in all things comply with the requirements of this chapter, as well as of all ordinances which may hereafter be passed regulating or relating to said business.

**174. Covering [blast.]** In all cases of blasting rock or stone within the city of Chicago, each blast, before firing it, shall be securely covered with chain aprons, brush, or other materials, to be placed over and around such charge, in such manner that all danger to persons and property shall be absolutely prevented.

**175. Notice of firing blast.]** Three minutes' notice before firing the blasts shall be given by displaying a red flag on a staff, not less than ten feet high, set in a conspicuous place within twenty-five feet of the point where the charge is placed, and also by calling out the words "a blast," several times repeated, and loud enough to be distinctly heard at a distance of two hundred feet from the point of discharge.

**176. Penalty.]** Any person or persons who shall engage, aid, or assist in blasting any rock or stone within the corporate limits of said city, without having first given the security and gained the permission as in this chapter provided, or shall violate any of the provisions of this chapter, shall, upon conviction thereof, for each offense be fined in the sum of not more than one hundred dollars.

## CHAPTER XIII.

### BOATS.

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#### ARTICLE I.

##### STEAM BOATS.

**177. License required.]** No person, firm, or corporation shall use, keep, or let for hire, any steam vessel or steam pleasure boat, for the purpose of conveying or carrying passengers for hire in or about the harbor of the city of Chicago, without having first obtained a license for each and every such steam vessel or steam pleasure boat.

**178. License fee.]** All applications for license shall be made to the mayor, and upon the payment of twenty-five dollars annually to the city collector, if the mayor shall consider such person or persons suitable and proper to be licensed, a license shall be issued by the city clerk; and the mayor may, for cause, revoke any or all such licenses.

**179. Penalty.]** Every person, firm, or corporation who shall violate any of the provisions of this article shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars for each and every offense.

#### ARTICLE II.

##### SAIL AND ROW BOATS.

**180. License required.]** No person, firm, or corporation shall hire out, use, or keep for hire, or cause to be kept or used for hire, any sail or row boat within the limits of the city of Chicago without first having obtained a license for each and every such boat.

**181. License fee.]** All applications for licenses shall be made to the mayor, and upon the payment to the city collector of five dollars for each sail boat and two dollars for each row boat, respectively, a license shall be issued by the city clerk, and the mayor may, for cause, revoke any or all of such licenses.

**182. Place of business.]** All licenses so granted shall particularly designate the place where said boats shall be kept for hire, which place shall be fixed by the mayor, and no person or persons shall carry on said business at any other place than the one designated in such license.

**183. Number on boats.]** Every sail and row boat kept for hire shall have the number of the license of the owner thereof marked on the outer side of such boat, in plain, legible figures of not less than two inches in length and one-quarter inch in width.

**184. Minors.]** No person within the city of Chicago, with or without license, shall let for hire, or loan, or allow any minor to use any sail boat or row boat upon Lake Michigan, without the written consent of the parent or guardian of said minor.

**185. Penalty.]** Any person or persons who shall violate any of the provisions of this article shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars for each and every offense.

## CHAPTER XIV.

### BREAD.

**186. Quality—weight.]** All bread baked and offered or exposed for sale in the city of Chicago shall be made of good and wholesome flour or meal, and sold by avoirdupois weight under the supervision of the city sealer of the city of Chicago.

**187. Size of loaves—brand.]** All bread shall be made into loaves weighing, on the first day on which they are exposed for sale, one or one and one-half pounds, two or two and one-half pounds, three or three and one-half pounds, four or four and one-half pounds, five or five and one-half pounds, or six pounds, avoirdupois weight, and to each such loaf shall be attached a label or tag plainly showing its weight and the firm name of the manufacturer thereof.

**188. Penalty.]** If any baker or other person shall make for sale, offer or procure to be sold, any bread of any other than wholesome flour, or shall sell, or expose for sale, any bread contrary to the provisions of this chapter, such person shall be subject to a penalty of not more than ten dollars for each and every offense.

**189. Permit—register—penalty.]** It shall not be lawful for any person to carry on the business or trade of a baker, or engage in making bread for others, either in person or by employing any other person to carry on said trade or business under his or her direction, or for his or her profit or benefit, within this city, without first having obtained from the mayor a permit for that purpose, and paying a fee of five dollars therefor, and having his, her or their name or names and place of business recorded in a book kept for that purpose in the city clerk's office. Any violation of the provisions of this section shall be punished by a fine of not less than ten dollars, nor more than twenty-five dollars, and a further penalty of ten dollars for each and every day said violation shall continue.

**190. Entry to examine—seizure.]** It shall be lawful for the superintendent of police, or any member of the department of police duly authorized by the superintendent, to enter, in the day time, into any house, store, shop, bake house, warehouse, or other building, where any bread is baked, stored or deposited, or offered for sale, and to search for, view, try and weigh all or any bread that shall be there found; and if, on any such search, there shall be found any bread made in violation of or contrary to any of the provisions of this chapter, any of the persons above named may seize such bread, and shall immediately enter complaint before some justice of the peace against the person or persons guilty of such violation.

**191. Bread seized—how disposed of.]** Whenever any bread shall have been seized for a violation of any of the provisions of this article, the same shall be taken, immediately, to the office of the superintendent of police, and there deposited and kept, to be used on the trial of the person or persons against whom complaint is made, and if he, she or they shall be convicted, such bread shall be delivered by said superintendent of police pro rata to the different charitable institutions of the city of Chicago, or to any organization created or formed for the relief of the poor in said city.

**192. Penalty for re-offer for sale.]** Any person or persons to whom any such bread shall have been delivered up, or any other person who shall again offer or expose the same for sale, shall be subject to a penalty of not less than fifty dollars nor more than two hundred dollars.

**193. Biscuits, buns, etc.]** The provisions of this chapter shall not apply to biscuits, buns, rolls, or fancy bread weighing less than a quarter of a pound.

## CHAPTER XV.

### BRIDGES.

**194. Driving on after signal—penalty.]** Any person or persons who shall drive or attempt to drive any team, wagon, dray or other carriage, on or across the draw of any bridge in the city of Chicago, while the same is opening or shutting, or after the signal is given by the bridge-tender for the opening thereof and before the opening is begun, or who shall disobey or resist the tender thereof in his efforts to keep and promote order and equal convenience among those crossing the same, shall, for every offense, be fined in a sum not less than five dollars nor exceeding twenty-five dollars.

**195. Driving on faster than walk—penalty.]** No person shall ride, lead, or drive any wagon, carriage, dray, cart, or other vehicle or conveyance, nor any horse, mare, ox, or other animal, on or across any of the bridges within the limits of Chicago at a faster gait or pace than a common walk; any person or persons who shall be guilty of a violation of this section, shall, for each and every offense, forfeit and pay to said city a penalty of five dollars, to be recovered before any court having jurisdiction.

**196. Drove of cattle limited.]** No person or persons shall drive or assist in driving on or across any of the bridges within the city, to exceed eight head of cattle or horses, at any one time, in a drove; any person violating the provisions of this section shall forfeit and pay, for each offense, a penalty of not less than five dollars.

**197. Unnecessary delay.]** If any person or persons shall unnecessarily or wilfully remain or stop with any team or teams, horses, oxen, wagon, sleigh, sled, or any other vehicle whatever, upon any of the bridges within the city of Chicago, in and upon the approaches to any such bridge, such person or persons shall, on conviction thereof, be fined in the sum of five dollars for each offense.

**198. Rule of the road.]** It shall be the duty of all drivers or persons in charge of any wagon, dray, carriage, or vehicle of any kind to keep to the right when crossing the bridges upon the Chicago river and its branches.

**199. Order of crossing.]** When a bridge has been opened and closed, the teams and vehicles shall cross in the following order, to-wit: Those occupying the street upon which the bridge is situated shall cross first; those occupying the cross streets, and upon the right hand side of the bridge, shall cross next, and those occupying the cross streets, and upon the left hand side of the bridge, shall cross next.

**200. Breaking line—penalty.]** No person shall cross or attempt to cross, or break into, the line of teams or vehicles while crossing or

attempting to cross any bridge, nor shall any person disobey or resist any officer in charge of any bridge or crossing within said city; and whoever shall be guilty of violating any of the provisions of this, or either of the two foregoing sections, shall be liable to a penalty of not less than five nor more than twenty-five dollars.

**201. Obstruction—penalty.]** No person or persons shall gather in assemblies or crowds on any of the bridges of this city, or the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages, or persons across the same, or be and remain upon any of the sidewalks or main passages of any of the bridges of this city, nor upon the railings of the said bridges, longer than will be necessary to pass over the same, under a penalty of five dollars for every such offense.

**202. Processions—break step.]** No band of musicians shall play, or beat time, or keep step with each other, while they or any procession, or body of persons marching with them, or any portion thereof, are upon or crossing any bridge in this city, nor shall any procession or body of persons keep step with each other while marching upon or crossing any such bridge, under a penalty, upon the leader or director of such band, and upon the leader or officers of such procession, of not less than five dollars nor more than twenty-five dollars.

**203. Fire apparatus crossing.]** Whenever, at any alarm of fire, any fire engine, hose cart, or other fire apparatus shall approach any bridge, for the purpose of crossing the same toward such fire, the bridge-tender shall, if such bridge is open, close the same as soon as practicable; or if closed, and after the same is closed, keep it closed, until such engine, hose cart or other fire apparatus shall have had an opportunity to pass over said bridge, notwithstanding vessels may thereby be delayed, under a penalty for a failure to comply with this section of not less than ten dollars nor more than one hundred dollars.

**204. Vessel signals.]** The commissioner of public works is hereby required to provide and maintain at the several bridges over the Chicago river and its branches, in the best and most practicable manner, vessel signals as required by this article.

**205. Signals prescribed.]** Said signals shall be of material of a red color for use in the day time, and shall be of such size and so placed, when elevated, that they may be readily seen up and down the river. The signal for the night time shall be a red lantern of such size and so placed and arranged, when elevated, as to be easily seen up and down the river and the street.

**206. Duty of vessels.]** It shall be unlawful for the owner or owners, officer or officers, or other person or persons in charge of any vessel or vessels navigating the Chicago river or its branches, or any part thereof, to attempt to pass any of the bridges over the said river or its branches while said signal or signals are up or elevated, or to approach nearer than the end of the bridge protection to any of said bridges, at



such times, as that the same may be injured or damaged, or while the said bridges, or any of them, may be opening or closing.

**207. Bridge closed—hours.]** No bridge within the city of Chicago, excepting on Sundays, shall be opened during the times herein specified:

1. Across the main river and across the south branch of the Chicago river, from its junction with the main river and as far south as Twelfth street, including the latter, and across the north branch of the Chicago river at Kinzie street, between the hours of six and eight o'clock in the morning and five and seven o'clock in the evening.

2. Across the north branch of the Chicago river, from Kinzie street, exclusive, to Halsted street, inclusive, and across the south branch of the Chicago river, from Twelfth street, exclusive, to Halsted street, inclusive, between the hours of six and seven o'clock in the morning and half-past five and half-past six in the evening.

3. All other bridges between the hours of six and seven o'clock in the morning and six and seven o'clock in the evening.

The provisions of this section are not to apply to "low bridges" or those under which tugs can not pass.

**208. Time to remain open.]** During the hours between six o'clock in the morning and twelve o'clock midnight, it shall be unlawful to keep open any bridge within the city of Chicago for the purpose of permitting vessels or other craft to pass through the same, for a longer period, at any one time, than ten minutes, at the expiration of which period it shall be the duty of the bridge-tender or other person in charge of the bridge to display the proper signal and immediately close the same, and keep it closed for fully ten minutes for such persons, teams, or vehicles as may be in waiting to pass over, if so much time shall be required, when the said bridge shall again be opened (if necessary for vessels to pass) for a like period, and so on alternately (if necessary) during the hours last aforesaid; and in every instance where any such bridge shall be opened for the passage of any vessel, vessels or other craft, and closed before the expiration of ten minutes from the time of opening, said bridge shall then, in every such case, remain closed for fully ten minutes, if necessary, in order to allow all persons, teams, and vehicles in waiting to pass over said bridge; Provided, this section shall not be construed as being in conflict with section 207 hereof, nor as requiring the opening of the bridges during the time specified in said section for the same to remain closed; Provided, however, that all vessels having passed through State street bridge going out previous to closing the bridges for two hours, morning and evening, be permitted to pass through Rush street bridge out to the lake.

**209. Open for vessels—ten minutes.]** Bridge tenders or persons in charge of the bridges shall not close the same against vessels seeking to pass through until passengers, teams or vehicles have been delayed fully ten minutes by the bridge being open.

**210. Bridge-tender—penalty.]** Any bridge-tender or other person or persons in charge of any bridge within the city, who shall violate any provision of this chapter, shall be subject to a penalty of not less than twenty-five dollars nor more than one hundred dollars, and on conviction shall be immediately removed from office.

**211. Penalty.]** Any person or persons who shall violate any provision of this chapter, where no other penalty is imposed, shall be subject to the penalty of not less than ten dollars nor more than fifty dollars for each and every such violation.

**212. Harbor-master's duty.]** It shall be the duty of the harbor-master, so far as in his power, to see that the provisions of this chapter are fully and faithfully observed, and, when necessary, he shall call on the superintendent of police for aid to enable him to do so.

## CHAPTER XVI.

### BROKERS.

**213. License required—fee.]** It shall be unlawful for any person, firm, corporation or association in the city of Chicago to engage in the business or act in the capacity of a broker, including real estate brokers and insurance brokers, without first obtaining a license therefor and paying a license fee in the sum of twenty-five dollars per annum, the issuance of such license to be regulated by the general ordinances now or hereafter in force.

**214. Broker defined.]** A broker is one who, for commission or other compensation, is engaged in selling or negotiating the sale of goods, wares, merchandise, produce or grain belonging to others.

**215. Real estate broker defined.]** A real estate broker is one who, for commission, or other compensation, is engaged in the selling of, or who negotiates sales of, real estate belonging to others, or obtains or places loans for others on real estate.

**216. Insurance broker defined.]** An insurance broker, within the meaning and intent of this chapter, shall include any and every person, firm, corporation or association engaged in soliciting, procuring or placing for a consideration received, or to be received, insurance on lives, or on buildings, vessels or other property, either directly or through any other broker or through any insurance agent, in or with any insurance company or association other than an insurance company or association of which such person, firm, corporation or association soliciting, procuring or placing the insurance in any case shall be the duly authorized agent.

**217. Penalty.]** Any person, corporation or association violating any of the provisions of this chapter shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

## CHAPTER XVII.

### BUILDINGS.

**218. Department created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of buildings, and shall embrace a commissioner of buildings, a deputy commissioner of buildings, a secretary to the commissioner, also such inspectors of elevators, inspectors of fire escapes, and inspectors of buildings and such other assistants and employes as the city council may, by ordinance, prescribe and establish.

**219. Commissioner of buildings.]** There is hereby created the office of commissioner of buildings who shall be the head of said department of buildings, and shall be an experienced architect, civil engineer, or builder, and who shall not be engaged in any other business while acting as such commissioner. He shall hold his office for the term of two years and until his successor shall be appointed and qualified. He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**220. Bond—approval of.]** Said commissioner, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of twenty-five thousand dollars (\$25,000), with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**221. Powers—subordinate officers—bonds.]** He shall have the management and control of all matters and things pertaining to the department of buildings, and shall appoint, by and with the consent of the mayor, all subordinate officers and assistants named in the first section of this chapter, and may remove them for inefficiency or neglect of duty. All subordinate officers, assistants, clerks and employes in said departments shall be subject to such rules and regulations as shall be prescribed, from time to time, by said commissioner. Said commissioner shall require good and sufficient bonds to be given by all subordinate officers and employes in said department who shall receive, or have the care, custody or handling of any money belonging to the city of Chicago, and said bonds shall be approved by the mayor and comptroller.

**222. Commissioner's duty.]** Said commissioner shall enforce all ordinances relating to the erection, construction, alteration, repair, removal or the safety of buildings.

**223. Fire—prevention.]** It shall be the duty of said commissioner, when any citizen represents that ashes or combustible materials

are kept in any place in the city in an insecure manner, or that the doors or stairways in any factory or workshop or other place of employment are insufficient for the escape of employes in case of fire, panic or accident, or that the funnels, flues, fire boxes or heating apparatus in any building in the city are insecure or dangerous, or that any part of any building in the city of Chicago is in an unsafe or dangerous condition, or in any wise in contravention of this chapter, to make an examination of such place or building and, if such representation is found to be true, said commissioner shall give notice in writing to the owner or lessee of such place or building to make such changes, alterations or repairs as public safety or the ordinances of the city of Chicago may require; and it shall be unlawful to continue the use of such building until the changes, alterations or repairs, found necessary by the commissioner of buildings to make said building or part thereof safe, or to bring it into compliance with the provisions of this chapter, shall have been made.

**224. Removal of combustible materials.]** He shall inquire and examine into all buildings and other places where ashes, shavings or other combustible materials may be stored, collected or deposited, and cause the prompt removal of the same, whenever, in his opinion, the same, if not removed or otherwise disposed of, will expose the city to danger of fires. And in every such case the commissioner shall direct the tenant or occupant of the building or place to remove or otherwise safely dispose of such ashes, shavings or other combustible materials; and in case such tenant or occupant shall refuse so to do, the said commissioner shall cause the same to be removed at the expense of said tenant or occupant.

**225. Inspection of buildings.]** [ He shall inspect or cause to be inspected all public school buildings, public halls, churches, theaters and all buildings used either for manufacturing or commercial purposes, also all hotels, apartment houses and other buildings occupied by large numbers of people, for the purpose of determining the safety of such buildings, or any parts or appliances or equipment thereof, the sufficiency of their doors, passage ways, aisles and stairways, and generally their facilities for egress in case of fire or other accident; the strength of their floors, their safeguards connected with the storage of combustibles, their appliances for extinguishing fires and for resisting the spread of fire, and shall make returns of all violations of the several provisions of this chapter to the law department for prosecution.

**226. Eminent domain — plat — building permit.]** Hereafter, upon the passage of an ordinance providing for the taking of any private property for public use, the commissioner of public works shall, at once, cause a plat of the property proposed to be taken to be made and file the same in the office of the commissioner of buildings. The commissioner of buildings is hereby instructed not to issue any permit for the erection or improvement of any building or buildings in or

upon any of the property proposed to be taken by any ordinance as aforesaid, until such ordinance shall have been repealed.

**227. Jurisdiction.]** Said commissioner shall have full power to pass upon any question arising under the provisions of this chapter relating to the manner of construction, subject to the conditions, modifications and limitations contained in this chapter.

**228. Elevator—hoistway.]** He shall have power to prohibit and stop the use of any passenger or freight elevator when the inspector of elevators shall report to him that the elevator or the hoistway in which it is used is in a dangerous or unsafe condition. And such prohibition of use shall continue in force until such hoistway or elevator, or both, shall have been put in safe condition and certified to be safe, after a proper inspection thereof by the inspector of elevators.

**229. Precautionary measures—tearing down.]** He shall have authority, if he finds any building or part thereof in such condition as to endanger life and finds that such danger may be averted by the immediate application of precautionary measures, to cause such precautionary measures to be taken and to do all work necessary to render said building or any part thereof safe, having first served written notice upon the owner, lessee, occupant or agent of said building personally. He shall, also, have authority to direct the fire department, after written notice has been served upon the owner, lessee, occupant or agent personally, to tear down any defective or dangerous wall, or any building, or any part thereof, which may be constructed in violation of the terms of this chapter.

**230. Rules and regulations for building.]** He shall institute such measures and prescribe such rules and regulations as shall secure the careful erection and inspection of all buildings while in process of construction, alteration, repair or removal, and the strict enforcement of the several provisions of this chapter.

**231. Stop construction, when—notices, fees, record.]** Said commissioner shall have power to stop the construction of any building or the making of any alterations or repairs of any building within said city when the same is being done in a reckless or careless manner, or in violation of any ordinance of said city, and to order, in writing or by parol, any and all persons in any way or manner whatever engaged in so constructing, altering or repairing any such building, to stop and desist therefrom. He shall sign all certificates and notices required to be issued from said department, and keep a record of the same, and issue all permits and collect all fees authorized herein to be collected by said department.

**232. Record of transactions—inspection of.]** Said commissioner shall keep in proper books for that purpose a register of all transactions of the department of buildings, which said books shall be open to the inspection of the mayor, comptroller, superintendent of police, fire marshal and members of the city council at all times.

**233. Fees, account of.]** Said commissioner shall keep, in proper

books for that purpose, an accurate account of all fees paid, giving the name of the party, date and amount of such fee or fees.

**234. Monthly report.]** He shall on the first day of each month render a report, under oath, to the city comptroller, of the number of building permits issued, with the amounts collected for the same, number of elevator certificates issued, with the amounts collected for the same, and with said report shall file a duplicate receipt from the city collector of the moneys thus collected.

**235. Annual reports.]** He shall annually, on or before the first day of February, in each year, prepare and present to the city council a report showing the receipts and expenditures and entire work of his department during the previous fiscal year, and he shall, at the same time, send to the comptroller a full and comprehensive statement of all matters pertaining to his department, together with an estimate in detail of the appropriations required by the department during the next municipal year.

**236. Salary.]** The salary of the commissioner of buildings shall be five thousand dollars per year.

**237. Deputy commissioner—qualification—duty.]** The deputy commissioner of buildings to be designated by the commissioner shall be a competent civil engineer, a graduate of a school of civil engineering, and of at least four years' experience in architectural work, who shall pass upon all questions relating to the strength and stability of buildings, and who shall act as commissioner of buildings, in case of the absence of the commissioner from his office, and, while so acting, shall discharge all the duties and possess all the powers invested in or imposed upon the commissioner of buildings.

**238. Salary.]** The salary of the deputy commissioner of buildings shall be three thousand dollars per annum.

**239. Secretary.]** The commissioner of buildings shall appoint a secretary whose duty it shall be to preserve and keep all books, records and papers belonging to said office, or which are required by law to be filed therein. The secretary shall deliver to the city council and to the respective departments all communications from said commissioner in writing and shall attend in the office of said department during the usual business hours, and do and perform such of the services as may be required by said commissioner.

**240. Inspectors of buildings—qualifications.]** The inspectors of buildings shall be competent men, either architects, civil or mechanical engineers, masons, iron workers, carpenters, bricklayers, or stone cutters, who have served at least five years as such, not including the term of their apprenticeship. They shall be men of good character, able to make out with clearness written reports, and no person shall be appointed as inspector of buildings who is deficient in these qualifications. Before their appointment to office they shall pass an examination as to their ability and fitness before a committee of five examiners to be appointed, one by the Builders and Traders Exchange, one by the Building Trades Council, one by the Under-

writers Association, one by the Illinois Chapter of the American Institute of Architects, and the commissioner of buildings shall be chairman of such examining committee. A majority of said committee shall sign a certificate as to the applicant's competency to perform all the duties of the office, and, if appointed, he shall not be engaged in any other business or vocation but that of inspector of buildings.

**241. Inspectors' duty.]** The said inspectors shall, under the direction of the commissioner of buildings, examine all buildings in the course of erection, alteration, repair or removal throughout the city, at least once a week, or as often as required for securing efficient supervision, and shall make written reports to said commissioner of all violations of any ordinance or ordinances of the city, which the department of buildings is required to enforce, together with the street and number where such violations are found, the names of the owner, agent, lessee, occupants, architect, contractors and master mechanics, and of all other matters relative thereto, as far as they can ascertain the same.

**242. Daily report.]** The inspectors of buildings shall file daily reports of their work of inspection, which shall be entered in books to be kept for that purpose and which shall be open to official inspection at all times.

**243. Building damaged or dangerous.]** The said inspectors shall examine all buildings and walls reported dangerous or damaged by fire or accident, and make a record of such examination, with the name of the street and number of the building and of the names of the owner, agents, lessees and occupants thereof.

**244. Building, raising or altering.]** Said inspectors shall examine all buildings for which an application to raise, enlarge or alter has been made, and shall make a written report upon the condition of the same to the commissioner of buildings.

**245. General duties.]** Said inspectors shall perform such other duties as may be required of them by said commissioner of buildings, the rules and regulations of the department of buildings or the ordinances of the city.

**246. Inspectors of elevators.]** The inspectors of elevators shall be experienced architects, engineers, builders or mechanics, and shall, before appointment, pass examination the same as the building inspectors, and shall not be employed or engaged in any other business or vocation.

**247. Duties.]** They shall, as often as once in six months, carefully examine and inspect each hoistway, in which an elevator is used or operated, and the doors and shafts in connection therewith; and, also, examine and inspect all passenger and freight elevators, cars or platforms used and operated in any building in the city of Chicago, excepting only buildings of Class III, hereinafter referred to, and shall report, in writing, to the commissioner of buildings the condition of each



hoistway and elevator, and shall enter such reports in books kept for that purpose which shall be open to official inspection

**248. Elevator inspection fee.]** The owners, agents or occupants of all buildings in which elevators are used shall pay to the commissioner of buildings, before a certificate of inspection is issued to him or them, a fee of two dollars for each inspection of each elevator made in pursuance of this chapter.

**249. Inspection certificate.]** When an inspector finds a hoist-door, shaft and elevator in a perfectly safe condition he shall make and deliver to the owner, or to his or her agents, a certificate signed by the commissioner, which shall contain the date of inspection, the condition of the elevator at that date, the weight it may safely carry, and that the shaft and doors are constructed in a safe and proper manner, or are constructed in accordance with the provisions of this chapter, which certificate shall be, by the owner of the elevator, framed and put up in some conspicuous place in such elevator, for examination by the public: Provided, that the words "safe condition" in this section shall mean that it is safe for any load up to its original safe capacity.

**250. General duties.]** The inspector of elevators shall perform such other duties as may be required of him by the commissioner of buildings, the rules and regulations of the department of buildings, and the ordinances of the city.

**251. Power of entry.]** The commissioner and deputy commissioners of buildings, as well as the inspectors of buildings and of elevators, are empowered to enter any building, whether completed or in process of erection, for the purpose of determining whether the same has been or is being constructed in accordance with the provisions of this chapter, and it shall not be lawful to exclude them from such buildings. This is not, however, intended to give them access to any part of any building of Class III.

**252. Discretionary powers—arbitration.]** In cases where discretionary power to estimate damage to frame buildings and their roofs is given the commissioner of buildings, and in questions relating to the security or insecurity of buildings or parts thereof, and in all other cases where discretionary powers are, by this chapter, given to the commissioner of buildings, an appeal to arbitration shall be allowed to parties believing themselves injured or wronged by the decision of the commissioner of buildings, as follows, to wit: The persons wishing to make such appeal shall do so within three days after written notice of the decision or order of the commissioner of buildings has been given them. An appeal made later than three days after serving of the notice of the commissioner of buildings shall not entitle the appellant to an arbitration. The request for arbitration shall be in writing and shall state the object of the proposed arbitration and the name of the person who is to represent the appellant as arbitrator. The commissioner of buildings shall thereupon state to the appellant

the cost of such arbitration and such appellant shall, within twenty-four hours from the time of filing the original request for arbitration, deposit with the commissioner of buildings the sum of money required for defraying the expenses of the same, which sum shall in each case be fixed by said commissioner in proportion to the difficulty and importance of the case, but shall, in no case, be more than the cost of similar service in the course of ordinary business of private individuals or corporations. As soon as such sum of money shall have been deposited with him, the commissioner of buildings shall appoint an arbitrator, to represent the city, and the two arbitrators thus appointed shall, if they can not agree, select a third arbitrator, and these arbitrators shall, after investigating the matter in question, make a decision with regard to the same, which shall be final and binding upon the appellant as well as upon the city. The arbitrators shall themselves, before entering upon the discharge of their duties, be placed under oath to the effect that they are unprejudiced as to the matter in question and that they will faithfully discharge the duties of their position. They shall have the power to call witnesses and place them under oath, and their decision or award shall be rendered in writing, both to the commissioner of buildings and to the appellant. The fee deposited by the appellant with the commissioner of buildings shall be paid by said commissioner to the arbitrators upon rendering their report, and shall be in full of all costs incident to the arbitration, but, should the decision of said board of arbitration be rendered against the commissioner of buildings, then the money deposited by the appellant shall be returned to him and the entire costs of said arbitration shall be paid by the city of Chicago. Whenever the decision of the commissioner of buildings upon the safety of any building, or any part thereof, is made in a case so urgent that failure to promptly carry out his orders to demolish or strengthen such building, or part thereof, may endanger life and limb, the decision and order of the commissioner of buildings shall be absolute and final: Provided, if in the opinion of the commissioner of buildings it becomes necessary to demolish any building or part thereof, said commissioner of buildings shall call to his aid the president of the Illinois Chapter of the American Institute of Architects and the president of the Builders and Traders Exchange of Chicago, or their appointees, who, with the commissioner of buildings, shall form a board of arbitration, and the decision of a majority of said board shall be absolute and final. Said board of arbitration shall serve without pay and must report within forty-eight hours after their appointment; it is expressly provided, however, that said board of arbitration shall not have authority or power in cases of walls or buildings destroyed by fire, explosion or similar causes, and that the decision of the commissioner of buildings in such cases shall be absolute and final.

## PERMITS AND PRIVILEGES.

**253. Building permits.]** Before proceeding with the erection, enlargement, alteration, repair or removal of any building in the city of Chicago, a permit for such erection, enlargement, alteration, repair or removal shall first be obtained by the owner or his agent, from the commissioner of buildings, and it shall be unlawful to proceed with the erection, enlargement, alteration, repair or removal of buildings or of any structural part thereof, or of any structure which is to be used for the support, shelter or enclosure of persons, animals or chattels within the city of Chicago, unless such permit shall first have been obtained from the commissioner of buildings. If, after a permit for the erection, enlargement, alteration, repair or removal of a building shall have been granted, the operations called for by the said permit shall not be begun within six months of the date thereof, or if such operations are not completed within the time fixed in said permit for the duration thereof, then said permit shall be void, and, before such operations can be begun or completed, a new permit shall be taken out by the owner or his agent, and fees, as herein fixed for the original permit, shall be paid therefor.

**254. Permit, application for—mode of issue.]** Applications for permits shall be made in writing by the owner or his agent and shall state clearly and fully the work contemplated to be done, and shall be made upon forms or blanks to be issued for that purpose by the commissioner of buildings, and such applications shall remain on file with the department of buildings. In all cases drawings and specifications sufficient to enable the commissioner of buildings to obtain full and complete information as to the extent and character of the work to be done, and the time to be occupied in doing it, shall be presented with such application. If the matters mentioned in any application for a permit, or if the plans and specifications accompanying and illustrating the same, indicate to the commissioner of buildings that the work to be done is not, in all respects, in accordance with the provisions of this chapter, he shall refuse to issue a permit until such application, plans and specifications shall have been made to conform in every respect to the provisions hereof, and, when such application, plans and specifications conform to the provisions of this chapter, the commissioner of buildings shall issue a permit, file said application and apply to such plans and specifications an official stamp stating that the drawings and specifications to which the same have been applied, comply with the provisions of this chapter. The plans and specifications so stamped shall then be returned to such applicant. True copies of so much of said plans and specifications as may be required, in the opinion of the commissioner of buildings, to illustrate the features of construction and equipment of the building shall be filed with the commissioner and shall remain on file in his office until the completion or occupation of said building, after which said drawings and specifications shall be returned by the commissioner to the parties by whom

they were deposited, upon the demand of said person or persons. It shall not be obligatory upon the commissioner of buildings to retain such drawings in his custody for more than three months after the completion or occupation of the building.

**255. Deviation from plans approved.]** It shall be unlawful to erase, alter or modify any lines, figures or coloring contained upon such drawings or specifications so stamped by the commissioner of buildings or filed with him for reference. If, during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essential of the building from the terms of the application, drawing or specification, notice of such intention to alter or deviate shall be given in writing to the commissioner of buildings and his written assent must first be obtained before such alteration or deviation shall be made. Alterations in buildings, which do not involve any change in their structural parts or of their stairways, elevators, fire escapes or other means of communication, or ingress or egress, may be made without the permission of the commissioner of buildings.

**256. Permit, prerequisites of issue.]** Before the commissioner of buildings shall issue a permit, as aforesaid, he shall first satisfy himself that the applicant for such permit has made payment to the water department of the city of Chicago for the water to be used in such building, or for the water meter for measuring all the water to be used in the construction of such building, according to the regulations of the water department. He shall, also, before issuing such permit, satisfy himself that the applicant for the same has filed with and had approved by the commissioner of public works of the city, an indemnifying bond protecting the city against any and all damage that may be done to the streets or alleys upon which such building is situated, and also to life and limb of passers by, in consequence of the proposed operations to be covered by said permit.

**257. Permit fees.]** The fees to be paid for permits for the erection of buildings shall be as follows, to wit:

For the water to be used in connection therewith at the rate of five cents for every one thousand bricks, wall measure, used in the construction of the building; also,

At the rate of six cents for every one hundred cubic feet of rubble stone used in connection therewith; also,

At the rate of eight cents for every one hundred cubic feet of concrete used in connection therewith; also,

At the rate of fifteen cents for every one hundred yards of plastering used in connection therewith; and

At the rate of five cents for every one hundred cubic feet of hollow tile arch, partition or fireproof covering used in any building.

Permits for the obstruction of streets shall be paid for, in proportion to the street frontage occupied, at the rate of three dollars per month for each twenty-five feet of frontage so occupied.

**258. Building permits proper—fees.]** The fees to be paid for building permits proper shall be as follows:

For raising and repairing buildings, one dollar.

For sheds not exceeding two hundred and fifty-six square feet in area, one dollar.

For open shelter sheds at the rate of fifty cents for each one thousand cubic feet or part thereof.

For buildings one story in height and not exceeding 25x40 feet in area, one dollar and fifty cents.

For buildings more than one story in height or larger in area than 25x40 feet, the fee for the permit shall be at the rate of ten cents for every one thousand cubic feet or fractional part thereof contained in said structure, the cubic contents being measured to include every part of the building from the basement floor to the highest point of roof, and all bay windows and other projections.

**259. Street occupation.]** The extent of occupation of sidewalk and street, to be covered by the terms of a permit for street obstruction or building, shall be as follows: Such permit shall not authorize the occupation of any sidewalk or street or part thereof other than that immediately in front of the premises of the building upon which said permit is issued. During the progress of building operations, at least one-third of the sidewalk in front of the premises of the building for which such permit is granted, shall, at all times, be kept free and unobstructed, for the purposes of passage, and clear of rubbish, dirt and snow. Such sidewalks must, if there are excavations on either side of the same, be protected by substantial railings which shall be built and maintained thereon so long as such excavations continue to exist. It is not intended hereby to prohibit the maintenance of a driveway for the delivery of material across such sidewalk from the curb line to the building site.

**260. Elevated sidewalks—storage of material.]** Temporary sidewalks may be elevated, not to exceed four feet above the curb level of the street, for the purpose of delivering materials in the basements of buildings, and, when so elevated, shall be provided with good and substantial steps, on both ends of the same, and shall have railings as before specified on both sides thereof. If the building to be erected is more than four stories in height, and is set at or near the street line, there shall be built over such sidewalk a roof having a framework and covering, composed of supports and stringers of 3x12 timbers not more than eight feet from centers, covered by two layers of two-inch plank. Said roof shall be maintained as long as material is being used or handled on said street front and above the level of such sidewalk. In all cases, such temporary sidewalks and their railings and approaches and the roofs over the same shall be made, as regards ease of approach, strength and safety, to the satisfaction of the commissioner of buildings. The occupation of the street for the storage of building materials shall never exceed, in front of any one building, one-quarter

of the width of the roadway of the same, and in streets containing railroad tracks, such occupation shall not exceed one-half the distance from the curb stone to such railroad track. Earth taken from excavations and rubbish taken from buildings must not be stored either upon sidewalk or roadways of streets and must be removed, from day to day, as rapidly as produced. Where dry rubbish is apt to produce dust, it must be kept wet, so as to prevent it from being blown by the wind.

**261. Derrick on sidewalk.]** Materials for buildings more than four stories in height shall be hoisted entirely within the enclosing walls thereof. Derricks used for such purposes shall not be set upon the sidewalk.

**262. Roadway occupation.]** If the written consent and waiver of claims for damages against the city of Chicago is first obtained from the owners of properties abutting upon the site of any proposed building, and is filed with the commissioner of buildings, the permission to occupy the roadway and the sidewalk may be extended beyond the limits of such building upon the same terms and conditions as those herein fixed for the occupation of the sidewalk and street in front of the premises of such building.

**263. Unlawful occupation of street.]** The permission to occupy streets and sidewalks for purposes of building is intended only for use in connection with the actual erection, repair, alteration or removal of buildings, and must terminate with the completion of such operation. It shall be unlawful to occupy any sidewalk or street after the completion of the operation for which a permit has been issued by the department of buildings. It shall, also, be unlawful to occupy a sidewalk or street, under authority of such permit, for the storage of articles not intended for immediate use in connection with the operations for which such permit has been issued.

**264. Danger—warning of.]** Red lanterns shall be displayed and maintained during the whole of every night at each end of every pile of material in any street or alley and at each end of every excavation.

#### LOCATION OF HOSPITALS, LIVERY STABLES, ETC.

**265. Hospital—consent of residents—location of.]** It shall be unlawful to erect, establish, build, construct or maintain any hospital for the treatment and nursing of any person or persons, affected with any disease whatever, on any residence street or avenue in the city of Chicago until there be first obtained the written consent of the owner or owners of at least three hundred feet of frontage, on the opposite avenue, on each side of and adjoining such hospital or hospital site. Nor shall it be lawful for such person, firm, company or corporation to erect, establish, build, construct or maintain any hospital for the treatment or nursing of any person or persons, affected with any contagious disease, on any street or avenue until there be first obtained the written consent of the owner or owners of at least one hundred and

fifty feet of frontage on such street or avenue, on each side of and adjoining and nearest to such hospital or hospital site, and of the owner or owners of at least three hundred feet of frontage, on the opposite side of said street or avenue and nearest opposite said hospital. Such written consent shall be filed with the commissioner of buildings before any permit shall be granted for the construction or erection of any building for such hospital.

**266. Stable—gas house or reservoir—paint, oil or varnish works.]** It shall not be lawful for any person to locate, build, construct or keep in any block of any street, in which block two-thirds of the buildings, on both sides of the street, are devoted to exclusive residence purposes, a livery, boarding or sale stable, gas house, gas reservoir, paint, oil or varnish works within two hundred feet of such residence, on either side of the street, unless the owners of a majority of the lots in such block, fronting or abutting on the street, consent in writing to the location or construction of such livery stable, gas house, gas reservoir, paint, oil, or varnish works therein. Such written consent of the property owners shall be filed with the commissioner of buildings before a permit shall be granted for the construction or keeping of such livery stable, gas house, gas reservoir, paint or varnish works.

**267. Residences only—exceptions.]** If all the buildings on both sides of the street in any particular block are calculated to be and are used exclusively for residence purposes, and more than one-half of the frontage on both sides of the street in such block is thus improved, it shall not be lawful for any person to construct in such block, on either side of the street, any building intended or calculated to be used for any other than residence purposes only; and the commissioner of buildings shall not grant a permit for any building in such block for other than residence purposes only, unless the owners of the majority of the frontage upon which buildings have been erected in such block and, also, the owners of the majority of the vacant lots fronting or abutting on both sides of the street in such block, give their consent in writing to the construction of such building.

#### ALTERATION AND REMOVAL OF BUILDINGS.

**268. Wooden buildings—alteration.]** Permits to alter or raise wooden buildings may be issued, provided they do not involve an enlargement or raising of such buildings beyond the limits of dimensions herein prescribed for frame buildings, and the strains upon the material thereof are kept within the maximum strains hereby fixed for the same; and provided further, said wooden building has not been damaged to any extent greater than fifty per cent. of its original value by fire, wear and tear, action of the elements or otherwise.

**269. Wooden building—removal.]** Permits to move wooden buildings, provided they have not been damaged to an extent greater than fifty per cent. of their original value by fire, wear and tear, action

of the elements or otherwise, may be issued upon compliance with the following conditions: Any person desiring to move a wooden building shall first obtain the written consent of the owner or owners of a majority of the frontage of lots on the same side of the street of the block in which it is proposed to locate such removed building and, also, a majority of persons owning the frontage opposite the proposed location and within one hundred and fifty feet of the same. And such person shall, also, file an affidavit, subscribed and sworn to by one or more persons in the following form, as near as may be, viz.:

STATE OF ILLINOIS, }  
 COUNTY OF COOK. } ss.

.....and.....each being duly sworn on oath, deposes and says, each for himself, that he was present and saw the persons whose names are subscribed to the above petition, sign the same and that each and every one of said persons claimed, at the time of said signature, that they were the owners of the property placed opposite their respective names in the above petition, or the attorneys or agents of the owners, with full authority to sign and act for them. Subscribed and sworn to before me this .....day of.....A. D. 18....

This section shall not apply to the case of any person removing a building upon his own premises and not going upon the premises of any other person, or upon any street, alley or other public place, in making such removal.

**270. Buildings, removal of—house mover's license.]** No person except a licensed house mover, shall remove any building within the limits of the city; and every such person shall, annually, before engaging in said occupation, obtain a license therefor from the mayor, and no such license shall be granted until the party applying therefor shall have given a bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the commissioner of public works, conditioned among other things, that said party will pay any and all damages which may happen to any pavement, street or sidewalk, or to any telegraph pole or wire belonging to the city of Chicago, or to any tree or trees, whether said damage or injury shall be inflicted by said party or his agents, employes or workmen, and conditioned, also, that said party will save and indemnify and keep harmless the city of Chicago against all liabilities, judgments, costs and expenses, which may in any wise accrue against said city in consequence of the granting of such permit or license, and will, in all things, strictly comply with the conditions of his permit. Upon the execution of said bond and its acceptance by said commissioner, a license shall be issued, and the said licensed person shall, in each and every instance, before removing any building, obtain a permit to do so from the commissioner of public works, and shall pay to said commissioner a fee of five dollars, whereupon said commissioner shall issue a permit, stating specifically all the conditions, describing the route to be taken, and lim-



iting the time for removal. The fee for a permit to remove a building from one part of a lot to another part of the same lot, or from one lot to another, when the same is owned by the same person and where said building or buildings are to be removed without crossing any street or alley, or the property of any person or persons, other than the owner of the lot from which the building is to be removed, shall be one dollar.

**271. Revocation of permit.]** If work upon any building shall be conducted in violation of any of the provisions of this chapter, either as to occupation of sidewalk or street, or the use or application of material or workmanship, it shall be the duty of the commissioner of buildings to revoke the permit for the building operations in connection with which such violation shall have taken place. And it shall be unlawful, after the revocation of such permit, to proceed with such building operations, unless such permit shall first have been reinstated or reissued by said commissioner. Before a permit, revoked for the cause or causes before mentioned, can be lawfully reissued or reinstated, the entire building and building site must be first put into condition corresponding with the provisions of this chapter, and any work or material applied to the same in violation of the provisions of this chapter shall be first removed from said building.

#### FRAME BUILDINGS.

**272. Fire limits.]** The fire limits of the city of Chicago shall be as defined by existing ordinances. No wall, structure, building, or part thereof shall hereafter be built, constructed, altered or repaired within the fire limits of the city of Chicago except in conformity with the provisions of this chapter. No building already erected or hereafter to be built within said fire limits shall be raised, altered or built upon in such manner that, were said building wholly rebuilt or constructed after the passage of this chapter, it would be in violation of any of its provisions. The provisions of this chapter as to the strength and stability of timber constructions shall also apply to the construction of frame buildings outside of the fire limits.

**273. Frame buildings beyond fire limits.]** Outside of said fire limits it shall be lawful to erect frame buildings not exceeding forty feet in height from the sidewalk to the highest point of the roof. If such frame buildings have a basement story of brick their height above the sidewalk may be made forty-five feet.

**274. Frame building, raising of.]** Permission may be granted, by the commissioner of buildings, for the raising of existing frame buildings, whether within or without the fire limits, to the limits of height hereinbefore fixed for new frame buildings and no more. Said commissioner is also authorized to issue permits for changing gable or hip roofs of existing frame buildings to flat roofs, and for the raising of walls incident to such change. But, if such hip or gable roof is changed to a flat roof and the walls raised in connection with such

change, the total cubic contents included by the walls so raised and the roofs so altered shall not exceed the cubic contents originally included in such gable or hip roofs.

**275. Frame building, repair or removal prohibited.]** It shall not be lawful to repair, reconstruct or remove any frame building which has been injured more than fifty per cent. of its original value by wear and tear, by the effects of the elements or by fire.

**276. Combustible roof—repair prohibited, when.]** No roof covered with shingle or other combustible material, which shall have been damaged from any cause whatsoever, more than fifty per cent. of its value, shall be repaired, but such roof may be replaced by a roof of incombustible material.

**277. Frame building, building lines, etc.]** Frame buildings shall not be built nearer than one foot to any line of the lot upon which they are built, street and alley lines excepted. It shall not be lawful to erect a frame building wider than forty feet nor deeper than seventy feet. If more than one frame building is built in the direction of the depth of any one lot, such buildings shall not be built with a less distance than ten feet between them.

**278. Frame building, chimneys.]** Chimneys in frame buildings shall be built of brick, or of hollow tile. Where hollow tile is used they shall have socket joints and a double tile wall around the smoke duct. All joints, whether in tile or in brick chimneys, shall be well filled with mortar and neatly pointed on the outside. Brick chimneys shall be plastered smooth on the inside. Foundations for chimneys must be carried to solid ground and below the reach of frost. The wood framing of frame buildings shall be trimmed around chimneys in such manner as not to come in contact with the same.

Metal smoke pipes or tile flues of single thickness shall not extend through the floors, or through the ceiling or roof of any building; and where such smoke pipes or tile flues pass through partitions the woodwork of such partitions shall be protected either by a course of brick built all around such smoke pipes or tile flues, or by a thimble made of bright tin, the two rings thereof being at least three inches apart, with proper ventilating holes provided in the outer covering of the same on both sides of the partitions.

**279. Frame buildings, uniformity of height.]** Frame buildings, the different parts of which are of different heights, may be carried up to a uniform height, provided the aggregate height thereof does not exceed the limits of height prescribed for frame buildings.

**280. Frame buildings, raising.]** A frame building may be raised, for the purpose of erecting a basement story under the same, but the principal floor of such frame building shall not be raised to a higher level than eight feet above the sidewalk grade for two story buildings or twelve feet high above the sidewalk grade for one story frame buildings. The walls enclosing such basement shall be of masonry, and if the frame building is one story high, such walls shall not be less than

eight inches thick, or if such frame building is two stories high, the basement walls shall not be less than twelve inches thick. The foundations of such walls are to be constructed as elsewhere herein stated under the head of foundations. It is provided, however, that no frame building shall be raised, for the purpose of constructing a basement under the same, to a greater height to the top of its roof than that elsewhere herein given as the maximum height above grade for frame buildings. It is, also, provided that after there has been a basement story constructed under any frame building, such frame building shall not be raised again for any purpose whatsoever.

#### BUILDING WITHIN FIRE LIMITS.

**281. Building within fire limits.]** All buildings hereafter constructed, altered or enlarged, within the fire limits of the city of Chicago, shall comply with the following:

**282. Sheds—size—location—use.]** Sheds not exceeding fourteen feet in height from the ground at the highest part thereof, and not exceeding two hundred and fifty-six feet in area, with an incombustible roof, may be constructed of wood; such sheds shall not be located on the front part of any lot, nor shall they be used as a dwelling, or an addition to a dwelling house, or for any business purposes whatever, nor shall more than one shed be erected on any one building lot of twenty-five feet.

**283. Open shelter sheds.]** Open shelter sheds may be constructed, provided they have incombustible roofing, not over twenty feet high from the ground to the highest point of the roof, and the roof supported on sufficient posts or piers. Such sheds shall have no enclosing walls or wooden floors. No fence shall be used for the back or side of such shed. If it is intended to enclose an open shelter shed, the enclosing walls must be made of brick or of hollow tile. Such enclosing walls must have foundations extending to solid ground and at least four feet below the surface of the ground.

Provided, that coal sheds erected upon docks or navigable waters within said city may be constructed not over thirty-five feet high from the ground to the highest point of the roof, and when such shed shall be enclosed, the enclosing walls shall be made of fire-proof material.

**284. Classification of buildings.]** As a means of reference in this ordinance, buildings erected within the fire limits (sheds and shelter sheds as before described being excepted) shall be divided into classes as follows:

Class I.—This class shall include all stables and all buildings devoted to the sale, storage or manufacture of merchandise.

Class II.—This class shall include all buildings used as residences for three or more families, all hotels, all boarding or lodging houses occupied by twenty-five or more persons, and all office buildings.

Class III.—This class shall include all buildings used as residences for one or two families or for less than twenty-five persons.

Class IV.—This class shall include all buildings used as assembly halls for large gatherings of people, whether for purposes of worship, instruction or entertainment.

If buildings, the uses of which bring them within any of the said classes, are to be used for the purposes of any other class for which a better system of construction is called for by this chapter, the construction and equipment of such building must first be made to conform to the requirements of this chapter as specified for such intended use. And it shall be unlawful to apply such building to a new or different use than that to which its structure and equipment adapts it under this chapter, unless the requirements of this chapter, for such new or different use, shall first have been complied with and a permit for such alteration of use shall have been first obtained from the commissioner of buildings.

**285. Definitions.]** In describing the construction of the buildings belonging to the various classes above enumerated, the following definitions of terms shall apply throughout this chapter:

The term "fire proof construction" shall apply to all buildings in which all parts that carry weights or resist strains and, also, all stairs and all elevator enclosures and their contents, are made entirely of incombustible material, and in which all metallic structural members are protected against the effects of fire by coverings of a material which must be entirely incombustible and a slow heat conductor. The materials which shall be considered as fulfilling the conditions of fire proof covering are: First, brick; second, hollow tiles of burnt clay applied to the metal in a bed of mortar and constructed in such manner that there shall be two air spaces of at least three-fourths of an inch each by the width of the metal surface to be covered, within the said clay covering; third, porous terra cotta which shall be at least two inches thick and shall also be applied direct to the metal in a bed of mortar; fourth, two layers of plastering on metal lath. In buildings of this type all door or window mullions, whether vertical or horizontal, shall be faced with cast iron, terra cotta or other incombustible material of equal fire-resisting values.

The term "skeleton construction" shall apply to all buildings wherein all external and internal loads and strains are transmitted from the top of the building to the foundations by a skeleton or frame work of metal. In such metal frame work the beams and girders shall be riveted to each other at their respective junction points. If pillars made of rolled iron or steel are used, their different parts shall be riveted to each other, and the beams and girders resting upon them shall have riveted connections to unite them with the pillars. If cast iron pillars are used, each successive pillar shall be bolted to the one below it by at least three bolts not less than five-eighths inch in diameter, and the beams and girders shall be bolted to the pillars. At each line of floor or roof beams, lateral connection between the ends of the beams and girders shall be made by passing wrought iron or steel straps across or

through the cast iron column, in such manner as to rigidly connect the beams and girders with each other in the direction of their length. These straps shall be made of wrought iron or steel and shall be riveted to the flanges or to the webs of the beams and girders. If buildings are made fire proof entirely and have skeleton construction so designed that their enclosing walls do not carry the weight of floors or roof, then their walls may be reduced in thickness one-third from the thickness hereinafter provided for walls of buildings of the different classes, excepting, only, that no wall shall be less than twelve inches in thickness; and provided, also, that such walls shall be thoroughly anchored to the iron skeleton; and provided, also, that wherever the weight of such walls rests upon beams or pillars, such beams or pillars must be made strong enough in each story to carry the weight of wall resting upon them without reliance upon the walls below them. But, if walls of hollow tiles are used as filling between the members of the skeleton construction, they shall be of the full thickness specified for non-skeleton buildings.

The term "slow burning construction" shall apply to all buildings in which the structural members which carry the loads and strains which come upon the floors and roof thereof are made wholly or in part of combustible material, but throughout which the combustible as well as the incombustible materials shall be protected against injury from fire, by coverings of incombustible non heat conducting materials similar to those described under the head of "skeleton construction," except that a single covering of plastering on metal lath and metal furring shall be considered sufficient protection for the underside of joists, and that a deafening of mortar, mineral wool, or their equivalent, applied at least one and one-half inches thick, shall be used to cover all floor and roof surfaces above the joists of the same. Where oak posts of greater sectional area than one hundred square inches are used, they need not have special fire proof covering. All partitions and all elevator enclosures in buildings of this type shall be made entirely of incombustible material. The use of wood furring or of stud partitions shall not be allowed in buildings of this class.

The term "mill construction" shall apply to all buildings in which all the girders and joists supporting floors and roof have a sectional area of not less than seventy-two square inches, and above the joists of which there is laid a solid timber floor not less than three and three-fourths inches thick. Wooden posts used in buildings of this class shall not be of smaller sectional area than one hundred square inches. Partitions and elevator enclosures in buildings of this class shall be made entirely of incombustible material. If iron pillars, girders or beams are used in buildings of this class, they shall be protected as provided for fire proof buildings; but the wooden posts, girders and joists need not be protected by fire proof covering. The use of wood furring, wood laths or steel partitions shall not be permitted in buildings of this class.

By the term "ordinary construction," as used in this ordinance, is meant the ordinary system of construction in which timber and iron structural parts are not protected with fire resisting coverings.

#### MATERIALS AND CONSTRUCTION.

**286. Materials for use.]** Materials used in the construction of buildings of all classes shall conform to the following specifications:

**287. Foundations, materials for.]** Foundations shall be proportioned to the actual average loads they will have to carry in the completed and occupied building, and not to theoretical or occasional loads. Exterior foundations shall be proportioned to carry at least eighty per cent. of the floor load elsewhere herein provided. Foundations shall be constructed of either of the following: cement, concrete, dimension or rubble stones, sewer or paving bricks. If iron or steel is used, filling and coating of same shall be of Portland cement, timber piles covered with grillage of oak timber, or a grillage of oak timber may be used. It being provided, however, that timber shall not be used in connection with any foundation at a level higher than city datum.

**288. Cellar and foundation wall.]** Cellar and foundation walls shall, where possible, be rendered impervious to dampness, and asphaltum or coal tar pitch, in addition to hydraulic cement, shall be used for that purpose.

**289. Pile foundations.]** Where pile foundations are used, borings of the soil shall first be made to determine the position of the underlying stratum of hard clay or rock, and the piles shall be made long enough to reach hard clay or rock, and they shall be driven down to reach the same, and such piles shall not be loaded more than twenty-five tons to each pile. The heads of the piles are to be protected against splitting while they are being driven and, after having been driven, the piles are to be sawed off to uniform level and covered with an oak timber grillage, so proportioned that in the transmission of strains from pile to pile the extreme fiber strain in the timbers composing the grillage shall not be more than twelve hundred pounds to the square inch.

**290. Foundations other than pile.]** If foundations are made of materials other than piles, they shall be so proportioned that the loads upon the soil shall not exceed the following limits, to wit:

**291. Soil, pure clay, burden on.]** If the soil is a layer of pure clay at least fifteen feet thick, without admixture of any foreign substance excepting gravel, it shall not be loaded more than at the rate of thirty-five hundred pounds per square foot. If the soil is a layer of pure clay, being hard, dry and compressed, it shall not be loaded more than at the rate of four thousand five hundred pounds per square foot.

**292. Soil, dry sand, burden on.]** If the soil is a layer of dry sand fifteen feet or more in thickness and without admixture of clay, loam or other foreign substance, it shall not be loaded more than at the rate of four thousand pounds per square foot.

**293. Soil mixed, clay and sand, burden on.]** If the soil is a mixture of clay and sand, it shall not be loaded more than at the rate of three thousand pounds per square foot.

**294. Soil wet, unlawful construction.]** In all cases where foundations are built in wet soil it shall be unlawful to build the same unless the trenches in which the work is being executed are kept free from water by bailing, pumping or otherwise, until after the completion of work upon the foundations.

**295. Filled or made ground.]** Foundations shall not be laid on filled or made ground, or on loam, or on any soil containing admixture of organic matter.

**296. Foundations, depth of, etc.]** Foundations must in all cases extend at least four feet below the surface of the ground upon which they are built, and, in the case of buildings forty feet or more in height, foundations shall extend at least to the depth drained by the street sewer in the neighboring streets or alleys, but if such sewers are at a greater depth than ten feet below the sidewalk grade, such foundations need not extend to a greater depth than ten feet; Provided, that, sound, hard soil is found at that depth. In all cases a connection with the street sewer shall be established before beginning the work of laying foundations. Provided, however, that all buildings not exceeding one story in height and eighteen feet in height from top of sills to highest point of roof, and sidewalls not exceeding twelve feet in height, and floor area not exceeding twelve hundred feet in superficial area, may have brick walls not less than eight inches in thickness, erected on wooden sills, the sills supported on vertical posts, or piers, sunk four feet below the surface of the ground. The foundations under such posts or piers shall be of wood or stone, each covering not less than five square feet of area to safely support the weight that may rest upon them; sills to be placed not higher than one foot above the established grade on the street fronting the lot upon which the building is erected, where grades are established, and not exceeding six feet above the ground where grades are not established, the sills and space from sills to the ground to be protected by fire proof material.

**297. Stone for concrete--cement--sand.]** Broken stone used for concrete in making foundations must be clean and free from dirt and dust. All sand must be free from admixture of loam and must be otherwise clean and sharp. Cement must have been kept dry and must be used fresh from the package; cement which has been permitted to become wet, hard or lumpy before it is mixed into the mortar or concrete shall not be used. Cement mortar for concrete shall be made in the proportion of one part of cement (quality equal to that before described) to three parts of sand, mixed dry, and then tempered with

water. Enough of this mortar shall be used to completely fill the interstices between the stones. If the cement is not equal in fineness or strength to the standard given above, a correspondingly greater quantity of cement shall be used. The use of concrete or mortar, of all kinds, the ingredients of which are not thoroughly and completely mixed and which are not free from lumps, or other unmixed portions of any of the ingredients, is prohibited. The use of cement mortar which has become partly or wholly set before use is also prohibited. Concrete foundations, wherever used, must have boxes of plank all around them, and the concrete must be well rammed in individual layers not more than six inches each in thickness. The ramming must be continued until the water stands on the top of the mass of concrete.

**298. Steel or iron in foundations.]** If steel or iron rails or beams are used, as parts of foundations, they must be thoroughly imbedded in a concrete, the ingredients of which must be such that, after proper ramming, the interior of the mass will be free from cavities. The beams or rails must be entirely enveloped in concrete and, around the exposed external surfaces of such concrete foundations, there must be a coating of any cement (established as a standard cement by the society of civil engineers of the northwest) mortar not less than one inch thick.

**299. Concrete foundations.]** If concrete foundations are used by themselves, and without the insertion of iron or steel beams or rails, the offsets on top of same shall not be more than one-half the height of the respective courses, and such concrete foundations must not be loaded more than eight thousand pounds per square foot. If reinforced by iron or steel beams or rails, the loads and offsets in the same must be so adjusted that the fiber strain upon the metal, if iron, shall not exceed twelve thousand pounds per square inch, or, if steel, that the fiber strain shall not exceed sixteen thousand pounds per square inch.

**300. Dimension stones.]** Dimension stones must have uniform beds and the offsets in the same, where two or more layers are used, must not be more than three-quarters of the height of the individual stones. They must be set with full beds of cement mortar under their entire area, and in such manner that they will not rock after being set. Dimension stone in foundations shall not be subjected to a load of more than ten thousand pounds per square foot in piers. If the beds of the stones are dressed and leveled off to uniform surface and the stones are set in any cement (established as a standard cement by the society of civil engineers of the northwest) mortar this strain may be increased to four thousand pounds per square foot.

**301. Rubble foundation and walls.]** Rubble foundations and rubble walls must be built of approximately square and flat bedded stones, well and thoroughly bonded in both directions of the walls, each stone thoroughly bedded in mortar under its entire area, in such manner that it will not rock, and all interspaces between individual stones



must be thoroughly filled with mortar and, if the spaces should be large, pieces of broken stone must be driven into the mortar. Whenever walls, of any kind, are used as curb walls, their exterior surfaces must be rendered approximately water tight, by a coating of any cement (established as a standard cement by the society of civil engineers of the northwest) mortar, or its equivalent.

**302. Soft bricks—brick work.]** The use of soft bricks is prohibited in all parts of buildings exposed to the weather and in internal or external piers. The bond of brick work shall be formed by laying one course of headers for every five courses of stretchers. All joints, longitudinal as well as transverse, shall be thoroughly filled with mortar and each brick shall be bedded in mortar under its entire surface. Brick work in walls laid in any cement (established as a standard cement by the society of civil engineers of the northwest) mortar shall not be loaded more than twenty-five thousand pounds per square foot. Brick work laid in ordinary cement mortar shall not be loaded more than eighteen thousand pounds per square foot. Brick work in walls laid in lime mortar shall not be loaded more than thirteen thousand pounds per square foot.

**303. Joists.]** Whenever walls sixteen inches or less in thickness shall be used for the support of ordinary joists in buildings of Class I, ledges four inches wide shall be formed for the support of such joists. Wherever in buildings of Class II joists rest upon walls twelve inches or less in thickness, ledges four inches wide shall be formed for the support of such joists. Wherever in buildings of Class III joists rest upon inclosing or upon party walls eight inches thick there shall be ledges projecting four inches from such walls. In buildings of all classes where furring strips, whether combustible or incombustible, are used on brick walls there shall be ledges equal to the thickness of such furring strips upon such walls, and, in all cases where ledges are built, they must be carried up to and leveled off on the line of the tops of the joists.

**304. Pressed brick facings, etc.]** If pressed brick facings are used, they must be bonded into their backing every seventh course. Bond shall be established by solid headers, or by blind headers, or by means of metallic anchors. In the case of piers faced with pressed brick, only solid headers shall be used, but bond stones or iron bond plates may be substituted for such headers. Pressed brick in all cases must be so laid as to have full bearing of mortar under its entire surface. The laying of pressed brick merely with a joint all around the outer edges of the brick is prohibited.

**305. Brick piers.]** In building brick piers, there shall be provided at every offset in each pier, or at every point where such brick pier receives the load, a bond stone at least eight inches thick, and at the top of each pier a cap stone at least ten inches thick, or in all such cases a bond plate of cast or rolled iron, which stones or plates, if at the top of such piers, shall cover the entire surface of such pier, and shall in all cases be adapted to receive the load to be imposed and

shall be made of a strength which will keep the fiber strain upon the material used within the limits elsewhere herein stated. If the height of the piers is four times their smallest dimensions, there shall be a bond stone or bond plate as above described inserted in the middle of such pier. For all piers higher than the above, there shall be a bond stone or bond plate for each distance in height equal to double the smallest dimension of such pier.

**306. Hollow walls.]** Where hollow walls are used, their solid parts shall be bonded together, either with solid brick headers or with metallic bond plates or anchors, once in every foot of length of such wall in every seventh course. If one or both of the solid parts of such wall are less than eight inches thick, such walls shall not be used as supports for any part of the structure of such buildings; but if both the solid parts of such hollow wall are eight inches or more in thickness, such walls may be used as bearing walls and, in all cases, where the load is imposed upon such hollow walls or any part thereof, there shall be bond stones, or iron bond plates, covering the whole of the solid parts of such wall, and so proportioned as not to strain either the material of the wall, or of such bond stones, or bond plates, more than to the extent of the limits elsewhere herein given for the ultimate strains of such materials.

**307. Hollow tile—porous terra cotta.]** Hollow tile and porous terra cotta may be used in the form of flat arches for the support of floors and roofs; such floor arches having a height of at least one and one-quarter inches for each foot of span. The arches must be so constructed that the joints of the same point to a common center; the butts of the arches shall be carefully fitted to the beams supporting them and there shall be a cross rib for every six inches or fractional part thereof in height; and, in addition to these there shall also be diagonal ribs in the butts. Floor arches made in the form of a segment of a circle or an ellipsis must be constructed upon the same principles, but, in such cases, the individual voussoirs forming the arch shall not be less in height than one-thirtieth of the span of the arch. Such arches, whether flat or curved, shall have their beds well filled with mortar and the centers shall not be struck until the mortar has been set. Where hollow tile blocks are used for building partitions or for enclosing walls, the joints shall be well filled with mortar and the effective bearing parts of the tiles shall not be loaded more than eighty pounds to the square inch for hard fire clay tiles, nor more than sixty pounds per square inch for hard ordinary clay tiles, nor more than forty pounds per square inch for porous tiles.

**308. Stone, quality of.]** The use of stone for walls, facing, piers, arches and other structural purposes shall be confined to such kinds of stone as have been tested for strength and ability to resist the effects of the weather by experts, who shall be either officers of the engineering corps of the United States, or state geologists, or the engineering faculties of universities and technical schools, to be desig-

nated for this purpose from year to year by the commissioner of buildings. Before any variety of stone may be used in connection with any building in the city of Chicago the persons desiring such use shall file with the commissioner of buildings a copy of a statement, certified to under oath, showing the result of tests as to strength and ability to resist the effects of weather of such stone, made by one or more of the experts before mentioned. The statements of such tests, if verified by the commissioner of buildings, shall be inserted in a book kept for said purpose by said commissioner, which book shall at all times be open to the inspection of the public.

**309. Stone, limits of stress—cement—mortar.]** The limits of stress to which the various kinds of stone used in buildings may be subjected shall be one-thirtieth of the ultimate strength developed by the tests before mentioned. If, however, the beds of the stones used are not dressed to uniform bearing over their entire surface, then the ultimate load to which they may be subjected shall not exceed one-fiftieth of the ultimate strength of the stone as indicated by the said tests. Stones shall be fully bedded in mortar over their entire surface, and for all stress exceeding one-seventieth of the ultimate strength of the stone, if the beds are undressed, or exceeding one-fortieth of the ultimate strength, if the beds are dressed. Any cement (established as a standard cement by the society of civil engineers of the northwest) mortar shall be used for such bedding. It shall be permitted to leave a space of one inch all around the outer edge of stones without mortar bedding.

**310. Stone facing for brick walls.]** Stone may be used as facing for brick walls under the following conditions: If the facing is ashlar without bond courses, and the individual courses thereof measure in height between bond stones more than six times the thickness of the ashlar, then each piece of ashlar facing shall be united to the brick work with iron anchors at least two to each piece and reaching at least eight inches over the brick wall, and hooked into the stone facing as well as the brick backing. Wherever ashlar, as before described, is used, it shall not be counted as forming part of the bearing surface of the wall, and the brick backing shall be of the thickness of wall herein specified for the different kinds of building. If stone facing is used with bond courses at a distance apart not more than six times the thickness of the ashlar, and where the width of bearing of the bond courses upon the backing of such ashlar is at least twice the thickness of the ashlar, and in no case less than eight inches, then such ashlar facing shall be counted as forming part of the wall, and the total thickness of wall and facing shall not be required to be more than herein specified for walls of the different classes of buildings.

**311. Cast iron crushing stress.]** Where cast iron is subjected to crushing stress only, as in plates, it may be loaded to the extent of fifteen thousand pounds per square inch.

**312. Formula.]** In all of the following formulae "S" represents the maximum load permitted for the kind of construction to which the formulae apply.

**313. Cast iron pillars.]** Cast iron used for pillars shall be proportioned in accordance with the following formulae:

For round cast iron columns—

$$S=10000a \div \left\{ 1 + \frac{l^2}{600d^2} \right\} \left\{ \begin{array}{l} l=\text{length of column in inches.} \\ d=\text{diameter of column in inches.} \\ a=\text{sectional area of column in square inches.} \end{array} \right.$$

For rectangular cast iron columns—

$$S=10000a \div \left\{ 1 + \frac{l^2}{800d^2} \right\} \left\{ \begin{array}{l} l \text{ and } a \text{ as before.} \\ d=\text{the side of square column, or the least} \\ \text{horizontal dimension of other columns.} \end{array} \right.$$

Cast iron used in the shape of lintels, brackets or corbels shall be so proportioned that the compression stress upon the same shall not exceed thirteen thousand five hundred pounds per square inch, and that the tensile stress shall not exceed three thousand pounds per square inch.

**314. Riveted columns.]** The maximum loads allowed upon riveted columns shall not exceed those determined by the following formulae, to wit:

For riveted or other forms of wrought iron columns—

$$S=12000a \div \left\{ 1 + \frac{l^2}{36000r^2} \right\} \left\{ \begin{array}{l} l \text{ and } a \text{ as before.} \\ r=\text{least radius of gyration of columns in} \\ \text{inches.} \end{array} \right.$$

For riveted or other steel columns less than  $60r$  in length—

$$S=17000 - \left\{ \frac{60l}{r} \right\} \left\{ \begin{array}{l} l \text{ and } r \text{ as before.} \end{array} \right.$$

For riveted and other steel columns more than  $60r$  in length—

$$S=13500a = a \text{ as before.}$$

**315. Steel girders, beams, etc.]** All girders, beams, corbels, brackets and trusses, if made of steel, shall be so proportioned that the maximum fiber stress will not exceed sixteen thousand pounds per square inch; or, if made of iron, the maximum fiber stress shall not exceed twelve thousand pounds per square inch.

**316. Plate girders, rivets.]** Plate girders shall be designed and constructed of strengths at least equal to those developed by the following formulae:

For plate girders—

$$\text{Flange area} = \frac{\text{Maximum bending moment in foot pounds.}}{C D}$$

$D$  = Distance between centers of gravity of flanges in feet.

$$C = \left\{ \begin{array}{l} 13,500 \text{ for steel} \\ 10,000 \text{ for iron} \end{array} \right\}$$

$$\text{Web area} = \frac{\text{Maximum shear.}}{C}$$

$$C = \left\{ \begin{array}{l} 10,000 \text{ for steel} \\ 6,000 \text{ for iron} \end{array} \right\}$$

Maximum stress per square inch of rivet area (single shear) shall not exceed:

	STEEL.	IRON.
For shop driven rivets.....	9,000 pds	7,500 pds
For field driven rivets.....	7,500 pds	6,000 pds

With regard to connections of rolled beams with each other and with girders, work upon buildings in the city of Chicago shall hereafter be in conformity with the practice of the Carnegie, Trenton, Phenix, Pencoyd or other first class rolling mills, as published in their standard books and sheets and approved by the commissioner of buildings.

**317. Wooden pillars.]** Where wooden pillars are used, the maximum loads to which they are to be subjected shall not exceed those determined by the following formula, "S" representing the maximum loads as intended to be fixed by this ordinance:

$$S = ac \div \left\{ 1 + \frac{l^2}{250d^2} \right\}$$

$a$  = sectional area of the post in square inches.  
 $d$  = side of square post or least side of rectangular post in inches.  
 $l$  = length of post in inches.  
 $c$  =  $\begin{cases} 600 \text{ for white or Norway pine.} \\ 800 \text{ for oak.} \\ 900 \text{ for long leaf yellow pine.} \end{cases}$

**318. Timber girder.]** The ultimate load to which timber used for girder may be subjected shall not exceed those determined by the following formula, to wit:

$$S = \frac{cbd^2}{l}$$

$b$  = breadth of beam in inches.  
 $d$  = depth of beam in inches.  
 $l$  = length of beam in feet.  
 $c$  =  $\begin{cases} 160 \text{ for long leaf yellow pine.} \\ 120 \text{ for oak.} \\ 100 \text{ for white or Norway pine.} \end{cases}$

The constants given in all of the foregoing formulae are based upon the use of material and workmanship the best of their respective kinds.

**319. Formulae explained.** All formulae herein given for determining the load permitted upon girders of any kind are for girders supported at both ends and uniformly loaded over their entire length. The formulae for column loads are for columns concentrically loaded. The calculations for the allowances which must be made for other methods of loading shall be based upon the above formulae and constants and the rules of the best engineering practice.

**320. Fire proofing of steel and iron structural parts.]** Fire proofing of the steel and iron structural parts of buildings shall, for the purposes of this ordinance, be defined as follows: All iron or steel used as a supporting member of the external construction of any building, exceeding ninety feet in height, shall be protected against the effects of external changes of temperature and of fire, by a covering of brick,

terra cotta or fire clay tile, completely enveloping said structural members of iron and steel. If of brick, it shall be not less than eight inches thick. If of hollow tile, it shall be not less than six inches thick, and there shall be at least two sets of air spaces between the iron and steel members and the outside of the hollow tile covering. In all cases the brick or hollow tile shall be bedded in mortar close up to the iron or steel members and all joints shall be made full and solid. Where skeleton construction is used for the whole or part of a building these enveloping materials shall be independently supported on the skeleton frame for each individual story.

**321. Iron or steel plates, fiber strain.]** If iron or steel plates are used in each story for the support of such covering within the said story, such plates must be of sufficient strength to carry, within the limits of fiber strain for iron and steel elsewhere specified in this chapter, the enveloping material for the said story, and such plates may extend to within two inches of the exterior of said covering.

**322. Terra cotta—backing of.]** If terra cotta is used as part of such fire proof enclosure it shall be backed up with brick or hollow tile, of such dimensions, and laid up in such manner, that the backing will be built into the cavities of the terra cotta so as to secure perfect bond between the terra cotta facing and its backing.

**323. Hollow tile fire proofing.]** If hollow tile alone is used for such enclosure, the thickness of the same shall be made in at least two courses, breaking joints with and bonded into each other.

**324. Horizontal filling between iron and steel vertical members.]** The horizontal filling between the iron and steel vertical members of skeleton constructions shall be of brick, terra cotta or hollow tile, and in no case of less thickness than twelve inches, subject to the same conditions as to bond and courses as specified for the enveloping materials of structural members, and these horizontal fillings shall be bonded into the enclosures of the vertical members.

**325. Walls—tops of and upper surfaces of breaks.]** The upper surfaces of all breaks or offsets in external coverings and fillings and walls, as well as the tops of walls, shall be covered with stone, terra cotta or fire clay copings, set in cement mortar, and having lapped joints pointed with cement.

**326. Internal structural parts—fire proofing of.]** The internal structural parts of buildings of the skeleton construction shall be fire proofed by coverings of brick, hollow tile, porous terra cotta or plastering on metal lath and metal furring.

**327. Coverings for columns.]** In buildings of Class I the coverings for columns shall be, if of brick, not less than eight inches thick, if of hollow tile, they shall be in two consecutive layers, each not less than two and one-half inches thick. If the fire proof covering is made of porous terra cotta, it shall consist of at least two layers, each to be not less than two inches thick. Whether hollow tile or porous terra cotta is used, the two consecutive layers shall be so applied that neither the vertical nor the horizontal joints in the same shall be oppo-

site each other, and each course shall be so anchored and bonded within itself as to form an independent and stable structure. In all cases there shall be on the outside of the tiles a covering of plastering with any cement (established as a standard cement by the society of civil engineers of the northwest) or of other mortar of equal hardness and efficiency when set.

**328. Column covering.]** In places where there is trucking or wheeling or other handling of packages of any kind, the lower five feet of the fire proofing of such pillars shall be encased in a protective covering either of sheet iron or oak plank, which covering shall be kept continually in good repair.

**329. Plastering on metallic lath.]** If plastering on metallic lath is used for fire proofing of columns, it shall be in two layers. The metallic lath shall in each case be fastened to metallic furrings and the plastering upon the same shall be made with cement. Protection for the lower five feet shall be required in this case the same as where porous terra cotta or hollow tile covering is used.

**330. Internal columns—fire proof covering.]** In buildings belonging to Class II the fire proof covering for internal columns shall be made the same as specified for buildings of Classes I and IV, excepting that only one covering of hollow tile or porous terra cotta, and only two layers of covering made of plastering on metallic lath, shall be used.

**331. Iron or steel beams, etc., covering.]** The fire proof covering of iron or steel beams and girders in buildings of Classes I and IV shall be effected with either of the materials before specified. If hollow tiles are used, the tiles shall be set close to the metal to be protected, and there shall be two air spaces within the tile of at least three-fourths of an inch each. If porous terra cotta is used, it shall be at least two inches thick. If plastering on metal lath is used, the furring shall also be metal. There shall be two thicknesses of such plastering on metallic lath.

**332. Air space.]** For buildings of Class II only one air space will be required in the fire protection covering.

**333. Structural iron or steel—fire proofing of.]** If buildings of Class II are partly used for the purposes of Classes I and IV, the method of fire proofing the structural iron or steel in the whole of any story any part of which is so used, and in the whole of the story above and below the same, shall be as called for in buildings of Classes I and IV.

**334. Beams—covering of.]** In all cases the covering of beams, if of hollow tile or porous terra cotta, shall be so applied as to be supported entirely by the beams or girders protected, and shall be held in place entirely by the support of the flanges of such beams or girders and by the mortar used in setting. Wire binding and anchors shall not be used for fastenings of such fire proof covering.

**335. Iron or steel floor supports—filling between.]** The filling between the individual iron or steel beams supporting the floors

of fire proof buildings shall be made of brick arches, concrete arches, hollow tile arches or Spanish tile arches. Brick arches shall not be less than four inches thick and shall have a rise of at least one and one-quarter inches to each foot of span between the beams. If the span of such arches is more than five feet, the thickness of the same shall not be less than eight inches. If hollow tile arches having a straight soffit are used, the thickness of such arches shall not be less than at the rate of one and one-quarter inches per foot of span. If Spanish tile arches are used, they shall be made according to the published formulae of the Guastavino Construction Company, subject to the verification and approval of the commissioner of buildings. If concrete arches are used, the concrete in the same shall not be strained more than one hundred pounds per square inch, if the concrete is made of crushed stone, nor more than fifty pounds per square inch if the concrete is made of cinders. In all cases, no matter what the material or form of the arches used, the protection of the bottom flanges of the beams and so much of the web of the same as is not covered by the arches shall be made as before specified for the covering of beams and girders.

**336. Walls—thickness.]** The thickness of walls hereinafter specified and set forth in the tables for the various classes of buildings shall be, for each class of buildings, intended to apply to all external enclosing walls and also to such internal walls as may be required under the specifications of the different classes of buildings for the support of floors and roofs.

**337. Bay windows and light shafts.]** The enclosing walls of bay windows and of light shafts shall in all cases be built entirely of incombustible material, excepting that in buildings of Class I, Class II and Class III, there may be bay windows and light shafts not to exceed ten feet in width at the wall line, and not over three feet projection, and not to exceed three stories in height above the first or main story, made of combustible material: Provided, that the outside of such bay windows and light shafts shall be covered with sheet metal, or other incombustible material, and provided, further, that windows of such construction shall not be allowed on buildings exceeding four stories in height: Provided, that bay windows may be constructed as prescribed on the three upper stories of buildings not exceeding the height permitted in four story buildings.

**338. Bay windows, etc.]** In all cases where the weight of floors within bay windows or abutting upon light shafts is carried on a framing independent of the enclosing walls of such bay windows or light shafts, the thickness of such walls enclosing bay windows or light shafts may be reduced, but in no case shall the thickness of such walls be less than eight inches, nor shall any part thereof be so reduced in area that the load upon the same will be more than the maximum load hereinafter prescribed for the materials of which such walls are built.

**339. Light shafts—hollow tile.]** Hollow tile may be used for walls



enclosing light shafts, but such enclosing walls shall be firmly anchored to the framing of each successive floor.

**340. Bay windows, etc.—walls.]** If the walls of bay windows or of light shafts begin at any point above the foundations of the building, their means of support shall consist entirely of incombustible material.

**341. Buildings—mode of construction—limit of height.]** Buildings of Class I which are one hundred feet or more in height shall be made entirely of fire proof construction.

Buildings of Class I less than one hundred feet and more than sixty feet in height shall be built entirely of slow burning or of mill construction.

Buildings of Class I less than sixty feet in height may be built of ordinary construction.

Buildings of Class II which are one hundred feet or more in height shall be built entirely of fire proof construction. If less than one hundred feet and more than sixty feet in height, their construction shall be slow burning or mill construction. If they are less than sixty feet in height their construction may be ordinary construction.

Buildings of Class III may be built of ordinary construction, but if they are sixty feet or more in height they shall conform to the limitations fixed for buildings of Class II.

The limits of the height of buildings hereinbefore given for non fire proof buildings shall be from the sidewalk level to the highest point of roof thereof.

No building shall be erected in the city of Chicago of greater height than one hundred and fifty-five feet from the sidewalk level to the highest point of external bearing walls. And the height of no building of skeleton construction shall be more than three times its least horizontal dimension. And no isolated building of masonry construction shall be more than four times as high as its least horizontal dimension.

**342. Wind pressure.]** In all buildings, the height of which is more than one and one-half times their least horizontal dimension, allowance shall be made for wind pressure, which shall not be figured at less than thirty pounds for each square foot of exposed surface. The precautions against the effects of wind pressure may take the form of any one or more or all of the following factors of resistance to wind pressure:

First. Dead weight of structure, especially in its lower parts.

Second. Diagonal braces.

Third. Rigidity of connections between vertical and horizontal members.

Fourth. By constructing iron or steel pillars in such manner as to pass through two stories with joints breaking in alternate stories.

**343. "Basement" defined.]** Wherever in this chapter the word "basement" story is used, it is intended to mean that the floor of such story is at a distance of two feet, or more, below the level

of the sidewalk, and that its height does not exceed eleven feet in the clear. If the floor of such story is nearer than two feet to the sidewalk grade or if its height in the clear is more than eleven feet, it shall be counted as the first story of the building in which it occurs.

**344. "Stories" defined.]** Wherever the thickness of walls, or the character or dimensions of other parts of buildings, are herein designated or described by stories, it is understood that it refers to stories of the following heights, to wit: The first story not exceeding eighteen feet in the clear, the second story not exceeding fifteen feet in the clear, the third story not exceeding thirteen and one-half feet in the clear, and all other stories not exceeding twelve feet in the clear, excepting the top story, the average height of which, as referred to in this chapter, shall not be more than fourteen feet in the clear. If, however, it is desired to increase the height of any story or stories above the maximum heights herein given, this may be done; Provided the walls of the same are increased four inches in thickness above the dimensions prescribed by this chapter, and the walls below the story so increased in thickness are made sufficiently strong to carry such increased weight within the limitations of strain prescribed in this chapter, and provided, also, that in no case shall the wall in an upper story be thicker than the wall in a lower story, except only in buildings of skeleton construction.

**345. Roofs, erections on.]** It shall be permitted to erect on the roofs of all buildings, skylights, enclosures for water tanks and enclosures for elevator machinery, the construction of all of which enclosures shall be, if sixty feet or more above the sidewalk level, entirely of incombustible material. The erection of parapet walls or of balustrades constructed entirely of incombustible material is permitted above the roof level of buildings of all classes, and in addition to the heights herein fixed for the same.

**346. Fire walls.]** Fire walls of brick, not less than twelve inches thick, shall be built extending above the roofs of all buildings if such roofs are flat, and also above the roofs of all buildings where the same abut against another building, or where the same stand upon any line of any lot, excepting street or alley lines. Such fire walls, where they stand upon lot lines or where they are over the dividing walls between buildings or over the dividing walls in the interiors of buildings, where such are called for by this chapter by reason of the great area of such building, shall extend at least three feet above the roofs of such buildings. Fire walls upon street and alley lines shall extend not less than eighteen inches above the roof of such buildings. Fire walls may be dispensed with on street and alley lines if the tops of the roof boards and roof joists are protected against fire for a distance of at least five feet from such street or alley lines by a coating of deafening mortar on hollow tile or porous tile at least two inches thick. Fire walls at street and alley lines may also be dispensed with in all cases where the entire framing and material of the roof shall be made strictly fire proof. Walls facing upon courts and light shafts shall be treated in the same cate-

gory with walls facing upon streets and alleys. Fire walls must be covered with a weather proof coping of incombustible material.

**347. Window and door sills.]** Window and door sills shall be made of incombustible material. Oak timber used for door sills and not less than eight inches thick by the full width of the wall in which such sills occur shall, for the purpose of this chapter, be considered incombustible, but no other form or use of wood construction shall be considered incombustible.

**348. Store fronts, pillars and lintels.]** The pillars and lintels supporting store fronts shall not be made of wood in buildings more than twenty-five feet above the sidewalk grade. The use of plank or board partitions of greater area than three hundred and fifty square feet in any one story of any building is prohibited.

**349. Roofs.]** The use of shingle roofs and of other forms of combustible roof covering, upon buildings erected or altered within the fire limits, is prohibited. Roofs whose slope is not more than three inches per foot horizontal and the covering of which is made with at least four thicknesses of No. 2 roofing felt well cemented together, then covered with distilled composition and clean screened lake gravel, this then swept off, and the entire surface of the roof recoated with distilled composition and gravel, shall be considered incombustible under the provisions of this chapter and may be used upon buildings of all classes. The use of felt or tar roofs not covered with crushed stone or gravel as hereinbefore provided is hereby prohibited. In the case of all buildings less than sixty feet in height, roofs having a slope of more than that specified for composition roofs and less than thirty degrees with the horizon, may be made of timber and board construction and shall be covered with slate or glazed tile. Roofs upon buildings less than sixty feet in height and of greater slope with the horizon than thirty degrees and less than sixty-five degrees, or the roofs upon buildings sixty or more feet and less than ninety feet high and of greater slope than three inches to the foot and less slope than thirty degrees with the horizon, shall, if made of timber construction, have a fire proof covering upon the roof boards or between the rafters which shall be made either of mortar or porous terra cotta or plaster boards and which shall be at least two inches thick. If this covering is made upon the roof boards, wooden strips shall be inserted and securely fastened to the wooden substructure at regular intervals between the fire proof covering and a weather proof covering of sheet metal, slate or glazed tile shall be securely fastened thereto. The roofs of buildings sixty feet or less in height, if of greater slope with the horizon than sixty-five degrees, and the roofs of buildings more than sixty feet in height if of greater slope than thirty degrees with the horizon, shall be made as regards construction and covering entirely of fire proof material. In the case of buildings which are entirely fire proof in their construction and of which the roof is also entirely of fire proof construction the roof may rise above the limit of height of wall fixed, by this chapter, for

such buildings at a slope not to exceed thirty degrees with the horizon, and to a height not exceeding ten feet above limitation of height of such wall. The space enclosed by such roof above the legal limitation of the height of such wall may be used as an enclosure for pipes, ventilating or elevator machinery, or for ventilating ducts, but it shall not be lawful to use said attic space for purposes of storage, business or residence.

**350. Roof, carrying water from.]** The water from all roofs shall be carried to street sewers in metal conductor pipes, which must be continually maintained in such condition that leaks therein will not cause the water to soak into the walls or any other part of any building.

**351. Sheet metal cornices—gutters.]** Where sheet metal cornices or external sheet metal gutters are used, their entire frame work and covering shall be of metal, and the walls shall extend behind all such cornices or gutters along their entire height, and a water tight junction shall be made at the line of the wall, between the roofing material and the sheet metal covering of such cornices, or the sheet metal forming such gutters. All metal work in and about any cornice, gutter, eave or parapet, or in or about any bay, or oriel window, shall be riveted together with rivets not more than three inches apart, and shall be supported by iron brackets of  $\frac{1}{4} \times 1\frac{1}{4}$  (or heavier) iron, placed not more than four feet apart, and firmly secured to the wall. All dentils, brackets, medallions or rosettes shall be flanged and securely riveted to main cornice, bay or oriel window. Wood shall not be used as the support of any gutter or cornice other than for such gutters as are on the inside of fire walls, for buildings of Class I, one hundred feet or less in height, or for Classes II, III and IV, ninety feet or less in height.

**352. Towers, domes, spires.]** Towers, domes and spires may be built on top of the roofs of buildings of Classes I, II and III, but shall not occupy more than one-quarter of the street frontage of any building, and none shall in any case have a base area of more than one thousand six hundred square feet. And such towers, domes or spires, if any part thereof is built to a height of more than sixty feet and less than ninety feet, shall be of slow burning construction, and if of greater height than ninety feet above the sidewalk shall be of fire proof construction, and in all cases where the area of such spire, dome or tower exceeds one hundred square feet, its supports shall be carried down to the ground, and shall be, if the construction supported is more than sixty feet and less than ninety feet high, of slow burning construction, and if more than ninety feet high, of fire proof construction.

**353. Skylights.]** Skylights made at the foot of light wells or light courts shall be made either of prismatic lights set in cast iron frames, or of glass at least five-eighths inch thick set in metallic frames; and if the latter are used, they shall be protected against injury from falling bodies by wire nettings placed at least six inches above the glass of such skylight and firmly and rigidly supported on

iron stanchions and frame work; such netting to be made of wire not lighter than No. 8 and mesh not coarser than  $1\frac{1}{2} \times 1\frac{1}{2}$  inches. All other skylights shall have metallic frame, sash and curbs, glazed with glass not less than one-quarter inch thick, except in the case of skylights which occur in courts or in other places below the roofs of buildings to which they belong; such skylights shall be glazed with glass not less than one-eighth inch thick. This glass shall be protected against breakage by wire netting placed at least six inches above the glass of such skylight and firmly and rigidly supported on iron stanchions and frame work, such netting to be made of wire not lighter than No. 10 and the mesh not coarser than  $1\frac{1}{2} \times 1\frac{1}{2}$  inches.

**354. Bay and oriel windows, walls of.]** The walls of all bay and oriel windows shall be constructed entirely of incombustible materials. The limitations of the dimensions of bay windows and the position of bay windows projecting over the street line of any building shall be as follows:

First—No such bay or oriel window shall be at a less distance than twelve feet from the sidewalk grade.

Second—No such bay or oriel window shall project more than three feet over the street line of any building.

Third—No such bay or oriel window shall have a greater street frontage than fifteen feet.

Fourth—There shall not be more than one bay or oriel window for any twenty-five feet of frontage, and no two bay windows shall be built nearer to each other than five feet.

Nothing herein contained shall, however, limit the number or size of bay and oriel windows which are built in such manner as not to project over the street line of the buildings of which they form part, but the structural parts of such bay or oriel windows shall also be made of incombustible material.

**355. Cornice, belt course, balcony—projection of.]** No cornice, belt course, or balcony shall project more than three feet over the street line of any building, and no cornice, balcony, string course, portico or veranda, if projecting over the street line of any building, shall be built in its entirety of other than incombustible material. It shall, however, be permitted to build verandas, porticos and balconies upon buildings less than sixty feet in height of combustible material, provided that no part thereof project over the street line of the buildings of which they form part.

**356. Veranda—portico.]** If verandas or porticos are to be enclosed the filling or enclosing walls must be made of incombustible material, the only exception being in case such porticos or verandas are to be made part of a storm house or of a storm door enclosure, which, however, shall in no case be more than twelve feet high, nor shall it occupy a greater frontage than two feet more than the width of the inner doors for which the storm doors are made.

**357. Sidewalk space, prohibited use.]** The use of any part of the sidewalks for steps or for open areas is prohibited, but porticos

or other entrance features, if not more than thirty feet in height, may be made to project upon the sidewalk eighteen inches, but no more. The foregoing prohibition for the use of sidewalk space for steps or areas shall not apply to existing buildings, but if material alterations in or additions to existing buildings are to be made, then such steps and open areas shall be made to conform to the provisions of this chapter.

**358. Space under sidewalk, covering of same.]** In all cases where the space under sidewalks is connected with the basement of any building, the covering of the same and all the supports of such covering shall be made entirely of incombustible material.

**359. Chimneys.]** No chimney shall be built with walls less than four inches thick, nor shall the top of any chimney be lower than five feet above the top of the roof of the building of which it is part, if such roof is a flat roof; if the roof be a pitched roof, the chimney tops shall extend at least two feet above the same. Joists or timbers of any kind are not to rest upon the walls surrounding any chimney, and are, in all cases, to be kept at least two inches distant from the outer face of the same, and such timbers shall also be kept at least eight inches distant from the interior of the flues. Chimneys having four inch walls shall have safeguards against the spread of fire to adjacent wood work as follows: If the interior of such flues is lined throughout their entire length with terra cotta flue liners, no further protection shall be necessary. If, however, there are no flue liners, then the inside of such chimney shall be plastered with mortar and the outside shall be first covered with metallic lath and shall be plastered after the application of such lath. Flues of greater area than one hundred and fifty square inches and smaller than five hundred square inches shall be surrounded with walls not less than eight inches thick and shall be otherwise treated the same as specified for flues having walls four inches thick, and the tops of such chimney shall extend at least five feet above the highest part of any roof within fifty feet of such chimney. Flues of greater area than five hundred and less than one thousand six hundred square inches shall have hollow walls, in which there shall be at least sixteen inches thickness of brick work and four inches hollow space all around such flues. From a distance of two feet below the smoke inlet and for a height of twenty feet above the same, such chimneys shall be lined with fire bricks laid in fire clay. At a height of fifty feet above the smoke inlet the thickness of surrounding brick walls of such flues may be reduced to twelve inches, but in all cases the surrounding walls of chimneys of this or any other size shall be so proportioned that the brick work in the same will not be subjected to stress greater than the maximum stress for brick work elsewhere fixed in this chapter. The tops of such chimneys shall extend to a height of not less than twelve feet above any roof within a radius of sixty feet thereof. For chimneys of greater area than one thousand six hundred square inches, the thickness of walls shall be increased, above the thickness specified in the preceding paragraph, four inches for each increase in area of one thousand square inches or

fractional part thereof, and the internal fire brick lining shall be made at least thirty feet high above the smoke inlet. If an internal smoke pipe of cast iron or steel is used so much of the brick work as is inside of the insulating cavity of the stack may be omitted. Wrought iron or steel smoke stacks shall, however, be lined with fire bricks for the first thirty feet of their height. The foregoing applies only to chimneys which are enclosed by or form part of the interior of any building.

**360. Chimneys outside of building.]** Chimneys may be built outside of the walls of existing buildings (but not in such manner as to encroach upon any street or alley) and shall be built as follows: If at least one side of such chimney abuts entirely upon the wall of an existing building, and the chimney is throughout its entire length securely and firmly anchored to the walls of said existing building, the walls of such chimney may be built of hollow tiles, in which case, however, it shall have a cast iron base lined with fire brick and extending to a height of at least ten feet above the street or alley grade. Such external chimney may, also, be built of rolled steel or iron not less than one-quarter inch thick and lined with fire bricks, laid in fire clay, for at least forty feet above street or alley grade, or it may be built throughout its entire height of cast iron, in which case the first ten feet above street or alley grade shall be lined with fire brick, laid in fire clay. In all cases the height of such chimneys shall follow the regulations hereinbefore given as to relations between top of chimney and roofs of buildings. If isolated chimneys are built, they shall also have hollow walls and shall be so designed and constructed that the stress upon any part thereof, due from the weight of the stack itself and from wind pressure, shall never exceed the limits elsewhere in this chapter fixed as the maximum stress for brick masonry. The foundations of smoke stacks, whether inside or outside of buildings or whether connected with the same or isolated, shall be designed and built in conformity with the provisions relating to foundations of buildings hereinbefore given.

**361. Metallic chimneys or smoke pipes.]** Metallic chimneys or smoke pipes shall not be used inside of any building in such manner as to pass through the floors or roofs of the same, unless such metallic smoke pipes or chimneys are enclosed in brick or tile walls with an air space between the enclosing walls and the smoke pipe from bottom to top.

**362. Smoke pipes through partition—protection.]** Where smoke pipes of diameter twelve inches or less pass through a wood or a plastered stud partition, they shall be surrounded either by a body of brick, hollow tile, porous terra cotta or other substance, measuring at least four inches all around such smoke pipe. Or they shall be surrounded by a sheet metal thimble made of two concentric rings of sheet metal, at least four inches apart, and the entire thimble so constructed that there will be a free circulation between the two rings forming the same. Smoke flues of less diameter than twelve

inches shall be kept at least twelve inches distant from any wood work, and such wood work immediately over and for a distance of two feet on each side of such smoke pipe must be covered with sheet metal or with porous terra cotta or hollow tile or with plaster. Smoke pipes of greater diameter than twelve inches and less area than six square feet must be kept at least twenty inches away from any wood work, and such wood work must be protected as before specified for the smaller smoke pipes to a distance of four feet on each side of such smoke pipe. Wherever smoke pipes of larger area than six square feet are used, they shall be kept at least three feet distant from any wood work, and such wood work for a distance of at least six feet on each side of said smoke pipe shall be protected as before specified for smaller pipes.

**363. Structures in which fires are maintained.]** Wherever steam boilers or furnaces or ovens, coffee roasters or other structures in which fires are maintained, are set inside of a building or in a room with wooden floor or ceiling construction, the floor of the same shall be protected by a covering of brick or concrete not less than five inches thick set in mortar upon a continuous sheet metal bearing plate not less than three-sixteenths of an inch thick, all the joints of which shall be securely riveted and the edges of which shall be turned up five inches all around. This foundation of sheet metal and brick and concrete shall extend under the whole of the fire box and ash pit of such steam boiler or furnace or other structure, and to a distance of not less than ten feet in front and at least four feet on the other three sides of the same. The space between the tops of such steam boilers or furnaces and any wood ceiling construction shall in no case be less than three feet, and the underside of such wood ceiling construction shall in all cases be protected either by two consecutive coatings of plastering on metallic lath, which shall be kept at least two inches distant from each other, and which metallic lath shall be applied by means of metal furring strips, or this protection of the wood work shall be made by a covering of at least two inches of porous terra cotta plastered on the underside, or by a covering of hollow tile with two air spaces at least half an inch each between the wood and the under surface thereof, which under surface shall also be covered with a heavy coat of plastering.

**364. Cupola of foundry.]** Cupolas of foundries shall extend at least ten feet above the highest point of any roof within a radius of forty feet of such cupola and shall be covered on top with a wire netting.

**365. Hot air pipes.]** Where pipes are used for the distribution of hot air in buildings, such pipes must be made of metal and double. The space between the two metal pipes shall be at least half an inch and the two pipes shall be kept apart from each other by the insertion of metallic separators extending all around such pipes at distances of three feet apart, and the interior of the main pipe shall be provided with braces, one for every three feet in length of the pipe. Such pipes



shall be made with air tight joints and be securely fastened to the partitions through which they pass.

**366. Hot air registers—floor openings.]** The openings in the floors for hot air registers shall be surrounded with borders of incombustible material not less than two inches wide, and firmly and securely set in place, and bedded in plaster of paris. The register boxes shall be double, the distance between the two thicknesses of tin being at least one inch. Where the air conveyed through pipes is heated in an ordinary hot air furnace, or in any other apparatus by direct contact of the air with a fire box, the material used for these double ducts, pipes and register boxes shall be bright tin, and the joints shall be double seamed, but not soldered. Where the air is heated by contact with hot water or steam pipes, any other sheet metal may be used for the pipes, and the use of double pipes shall not be obligatory.

**367. Stoves and ranges—floor beneath.]** The floors under all stoves and ranges shall be protected by a covering of incombustible material, which covering shall extend at least two feet in front and one foot on each side of such stove or range. Stoves shall be kept at least two feet distant from any wood work, and such wood work shall be covered either with tile, plastering or sheet metal.

**368. Surrounding walls—thickness.]** The following regulations shall govern the construction of buildings belonging to Class I: The thickness of their surrounding walls and of all dividing walls in the same, carrying the load of floors or roof, shall be made as indicated by the following table, to wit:

	Base-ment.	STORIES.											
		1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.
One-story.....	12	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Two-story.....	16	12	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Three-story.....	16	16	12	12	.....	.....	.....	.....	.....	.....	.....	.....	.....
Four-story.....	20	20	16	16	12	.....	.....	.....	.....	.....	.....	.....	.....
Five-story.....	24	20	20	16	16	16	.....	.....	.....	.....	.....	.....	.....
Six-story.....	24	20	20	20	16	16	16	.....	.....	.....	.....	.....	.....
Seven-story.....	24	20	20	20	20	16	16	16	.....	.....	.....	.....	.....
Eight-story.....	24	24	24	20	20	20	16	16	16	.....	.....	.....	.....
Nine-story.....	28	24	24	24	20	20	20	16	16	16	.....	.....	.....
Ten-story.....	28	28	28	24	24	24	20	20	20	16	16	.....	.....
Eleven-story.....	28	28	28	24	24	24	20	20	20	16	16	16	.....
Twelve-story....	32	28	28	28	24	24	24	20	20	20	16	16	16

**369. Stairs, elevator shafts, shaving pits, walls of.]** The walls surrounding stairs, and also the walls of elevator shafts and shaving pits, shall not be less than eight inches thick, and their thickness shall be increased with increase of height to a sufficient extent to keep

the load on the brick work within the maximum load elsewhere herein specified. No eight inch wall shall be more than two stories high, nor more than twelve feet high between lateral supports. Walls surrounding ventilating ducts, and rubbish and ash chutes shall be constructed in accordance with the regulations governing the construction of smoke flues elsewhere herein contained.

**370. Walls, thickness reduced, when.]** If buildings of Class I are erected of less depth than one hundred feet from front to rear or between cross walls, or if the walls supporting their floors and roof are less than twenty-five feet apart, the thickness of walls given in the aforesaid table may be reduced by four inches, provided that no wall in such buildings shall be less than twelve inches thick.

**371. Ice storage house.]** Houses to be used exclusively for the storage of ice may be constructed of wood with incombustible roofing, the walls to be enclosed with an envelope of incombustible material; eight inch brick walls with proper foundations of masonry may be used for such envelopes; iron or slate may be used, but no coating of mineral substance, or "fire proof paint," so called, shall be considered as incombustible, and such houses shall be used for no other purpose than the storage of ice.

**372. Workshops, salesrooms—stair cases.]** In buildings of Class I, which are used as workshops or in which, if they are used as salesrooms, there is an occupation of the same at any time by one hundred or more persons, there shall be at least two stair cases, each not less than three feet wide. If the number of persons occupying such buildings exceeds three hundred, then the width of the stairs in the same shall be increased to five feet. If the number of persons occupying such premises exceeds eight hundred, three stairways five feet in width shall be constructed. And, if the number of persons occupying such premises exceeds twelve hundred, they shall be governed as regards the number, size and construction of stairways, by the regulations laid down for buildings of Class IV. In all cases the stairs shall be located at as great a distance as practicable from each other. The foregoing specifications as to stairs apply to non fire proof buildings only. For fire proof buildings one less flight of stairs than above called for shall be required in each case.

**373. Stairs and fire escapes, obstruction of.]** It shall be unlawful, under any circumstances, to close up or obstruct the stairs, fire escapes or the approaches leading thereto of any building during its occupation for business purposes, and no change in the position or construction of either of them shall be made, unless permission so to do shall first be obtained from the commissioner of buildings.

**374. Door openings at street level.]** The aggregate width of door openings at the street level in buildings of Class I shall be equal to the aggregate width of stairways hereinbefore specified, and such doors shall not be locked during business hours or while such buildings are occupied by large numbers of people.

**375. Increase of height, rules to govern.]** In all cases

where buildings of Class I, already built, of ordinary construction, are to be increased in height above the height of sixty feet or above the height of one hundred feet, the additional parts of such buildings shall be constructed as herein provided for buildings over sixty feet high or over one hundred feet high, respectively, and shall be made to conform in all respects and throughout their entire extent to the requirements of buildings of this class more than sixty feet or one hundred feet high, respectively, before it shall be lawful to occupy them.

**376. Ceiling and roof, space between.]** In buildings of Class I, if the enclosed space between the ceiling and the roof is of less average height than six feet, then the ceiling and the roof and all the structural parts of the same shall be made either of "mill construction" or "slow burning construction;" and in all cases, means of access satisfactory to the fire marshal shall be given to this space between ceiling and roof.

**377. Iron shutters, when.]** Whenever the distance between doors and windows of buildings on opposite sides of alleys or courts shall be thirty feet or less, such door or window openings shall be provided with iron shutters.

**378. Dividing walls.]** Dividing walls shall be required in buildings of Class I as follows: In buildings of ordinary construction if their floor area exceeds nine thousand square feet; in buildings of slow burning or mill construction if their area exceeds twelve thousand square feet; in fire proof buildings if their area exceeds fifteen thousand square feet. In each of the above mentioned cases such buildings shall be subdivided by brick walls built of the thickness given in the table for the thickness of enclosing walls, and all doors and other openings in such walls shall have iron doors or shutters on each side of same. And the buildings so subdivided shall be treated as regards stairs and fire escapes the same as two or more separate buildings.

**379. Dividing walls—openings.]** If openings are to be inserted in dividing walls, as above described, or in dividing walls between non fire proof and fire proof buildings or parts of buildings, they shall be made as follows: They shall have doors placed on each side of each opening in such walls, which doors shall be made of No. 12 plate iron with a continuous  $2 \times 2 \times \frac{3}{8}$  inch angle iron frame extending all around the same and the plate riveted thereto with half inch rivets, placed four inches between centers. If such doors are made double they must have cross bars, levers and hooks so arranged that when the doors are closed, they will be of strength equal to that of a single door. All doors must be hung on frames made of  $\frac{3}{4} \times 4$  inch iron stiffened with an angle iron extending all around the same and fitting up snug to the wall. The frames must be fastened to each other by bolts extending through the wall, such bolts being not more than two feet apart, and such doors must swing on three hinges and must be made to fit closely to the frame all around. The sills between the doors must be of brick, iron, stone or concrete, and must rise at least two inches above the floor on each side of each opening.

The lintel over the door must be made of brick, iron or stone, and the wall between the two door frames must be covered with a coat of plaster at least half an inch thick.

**380. Buildings for storage of grain.]** Elevator buildings (which term shall be interpreted as including all buildings intended solely for the receipt, storage and delivery of grain in bulk) may be constructed with bin walls, both externally and internally, made entirely of wood, provided such walls are made solid and without cellular open spaces within them. The external bin walls shall have a covering of brick or hollow tile not less than twelve inches thick, which shall be united to the bin walls by anchors, in the construction and arrangement of which due allowance shall be made for the variations of shrinkage of the enclosing wall and of the wooden bin wall. If the weight of the bins is independently carried on a skeleton construction of timber, steel or iron, the first story walls shall be of brick, not less than twenty inches thick. If the outer walls of the outside bins and their facing are not carried on a skeleton construction, then the first story walls shall be not less than twenty-eight inches thick, and as much thicker as may be required to keep the load upon the brick work within the limits of stress elsewhere specified in this chapter. The cupola or enclosure walls of elevator buildings shall be made of hollow tile not less than six inches thick, which shall be anchored to the frame work as above specified. The outside openings in elevator buildings shall have protections of wire netting made of No. 14 wire with meshes not over  $\frac{1}{2} \times \frac{1}{2}$  inch. All openings in the body of first story of elevator buildings, all openings in the engine and boiler houses of the same, and all openings between the latter buildings and the main buildings shall have iron doors.

**381. Buildings, Class II, enclosing walls.]** Buildings of Class II shall conform to the following requirements. The thickness of enclosing walls of buildings of this class shall be made in accordance with the following table, to wit:

	Base-ment.	STORIES.											
		1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.
Basement and.....	12	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Two-story.....	12	12	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Three-story.....	16	12	12	8	.....	.....	.....	.....	.....	.....	.....	.....	.....
Four-story.....	20	16	16	12	12	.....	.....	.....	.....	.....	.....	.....	.....
Five-story.....	20	16	16	16	12	12	.....	.....	.....	.....	.....	.....	.....
Six-story.....	20	20	16	16	16	12	12	.....	.....	.....	.....	.....	.....
Seven-story.....	24	24	20	20	16	16	12	12	.....	.....	.....	.....	.....
Eight-story.....	24	24	24	20	20	16	16	12	12	.....	.....	.....	.....
Nine-story.....	28	24	24	20	20	20	16	16	12	12	.....	.....	.....
Ten-story.....	28	24	24	24	20	20	20	16	16	12	12	.....	.....
Eleven-story.....	28	28	24	24	24	20	20	20	16	16	12	12	.....
Twelve-story.....	32	28	28	24	24	24	20	20	20	16	16	12	12

**382. Stairs and elevators, walls of.]** If the walls enclosing stairs or elevators are made of brick, they shall be not less than eight inches thick, and no such eight inch wall shall be more than twenty-four feet in height. Twelve inch walls used for enclosing stairs or elevators shall be not more than forty feet high; and in no case shall the load on any such wall or part thereof exceed the limits elsewhere herein specified for the maximum stress on brick masonry.

**383. Enclosing walls, joist supports.]** If in buildings of Class II the distance between enclosing walls is more than twenty-four feet in the clear, there shall be intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns and beams. If brick walls are used for this purpose they may, in all cases where the thickness of walls is given in the table as sixteen inches or more, be made four inches less in thickness than the dimensions stated in the table.

**384. Apartment houses, hotel, lodging houses—dividing walls.]** In all apartment houses, the dividing walls or partitions between the apartments provided for each family shall be made entirely of incombustible material, or of stud partitions filled the full thickness and height with mineral wool and plastered on metal lath. In the absence of definite subdivisions between the apartments of different families, eight rooms shall be counted as the equivalent of one apartment. In boarding houses, lodging houses, and hotels, sixty feet or less in height, there shall be, for every eight rooms in any one story, dividing walls or partitions of incombustible material separating these eight rooms from the contiguous spaces.

**385. Hotels, lodging and boarding houses—fire stop.]** In hotels, lodging houses and boarding houses ninety feet or less in height, there shall be a fire stop of brick, concrete or tile between the ceiling and floor in each floor of joists for each twenty-five feet or fractional part thereof measured in the direction of the length of joists.

**386. Stairs.]** Stairs in buildings of Class II shall be adapted, in number and width, to the area, height and to the uses to be made of the building in which they occur: For office buildings, by which shall be understood buildings divided into apartments intended for business uses only, and in which there shall be no sleeping apartments whatever, there shall be in buildings of ordinary construction and of less ground area than two thousand square feet, one flight of stairs not less than five feet wide, or two flights not less than three feet wide each; and for office buildings of ordinary construction and of greater ground area than two thousand square feet, there shall be an additional flight of stairs for each additional two thousand square feet of ground area or for any fractional part thereof. For office buildings of slow burning or mill construction there shall be at least one flight of stairs not less than five feet wide or two flights not less than three feet wide for the first three thousand square feet of ground area, and an additional flight of stairs shall be required for each additional three thousand square feet of ground area or fractional part thereof. For fire proof office buildings

there shall be one flight of stairs not less than five feet wide for the first five thousand square feet of ground area and an additional flight for each additional five thousand square feet of ground area or fractional part thereof.

**387. Building, Class II—stairs.]** For all other buildings of Class II, there shall be for each building at least two flights of stairs which, for buildings of two thousand square feet or less in ground area shall be at least three feet wide each with an increase of six inches in width for each addition of five hundred square feet to the ground area of the building up to a ground area of three thousand square feet, and after that there shall be an additional flight of stairs not less than three feet wide for each additional two thousand square feet of floor area or fractional part thereof. In all cases where buildings of Class II are built entirely of fire proof construction the number of stairs herein provided may be reduced by one flight from the number herein specified for non fire proof buildings.

**388. Windows.]** In buildings of Class II no room shall be considered habitable or used as a habitation unless it has at least one window of an area equal to one-tenth of the superficial area of such room, opening into the external air.

**389. Air space.]** No space of less area than forty square feet for each three story building, or less area than fifty square feet for each four story building, and so on, increasing ten square feet for each additional story in height, shall be considered as affording means of communication with the outer air, and such open spaces or light shafts, if covered with a skylight or roof of any kind, shall not be considered as fulfilling the provisions of this chapter.

**390. Building, Class I—floor strength.]** No building of Class I shall be built with a strength of floor construction in any part thereof less than sufficient to carry, within the limits of stress for the different materials elsewhere herein specified, a load of one hundred and fifty pounds for each square foot of floor surface; and the strength of such buildings shall be increased above the capacity to carry one hundred and fifty pounds per square foot of floor surface, if the uses to which such building or part thereof is to be applied involve greater stress.

**391. Notice of floor strength.]** It shall be the duty of the owner of every building of Class I already constructed or hereafter to be constructed, or of his agent or of the occupant of the same, to affix and display conspicuously on each floor of such building a placard stating the load per square foot of floor surface which may with safety be applied to that particular floor, or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated upon such placards. It shall be the duty of occupants of buildings to maintain such placards during their occupation of the premises, and the owners of buildings or their agents to cause the same to be properly affixed with

each change of occupation. It shall be part of the duty of the architects of all buildings to calculate the figures for such placard, which are to be verified and approved by the commissioner of buildings before they are affixed upon the respective floors of the different buildings.

**392. Buildings generally—floors.]** For buildings of Classes II, III and IV, including frame buildings outside of the fire limits, the floors shall be designed and constructed in such a manner as to be capable of bearing in all their parts, in addition to the weight of partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of seventy pounds for every square foot of surface in such floors. In determining the strength of posts and the area of foundation for many storied buildings in buildings of Classes II, III and IV, allowances are to be made for the fact that the before mentioned live load of seventy pounds per square foot is but an occasional load, which rarely occurs simultaneously upon corresponding parts of many floors, and if so, for a very brief period only.

**393. Roofs of buildings of all kinds—bearing power.]** The roofs of all buildings of every kind and class, including frame buildings outside of the fire limits, shall be designed and constructed in such manner that they will bear a load, in addition to their structure and covering, of at least forty pounds for each square foot of horizontal surface, without straining the materials of construction beyond a point twenty per cent. less than the limits elsewhere fixed in this chapter.

**394. Alteration not required—if made must conform hereto.]** Excepting in cases where the immediate safety of the occupants of buildings is concerned, nothing in this chapter shall be considered as requiring alteration in the construction or equipment of buildings existing at the time of the passage of this ordinance, and which, when built, complied with the ordinance then in force. If, however, it is desired to enlarge or in any manner materially modify the construction of any existing building, or to make any change in its use or occupation which will transfer it from one class, as provided by this chapter, to another, then before such enlargement or structural change or modification of the building is made, or before such change in its use or occupation may be made, the entire building shall be reconstructed or modified in such manner as to bring the same, when enlarged or altered, or when occupied for its new and different purposes, in accordance with the provisions of this chapter.

**395. Alteration—increasing thickness of wall.]** If the walls of such building are not of sufficient thickness to comply with the requirements of this chapter for the enlarged or modified building, then the thickness of the existing walls shall be increased by building alongside of them a new wall, which shall not, however, be less in any part thereof than twelve inches thick, and which shall be increased in thickness by four inches for at least every forty feet in height of such wall. Such new wall must be laid in cement mortar, and must be anchored to the old wall; and, if an increase in the height of the building is contemplated, the wall from the top of the old wall shall be

built jointly upon the new and old walls. If solid masonry buttresses are introduced in connection with such thickening and strengthening of existing walls, the intervening wall may be reduced to eight inches in thickness, provided such buttresses are sufficient in number and in area to make the resultant structure of equal strength with the solid wall already specified.

**396. Hollow tile wall in lieu of brick.]** If a steel or iron skeleton construction is used for the support of the interior of the building to be added to or modified as before stated, then if the pillars of said skeleton are fire proofed all around the same, and if the skeleton construction is itself fire proofed, a hollow tile wall not less than ten inches in thickness made up of three thicknesses of three inch hollow tile, bonded in such manner as to break joints, may be substituted for the brick wall before specified.

**397. Party wall.]** The foregoing shall also apply to all cases where existing party walls are to be joined to for the erection of new buildings. But, in the case of party walls which at the time of their erection were built in accordance with the terms of the building ordinance then in force, such walls, if sound and in good condition, may be used without increase of thickness for any building not higher than, and of the same class as, the building for which the original wall was built.

**398. Increase of walls—foundation.]** In all cases where there is such increase of walls, a new foundation shall be built in such manner as to carry jointly both the new and old walls, and the soil under such foundation shall not be loaded beyond the limits elsewhere herein specified.

**399. Buildings, Class III—walls, stairs.]** Buildings of Class III shall have walls not less in thickness than those given in the table of thicknesses of walls for buildings of Class II. Buildings of Class III may be built of ordinary construction. Stairs in the same shall not be less than three feet wide, and if any building of Class III is more than two stories high above the basement story it shall not have less than two flights of stairs.

**400. Buildings, Class IV—subdivision—walls.]** Buildings of Class IV shall be divided into two special classes: Class IVa shall embrace all buildings of Class IV in which no movable scenery is used upon the stage thereof.

Class IVb shall embrace all buildings of Class IV in which movable scenery is used. The outside walls of all buildings of Class IV, the roofs or ceilings of which are carried on trusses or girders of a span of fifty feet or more, shall have walls as follows:

If the walls are less than twenty-five feet high, they shall be not less than twenty inches thick.

If more than twenty-five feet and less than forty-five feet high, not less than twenty-four inches thick.

If more than forty-five feet and less than sixty feet high, not less than twenty-eight inches thick.



If the walls are over sixty feet and less than seventy-five feet high, not less than thirty-two inches thick.

If more than seventy-five feet and less than ninety feet high, not less than thirty-six inches thick.

An increase of four inches in thickness of walls shall be made in all cases where walls are over one hundred feet long without cross walls of equal height.

For rooms less than fifty feet wide, the thickness of walls before given may be reduced by four inches.

**401. Upper stories—wall.]** In case there shall be one or more stories built above the room devoted to the uses of Class IV, such stories being carried on trusses or girders, the thickness of walls shall be increased by four inches for each two stories or part thereof above every such room. If solid masonry buttresses are employed and placed sixteen feet or less apart, and extended to the foot of the trusses or girders carrying the ceiling, or if iron or steel pillars are inserted in such walls for the support of the superstructure and at distances not more than eighteen feet between centers, such pillars extending to and carrying the superimposed trusses or girders, the thickness of such walls may be reduced in proportion to the increase of strength afforded by such buttresses or pillars, but in no case shall any such wall be less than twelve inches thick in the top story, four inches being added, going downward, for each story or for each gallery, or for each twenty-five feet in height of blank wall.

**402. Iron or steel pillars.]** If iron or steel pillars are introduced in said walls, the brick work around the same shall be bonded into that of the connecting walls, and each of such pillars shall have not less than eight inches of brick wall around it, the brick being measured from the extreme outer dimensions of such iron or steel pillars.

**403. Building with seats for 800—two frontages.]** Buildings of Class IVa, with seats for eight hundred persons or less, shall have a frontage upon two public spaces, of which at least one shall be a street and of which the other, if it is not a street, shall be a public or private alley not less than ten feet wide.

**404. Seating capacity over 800—three frontages.]** Buildings of Class IVa, of greater seating capacity than eight hundred, and all buildings of Class IVb, shall face upon three open spaces, of which at least one shall be a public street, while the two others, if not streets, must be public or private alleys of a width of not less than ten feet each.

**405. Seating capacity not over 600.]** Buildings of Class IVa, containing not more than six hundred seats, may be built of ordinary construction. If they contain more than six hundred and less than fifteen hundred seats, they shall be built of slow burning or of mill construction. If they contain more than fifteen hundred seats, they shall be built of entirely fire proof construction.

**406. Seating capacity less than 1,000—Class IVb.]** Buildings of Class IVb, containing less than one thousand seats, shall be of slow

burning construction, or of mill construction, and if they contain one thousand or more seats, they shall be built entirely of fire proof construction.

**407. Buildings, Class IV, with uses as of other classes.]** If buildings of Class IVa or IVb are built in conjunction with or as part of buildings devoted to the uses of Class I, II or III, then such buildings of Class I, II or III shall be built of fire proof construction, if the connected building of Class IVa contains more than fifteen hundred seats, or if the connected building of Class IVb contains more than one thousand seats.

**408. Building over sixty feet high connected with one of Class IV.]** Any building higher than sixty feet and connected with or made part of any building of Class IVa or IVb shall be entirely of fire proof construction. Any building less than sixty feet in height and connected with or made part of any structure of Class IVa or IVb shall, if its case is not already covered by other provisions of this chapter, be made of slow burning or mill construction.

**409. Such buildings connected—iron doors.]** In all cases where fire proof construction is not used for the whole of such connected buildings, there shall be at each connecting opening double iron doors between such building of Class IVa or IVb and the building connected therewith.

**410. Spires, cupolas, domes.]** Spires, cupolas or domes of non-fire proof material may be erected as part of any house of public worship or instruction, if the same is used for these purposes only, and if such house of public worship or instruction is so built that it is nowhere nearer than twenty feet to any line of the lot upon which it stands, street and alley lines excepted, and such non-fire proof spires or domes may be maintained only while this intervening space of twenty feet is made and maintained as part of the grounds of the owners of such house of public worship or instruction. In case the above is complied with, such spire or dome may be built with a frame work of combustible material which shall, however, be covered on the outside with porous terra cotta, hollow tile or mortar, and upon this, with a weather proof covering of sheet metal, slate or glazed tile, the same as elsewhere herein specified for roofs of the same type of construction.

**411. Spires, etc., when removed—roofs.]** If the twenty feet of vacant ground, above mentioned as one of the conditions upon which the building of spires and domes having a combustible frame work is permitted, shall at any time be built upon, then such spire or dome shall be taken down. The roofs of isolated buildings of Class IVa shall be constructed in the same manner as those herein provided for spires, domes and cupolas.

**412. Existing buildings, Class IV—alterations, etc.—floor level.]** The following limitations of floor levels in buildings of Class IV shall be observed in all cases of new construction or reconstruction, alteration or improvement of existing buildings: The floor

level of the auditorium of buildings of Class IVb shall be maintained within the limits of the first story thereof, and, in all cases where such floors are banked or stepped up, the floor of the lowest banks shall not be above the sidewalk level. If the floor of the first story is level it shall not be higher than three feet above the sidewalk level. The only exception to the foregoing shall be the case of rooms of Class IVb containing less than five hundred seats, which, in fire proof buildings, may be located in any story thereof, but in such case there shall be at least two flights of stairs from the floor, on which such auditorium of Class IVb is located, to the ground, and the width of such stairs shall be not less than four feet in the clear for each.

**413. Floor levels.]** In buildings of Class IV no auditorium containing more than one thousand seats shall have the highest part of its main floor at a greater elevation than eight feet above the adjacent sidewalk grades. No room of Class IVa containing more than five hundred seats shall be at a greater distance from the sidewalk grade than thirty feet. No room of Class IVa containing more than two hundred seats shall be at a higher level above the sidewalk grade than forty-five feet. Exceptions to the foregoing are to be made in the case of rooms of Class IVa containing less than five hundred seats, which may be located in any part of any fire proof building; Provided, however, that there be at least two flights of stairs from the level of the same to the ground, each flight not less than four feet in width.

**414. Stairways, exits, aisles and passage ways.]** Stairs in buildings of Classes IVa and IVb shall be in width equivalent to eighteen inches for every one hundred seats in such building—fractional parts of one hundred being in each case counted as a full one hundred seats—but no stairway in such building shall be less than four feet wide in the clear. All stairways shall have railings on each side thereof. No stairway shall ascend a greater height than eleven feet without a level landing, which, if its width is in the direction of the run of the stairs, shall be not less than three feet wide, or which, if at a turn of the stairs, shall not be of less width than that of the stairs. Distinct and separate places of exit and entrance shall be provided for each gallery above the first. A common place of exit and entrance may serve for the main floor of the auditorium and the first gallery, provided, its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery.

**415. Aisles, corridors, etc., in buildings, Class IV.]** Aisles in buildings of Classes IVa and IVb shall be in width equal to eighteen inches for every one hundred seats or fractional part thereof, the occupants of which will be required to use such aisles, but no aisle shall be less than two feet three inches wide in its narrowest part. Steps shall be permitted in aisles only as extending from bank to bank of seats, and wherever the rise from bank to bank of seats is less than six inches the floor of the aisle shall be made as an inclined plane, and where steps oc-

cur in outside aisles or corridors, they shall not be isolated, but shall be grouped together, and there shall be a lamp at or near every place where there are steps in enclosing aisles or corridors. The width of corridors, passages, hallways and doors shall be computed in the same manner as that herein provided for stairways and aisles, excepting, however, that no corridor shall be less than five feet in width, and no door less than three feet wide.

**416. Emergency exits.]** Emergency exits and stairways shall be provided outside of the walls of all buildings of Class IVa seating more than one thousand five hundred persons and all buildings of Class IVb seating more than eight hundred persons. The aggregate width of such emergency exits, which shall be provided for each floor, balcony and gallery of such building, shall be one-half of that provided for the main exits, and no emergency exit, door or stairway shall be less than three feet in width. The frame work of said stairs shall be made of iron, the treads of wood. Said emergency exits are to be kept free of obstructions of all kinds, including snow.

**417. Class IV--doors--wall between auditorium and stage.]** All doors in buildings of Class IV shall open outward. In buildings of Class IV there shall be a solid brick wall of the same thickness as that called for on the outside walls between the auditorium and stage; and in non-fire proof buildings said wall shall extend to a height of six feet above the roof. The main curtain opening shall have an iron or asbestos curtain and all other openings in said wall shall have iron doors.

**418. Stage floor.]** The framing of the floor of every stage upon which movable scenery is to be used shall be of iron or steel. The stage floor may be of wood, but shall be not less than  $3\frac{3}{4}$  inches thick. The entire floor construction and floors of fly galleries and rigging lofts, and all railings and supports and stanchions thereon, as also all sheaves and pulleys and their supports shall be of iron or steel. All wood work, including the under side of floor boards and, also, all scenery used on or about the stage shall be coated with a fire proof paint, the qualities of which shall be submitted to and approved by the commissioner of buildings in the manner hereinbefore provided for building materials generally. All wood used for floors and floor support in buildings of Classes IVa and IVb shall be coated on the under side with the same kind of paint.

**419. Structures above auditorium.]** Structures, of any kind and for any purpose whatsoever, erected above the ceiling of any auditorium containing five hundred or more seats, shall be entirely of fire proof construction and shall not be larger in area than seventy per cent. of the area of said auditorium. If any structure is built over the ceiling or roof of any building of Class IVa or IVb, the different members of the girders or trusses supporting the same shall have their fire proofing double, in the manner described for pillars of fire proof buildings of Class I.

**420. Flues or ducts over stage.]** There shall be over the

stage of every building of Class IVb flues or ducts extending fifteen feet above the top of the highest roof which forms part of such building, which flues or ducts shall have an area of at least one-thirtieth of the total area of such stage. The dampers for opening and closing said ducts shall be controllable from a point near the proscenium opening. These dampers shall be made of sheet metal, and the ducts themselves of incombustible material, and shall be properly insulated to prevent transmission of heat to adjacent combustible substances.

**421. Stage storerooms.]** If any part of any building of Class IVb shall be used for purposes of storing scenery, properties, furniture, books, papers or costumes, or as a workshop for the maintenance and repair of scenery and properties, such places shall be provided with automatic sprinklers of a make approved by the commissioner of buildings and the fire marshal of the city of Chicago, and the floors of such places shall be of brick or concrete and all structural iron or steel below, around and above the same shall have its fire proof covering made double. If said rooms or shops are located in the rear or at the side of the stage, they shall be separated from the stage by a brick wall, and the openings leading into said portions shall have fire proof doors on each side of the openings hung to iron eyes built into the wall.

**422. Exit signs.]** All exit openings in buildings of Class IV shall have the word "Exit" in letters at least six inches high applied to the auditorium side and to the stage side of every such exit.

**423. Stage fire extinguishing apparatus.]** There shall be kept in readiness for use on the stage of every building of Class IVb at least four (4) casks full of water and two (2) buckets to each cask. Said casks and buckets shall be painted red and marked "Use for fire only." There shall also be provided hand pumps or other portable fire extinguishing apparatus and, at least, four (4) axes, and two twenty-five (25) feet hooks, and two fifteen (15) feet hooks, and two ten (10) feet hooks on the floor of the stage and on each tier or floor under or over the stage. There shall be in every building of Class IVb a chemical fire engine and also a three and one-half inch pipe prepared with Siamese twin connections for steam engines, such connections being on the street or alley side of such building, and such pipe being carried to each fly gallery and to the rigging loft of such building; a regulation fire department valve at each, and with hose ready for use connected thereto at each of these points and at least two points upon the stage and at least two points below the stage.

**424. Stand pipe, hose, etc.]** Each building of Class IV shall have a water stand pipe and water plug, to be placed on the stage or platform, or in its immediate vicinity, which shall be connected with the water pipes or street mains of the city, and shall be put in under the direction and to the satisfaction of the fire marshal or commissioner of buildings. Hose shall be attached to such stand pipe of such size as may be directed by said marshal, and have nozzle and stop-cock attached thereto; such hose shall be of sufficient length to extend to

the farthest limits of such building or place of amusement, and shall, at all times, be kept in good order and repair, filled with water under pressure and ready for immediate use.

**425. Buildings, Class IVb, fire extinguishing apparatus.]** All buildings of Class IVb, with accommodations for one thousand or more persons, shall have at least one three-inch iron stand pipe and metallic ladder combined on the street or alley side of the building, from ground to roof, with hose attachments close to a window or door at each floor or gallery. Such buildings shall also be provided with a fire alarm telegraph apparatus connected by the necessary wires with the headquarters of the city fire alarm telegraph, or such other place or places as the fire marshal shall direct.

**426. The same.]** It shall be the duty of all owners, agents, lessees and occupants of buildings of Class IVb to provide such other fire extinguishing apparatus at such points about the building as the fire marshal shall direct.

**427. Theater—employment of firemen.]** It shall be the duty of the owner, agent, lessee or occupant of any building of Class IVb with accommodations for one thousand or more persons, to employ one or more competent and experienced firemen, approved by the fire marshal, to be on duty at such theater during the entire time it is open to the public; said firemen shall report to and be subject to the orders of the fire marshal, and shall be in uniform and shall see that all fire apparatus required is in proper place and in efficient working order.

**428. License to limit visitors.]** The permit for each building of Class IV shall state the number of persons it has accommodations for, which number shall be governed by the number and size of its exits, doors and passages, and shall be approved by the commissioner of buildings.

**429. Building, Class IV, lighting.]** Every portion of any building of Class IV devoted to the use or accommodation of the public and all outlets leading to the streets, including the open courts and corridors, shall be well and properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises.

**430. Electric light—lamps.]** Buildings of Class IVb shall be illuminated at night entirely by electric light, and shall have at each exit, and at the head and foot of each stairway, a metal bracket and a candle or a sperm oil lamp kept burning therein during the entire duration of any performance. Said provisions shall also apply to buildings of Class IVa, seating more than one thousand five hundred persons.

**431. Building, Class IVa, lighting.]** For building of Class IVa, the illumination may be either by gas or electricity; all gas or electric lights in the halls, corridors, lobby, or any other part of said building used by the audience, except the auditorium, must be controlled by a separate shut-off located in the lobby, and controlled only in that particular place. Gas mains supplying the building shall have inde-

pendent connections for the auditorium and the stage, and provision shall be made for shutting off the gas from the outside of the building. All suspended or bracket lights surrounded by glass, in the auditorium or in any part of the building devoted to the public, shall be provided with proper wire netting underneath. No gas or electric light shall be inserted in the walls, wood work, ceilings, or in any part of any building of Class IV, unless protected by fireproof materials. All lights in passages and corridors in said buildings and whenever deemed necessary by the commissioner of buildings, shall be protected with proper wire net work. The footlights, in addition to the wire net work, shall be protected by a strong wire guard not less than two feet distant from said footlights, and the trough containing said footlights shall be formed of and surrounded by fireproof materials. All border lights shall be constructed according to the best known methods and subject to the approval of the commissioner of buildings and the fire marshal, and shall be suspended for ten feet by wire rope. All ducts or shafts, used for conducting heated air from the main chandelier, or from any other light or lights, shall be constructed of metal, and made double, with an air space between. All stage lights, if gas, shall have strong metal wire guards or screens, not less than ten inches in diameter, so constructed that any material in contact therewith shall be out of reach of the flames of stage lights, and shall be soldered to the fixtures in all cases.

**432. Inspection of lights, fire extinguishing apparatus, etc.]** The stand pipes, gas pipes, electric wires, hose, footlights, and all apparatus for extinguishing fire, or guarding against the same, as in this chapter specified, shall at all times be made and kept in condition satisfactory to and under the control of the fire department, the commissioner of buildings, and the fire marshal of the city of Chicago.

**433. Movable awnings.]** All movable awnings hereafter erected shall be elevated at least eight feet above the top of the sidewalk, and shall not project over the sidewalk to exceed three-quarters of the width thereof. They shall be supported without posts, by iron brackets or by an iron frame work attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby.

**434. Fixed awnings.]** Fixed awnings may be constructed over sidewalks to protect the entrances of buildings, provided such awnings are constructed of metal frame work filled with glass not less than three-fourths of an inch thick, and supported entirely by the structure of the building, and without posts or other obstructions upon the sidewalk. Such awnings shall be of the width of the entrance which they protect and shall extend over the entire width of the sidewalk in front of the same. The lowest part of such awnings shall be at least ten feet above the sidewalk level.

**435. Railing, fence, etc.—spikes prohibited.]** No owner, lessee or agent of any building in this city shall erect or maintain, or permit to be erected or maintained, on or about the stairway in or the entrance to such building, or on or about its exterior building line, or

upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or other protection of any kind upon which said railing, fence, guard or other protection there shall be affixed or placed, or in any manner attached any spike, nail or other pointed instrument of any kind or description.

**436. Elevator—hatch closers.]** Wherever elevators in non-fireproof buildings, or in fireproof buildings of Class I, are built without enclosing walls, there shall be at every floor through which they pass automatic hatch closers or automatic doors made in such manner that they will fully close each well hole when the temperature in such well hole exceeds one hundred and forty degrees Fahrenheit. Before any doors shall be considered as fulfilling the provisions of this chapter they shall be examined by the commissioner of buildings and the fire marshal, and if it is found by these officials that such doors will automatically close when the temperature at or near the same exceeds one hundred and forty degrees Fahrenheit, and that, also, the conditions of construction and operation of such doors or hatch closers are such that there is no reasonable probability of their getting out of order and failing to operate when required, and if there is nothing in their application or operation likely to cause accident to, or interference with, the elevator service in the hatch holes which they are intended to close, then, and in such case only, shall the use of such hatch closers or doors be permitted.

**437. Elevator—wall in lieu of hatch closers, etc.]** If such hatch holes are not supplied with hatch closers or doors, as above described, the elevator well shall be enclosed, in all non-fireproof buildings, with an entirely self-supporting wall of brick or tile extending from the foundation to a height of six feet above the roof of the building in which such elevator is located, and in buildings of fireproof construction the walls or partitions enclosing such elevator shafts, which may be of light construction, but which must be incombustible, may be carried from story to story upon the construction of the same.

**438. Elevator shafts and enclosures.]** All elevator shafts and all elevator enclosures, of every kind, shall have iron doors which shall be made to open from the inside only, excepting only the door upon the ground floor of the building, which shall also have a lock to permit opening the same from the outside.

**439. Elevator enclosure.]** All elevator shafts which are not surrounded by walls shall have on all sides, fastened to each floor, an enclosure made entirely of incombustible material.

**440. Elevator shaft, roof of.]** The roof of each elevator shaft shall consist of a skylight.

**441. Building scaffolds.]** All scaffolds erected in this city for use in the construction, repair, alteration or removal of buildings shall be well and safely supported, of sufficient width, and properly secured so as to insure the safety of persons working thereon, passing under or by the same, and so as to prevent the falling thereof and the fall-



ing therefrom of any materials that may be used, placed or deposited thereon.

**442. Mode of building.]** In the erection of buildings of masonry construction no wall shall be carried up at any time more than two stories above another wall of the same building. The walls and skeleton frame work of all buildings must be kept securely braced and otherwise protected against the effects of the weather during all building operations. All foundations must be protected against the effects of frost, and frozen cement mortar shall not be used in connection with any building operations.

#### FIRE ESCAPES AND STAND PIPES.

**443. Stand pipes, ladders, etc.]** All buildings, lodging houses and hotels of four or more stories in height hereafter to be erected in the city of Chicago shall be provided and equipped with one or more metallic stand pipes and ladders combined, with cast iron, wrought iron or steel balconies, with suitable railings, at each floor, and firmly secured to the outer walls, and in such locations and numbers as shall be satisfactory to the commissioner of buildings, the fire marshal and the inspector of fire escapes: Provided, that the provisions of this section shall not apply to private residences, flats and apartment buildings of less than four stories in height.

**444. Inspection certificates.]** All such fire escapes shall be put up and completed to conform to the buildings for which they are respectively intended, and shall be inspected after completion, and if found in a perfectly safe and satisfactory condition, a certificate shall be issued by the commissioner of buildings to that effect.

**445. Fire escapes with ladders.]** All single and double fire escapes with ladders shall be in strict accordance with the following specifications:

**446. Anchors—specifications.]** There shall be not less than three one-inch square or one-inch diameter round wrought iron anchors to every six-foot balcony, and six for a twelve-foot balcony. Said anchors must pass through the wall of the building and bolt on the inside with a three-quarter by two-inch nut and a three by one-half-inch cast iron washer back of the nut where the wall is not over twenty inches thick, but where the wall is over twenty inches thick anchors shall be inserted at least eight inches into the wall, on an angle of thirty-five degrees.

The brace of the anchors shall be at least twenty inches spread, and pass into the wall four inches at the bottom. No other anchors shall be allowed without a special permit from the commissioner of buildings.

**447. Balconies—specifications.]** All balconies hereafter erected shall be either heavy cast iron, ice proof and capable of sustaining a weight of five hundred pounds to the square foot, or a steel balcony as hereinafter described, capable of sustaining the same weight per

square foot. The balcony frame shall be made of not less than  $1\frac{1}{2} \times 3$ -inch angle iron securely riveted together. The platform for said frame shall have cross-bars every two feet. Said cross-bars shall be punched with half-inch square holes every two inch centers, and half-inch square iron bars forced through the same. Said cross-bars shall be securely riveted to the angle iron frame. The cross-bars for a balcony twenty-eight inches wide shall be made of  $1\frac{1}{2} \times \frac{3}{8}$ -inch iron. Balcony frames over twenty-eight inches wide shall be made of not less than  $2 \times \frac{3}{8}$ -inch angle iron to conform to the increased dimensions of iron in the cross-bars.

For thirty inch balconies  $2 \times \frac{3}{8}$ -inch angle iron. For thirty-six inch balconies, or over,  $2\frac{1}{2} \times \frac{3}{8}$ -inch angle iron shall be used. All balconies over this width shall have a two-inch T iron through the center of the balcony for the bars to rest upon. Each platform shall have a man-hole of not less than 24x24 inches.

Said balconies shall have a substantial cast or wrought iron post every three feet, bolted to the balcony. No balcony shall have less than two guard rails of wrought iron, or new pipe not less than three-fourths of an inch in diameter, with the ends anchored in the wall of the building not less than ten inches on an angle of thirty-five degrees.

**448. Ladders—specifications.]** The ladder, where used in combination with the stand pipe, shall be bolted to said stand pipe with short tapped bolts every four feet and bolted to the balconies. The rungs of the ladders shall be one-half-inch square iron with the corners upwards, so as to give a safe footing. Every other rung to be riveted and to be fourteen-inch centers. Where the ladder is put up without a stand pipe, the side guards shall be  $2 \times \frac{3}{8}$ -inch flat iron, or one and one-quarter-inch pipe. All ladders shall be seventeen inches or more between pipes. No second-hand pipe shall be used in this construction.

**449. Stand pipe—specifications.]** The stand pipe shall be of the best three-inch wrought iron, seven and one-half pounds to the foot. No steel pipe shall be used. A two and one-half-inch brass hose valve of the city standard thread shall be attached to the stand pipe at every outlet at each floor and on the roof.

**450. Siamese—specifications.]** There shall be a two-way automatic Siamese at the bottom of the stand pipe, so that two steam fire engines may be attached thereto without interfering with each other. Said Siamese shall be within easy reaching distance from the sidewalk and shall be securely anchored to the wall of the building.

**451. Anchors—how bolted.]** All anchors for the top of stand pipes and ladders shall pass through the wall and be bolted on the inside of the same.

**452. Painting—specifications.]** All work shall be painted with two coats of the best mineral paint and all holes shall be filled with the best cement.

No fire escape shall be constructed without first obtaining a permit therefor from the commissioner of buildings and paying to the city

collector a permit fee of two dollars, which shall be payment in full for the permit and the inspection of the work.

**453. Duty of inspector to condemn.]** It shall be the duty of the inspector of fire escapes to condemn any and all work and materials used in the construction or erection of fire escapes, stand pipes, balconies, ladders, etc., when not done or furnished in compliance with the foregoing provisions.

MISCELLANEOUS.

**454. Tank for water—permit.]** It shall be unlawful for any person to construct, have or permit to remain in any building in the city of Chicago any tank for water, of a larger capacity than four hundred gallons, unless the said tank shall rest upon a foundation of solid brick or stone masonry, or upon iron, or upon iron girders, which rest upon solid brick or stone masonry, or upon iron construction; Provided, no such tank shall be constructed without first obtaining a permit therefor from the commissioner of buildings. A fee of two dollars shall be paid for such permit.

**455. Buildings in parks.]** Buildings in public parks shall be subject to the provisions of this chapter.

**456. Fire limits.]** The fire limits of the city of Chicago shall be as defined by existing ordinances. No wall, structure, building or part thereof shall hereafter be built, constructed, altered or repaired within the fire limits of the city of Chicago except in conformity with the provisions of this chapter. No building already erected, or hereafter to be erected, within said fire limits, shall be raised, altered or built upon in such manner that, were said building wholly rebuilt or constructed after the passage of this ordinance, it would be in violation of any of its provisions.

**457. Dangerous and defective buildings.]** Whenever in the opinion of the commissioner of buildings it shall be necessary to tear down, alter, repair or rebuild any building, or any portion of any building, which is dangerous, defective or unsafe, or which has been built in violation of any of the provisions of this chapter, or of any ordinance regulating the construction of buildings hereafter to be passed, he shall cause such building or such portion thereof to be torn down, altered, repaired or rebuilt, or such work to be done thereon as he may deem necessary to render said building, or said portion thereof, safe, and the expense thereof shall be recoverable from the owner or owners of said building in an action of assumpsit, and such other process as may be necessary to insure the collection of said expense.

**458. Violation of ordinance—penalty.]** Any person, firm company or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists or opposes the execution of any of the provisions of this chapter shall be subject to a fine of not less than twenty-five dollars nor more than two hundred dollars; and

every such person, firm, company or corporation shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect or refusal shall continue, and shall be subject to the penalty imposed by this section for each and every such separate offense; and any builder or contractor who shall construct any building in violation of any of the provisions of this chapter, and any architect, designing or having charge of such building who shall permit it to be so constructed, shall be liable to the penalties provided and imposed by this section.

**459. Use of street—signal—passage way.]** Any person having the use of any portion of the street or sidewalk for the purpose of erecting or repairing any building, or for any other purpose, shall cause a red light to be placed in a conspicuous place in front of such obstruction from dark until sunrise each night during the time such obstruction remains. A sidewalk or passage way, at least four feet wide shall be kept in front of any new building, as far as it is practicable, making allowance for the proper handling of any materials to be used in or about such building.

**460. Inspection of premises.]** The commissioner of buildings, the fire marshal, and their respective assistants, shall have the right to enter any building of Class IV, or any part of such building, at any reasonable time, especially when occupied by the public, in order to properly judge of and discharge their respective duties; and it shall be unlawful for any person to refuse admission to such officers, or to throw obstacles in the way of such officers, while engaged in the performance of their duties.

**461. Violation of ordinance—closing premises.]** The commissioner of buildings or fire marshal shall have power to order any building of Class IV to be closed, where it is discovered there is any violation of the provisions of this chapter, until the same are complied with.

**462. Revocation of license.]** Upon report being made to the mayor by the commissioner of buildings, or by the fire marshal, that any provision of this chapter, in regard to buildings of Class IV, has been violated or not complied with in any such building, the mayor shall revoke the license of such theater, or place of public amusement, and cause the same to be closed.

**463. Signs on buildings.]** All signs placed on any building above the level of the third story of the same shall be made of incombustible material. Wooden signs shall not be more than two feet wide.

**464. Wood fence—height.]** No wooden fence shall be higher than eight feet above the sidewalk grade, or eight feet above the surface of the ground where no grade is established.

**465. Lumber—storage.]** No lumber shall be piled for the purpose of storing, seasoning or drying the same, within fifty feet of any planing mill or wood working manufactory, nor within one hundred

feet of any private residence, unless the same has been erected since the establishment of such yard.

**466. Petroleum, etc.—storage.]** Buildings designed for the storage of petroleum, or articles of like nature, shall not be located within one hundred feet of any other building, and shall be constructed as follows: Their walls shall be not less than sixteen inches thick nor more than sixteen feet high; their floors shall be made of fire proof paving or concrete, upon the ground, which shall be at least five feet below the street grade; their roofs shall be of metal, and they shall have fire walls eighteen inches high all around, and not less than twelve inches thick, with copings of incombustible material, subject to the approval of the fire marshal.

## CHAPTER XVIII.

### CHILDREN.

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#### ARTICLE I.

##### EMPLOYMENT OF CHILDREN.

**467. Children under fourteen--prohibited employment.]** No child under fourteen years of age shall be employed, or allowed to work, by any person, company, firm or corporation at labor or service in any shop, factory, store, place of manufacture, business or amusement, except as hereinafter provided.

**468. Exemption from ordinance--permit--revocation.]** The board of education of the city of Chicago may grant a permit exempting any child over ten years from the operation of this ordinance as to such employment, and to such extent and for such time, and on such terms as shall be named in said permit, on its being shown to said board that it would be proper on account of the lack of means of support of the family, of which such child is a member, that said permit should be granted. Said permit may be revoked when said board of education shall so determine; notice having first been given to such child, and the person having control of and employing such child. The permit must state the age, place of residence and the amount of school attendance prior to the granting of such permit. No charge or fee shall be required for such permit or any matter or service pertaining thereto.

**469. Employment of exempted children.]** No child shall be so employed, or work, who does not present a permit, and every person, before employing or permitting such child to so labor or be at service, shall require and retain said permit and shall safely keep the same, together with a correct list of all children so employed in the place of employment, and shall show such list and permits on demand to any school officer or teacher or police officer.

**470. Violation of ordinance.]** Any person, company or corporation who employs, or permits to be employed or to work, any child in violation of this article, and any person having control of any such child, who permits such employment or work, shall, for every offense, be fined in a sum not less than five dollars, nor more than fifty dollars.

**471. Evasion of ordinance.]** Any person having control of or in his employ a child who, with intent to evade the provisions of

this article, shall make a false statement concerning the age of such child, or the time such child has attended school, or shall instruct such child to make any false statement, shall, for such offense, be fined a sum of not less than five dollars nor more than fifty dollars.

## ARTICLE II.

### CRUELTY TO CHILDREN.

**472. Exhibition of children.]** No person or persons having the care, custody or control of any child under the age of fourteen years, who have the right and power to prevent the same, shall knowingly cause or permit said child to be exhibited, used or employed, or shall apprentice or let out, or otherwise dispose of any such child to any person or corporation for the vocation, occupation, service or purpose of singing or playing on musical instruments, in any saloon or saloons, or on the streets or alleys, or of rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or in or about any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure or encourage any such child to engage therein.

**473. Life or health endangered.]** No person shall take, receive, hire, employ, use, exhibit or have in custody any child under the age of fourteen years for the purpose of employing said child in the manner expressly prohibited in the provisions of this article, and no person having the care or custody of any child shall wilfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

**474. Penalty.]** Any person who violates, neglects or refuses to comply with any of the provisions of this article, or is guilty of cruelty to any child in any of the ways mentioned herein, viz:

1. By cruelly beating, torturing, overworking, mutilating or causing or knowingly allowing the same to be done.

2. By unnecessarily failing to provide any child in his or her charge or custody with proper food, drink, shelter or raiment.

3. By abandoning any child; or who shall wilfully or unnecessarily expose to the inclemency of the weather, or shall wilfully or unnecessarily in any manner injure in health or limb any child or apprentice under the age of fourteen years shall for each offense be fined not less than five dollars nor more than one hundred dollars.

## CHAPTER XIX.

### COACHES, CABS, AND CARTS.

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#### ARTICLE I.

##### INSPECTORS OF PASSENGER VEHICLES.

**475. Inspectors of passenger vehicles—appointment.]** There shall be designated by the mayor three persons from the regularly constituted police force of the city of Chicago, with the rank of sergeants, who shall constitute a board, and be known as inspectors of passenger vehicles. Said inspectors shall have headquarters or a place for the transaction of business and keeping of the records hereinafter required, in the city hall, and such office shall be open not less than four hours of each and every day, except Sundays.

**476. Driver's license—terms of issue—bond.]** No person shall receive a license to drive a cab, carriage or other vehicle for the carriage of passengers for hire, until he shall have complied with the following conditions: Every applicant for such license shall present an application in writing, endorsed by not less than two responsible citizens, who shall certify that he is a man of good habits, honest, sober and industrious, and is a fit person to drive a passenger vehicle. Said applicant shall also give a bond in the sum of one hundred dollars, conditioned substantially as follows: "Now, if the said A. B. shall well and faithfully perform his duties as driver of a passenger vehicle for hire, and faithfully obey and observe all of the ordinances of the city and the rules and regulations of the inspectors of passenger vehicles, and shall not be guilty of charging in any case more than the rates established by ordinance, then this obligation shall be null and void, otherwise to remain in full force and effect." Said bond shall be payable to the city of Chicago for the use of any person who shall be damaged or aggrieved by any failure of such driver to observe and obey the ordinances and regulations above referred to, and shall be signed by not less than two sureties. Said bond shall be taken and approved by the city clerk. Such license shall be transferable from person to person and vehicle to vehicle upon a new bond being given by the assignee of the same, as above provided.

**477. Inspectors' duties.]** It shall be the duty of said inspectors, as often as once in every three months, to carefully examine the condition of every vehicle licensed to carry passengers for hire within the limits of the city of Chicago, and note such inspection and



the date thereof in a record kept for that purpose, with remarks upon the vehicle so inspected, and if such vehicle is found to be strong and in good condition and such as to not endanger the safety of persons transported therein; they shall issue a certificate to the owner of such vehicle, stating such inspection, and no license shall be issued except upon such certificate of inspection being presented. It shall, also, be the duty of said inspectors, by one or more of their number, to make a daily inspection of every cab and carriage stand within the city, at which time they shall take note of the condition of such vehicles, horses and drivers. They shall see that the vehicles are kept clean and in good repair, and that the horses are proper and safe animals to be driven to such vehicles, and when such vehicles or horses are not in proper condition the certificate of inspection shall be revoked, and also the owner's license, until such vehicle has been brought up to the standard established by said inspectors; and they shall also see that no driver becomes intoxicated, or treats passengers insolently or improperly, and that no overcharges are made for the transportation of passengers. It shall be the duty of said inspectors, when and wherever they find a violation of any part or portion of this chapter to order the driver of such vehicle to remove the same from the streets, and not to use the same again until authorized by said board of inspectors. In the event the driver of any such vehicle, last above mentioned, refuses or fails to remove such vehicle from the streets, any one or more of said inspectors shall immediately arrest, or cause the immediate arrest, of such driver. It shall be the duty of at least one of such inspectors to continue such inspection of cab and carriage stands during each entire night, and said inspectors shall alternate in performing such night duty.

**478. License—suspension and cancellation—registry.]** All licenses issued, as above provided, to the owners or drivers of such vehicles shall be issued by the mayor, on the recommendation of said inspectors. Upon an application being received, said board of inspectors shall, before issuing a recommendation, make careful and diligent inquiry as to the character and record of the applicant for honesty, sobriety and capability, and if they shall find that said applicant is lacking in any of such respects, such license shall be refused, and if said inspectors shall find any driver intoxicated while in charge of a vehicle, his vehicle shall be taken from him and the passenger or passengers shall be driven by the inspector to his or their destination, after which the vehicle shall be driven to a stable. For such first offense the license of the driver shall be suspended for not less than ten days; for the second offense his license shall be suspended at the direction of the inspectors from thirty to sixty days; and for the third offense his license shall be cancelled and not renewed, and the same penalty shall be imposed where any driver shall demand or charge a higher rate for carriage of passengers than that provided by ordinance. Said inspectors shall keep at their office a well bound vol-

time or volumes of records, in which shall be noted the name of each applicant for a license, the names of persons endorsing such application, the finding of inspectors in regard to such applicant's honesty, sobriety, etc., the date of his bond, together with the names of his sureties, and also carefully note every offense of which any driver may be guilty and all suspensions and such other items of interest as shall be required to make a complete record in relation to the conduct and qualification of drivers. In case any driver shall be found to be particularly neat and careful in keeping his vehicle, and shall be intelligent, polite and accommodating, such inspectors shall likewise note such facts in such record, and such record shall contain an alphabetical index of all licensed drivers.

**479. Rates of fare.]** The rates of fare to be demanded or charged for the conveyance of passengers shall be the regular rates provided by the ordinances of the city of Chicago.

**480. Refusal to pay fare.]** Any person who shall employ any public vehicle, and upon discharging the same after use, shall neglect or refuse to pay for services received according to the rates established by the ordinances of the city shall be deemed guilty of disorderly conduct and shall, upon conviction of such offense, be fined not less than five dollars nor more than fifty dollars.

**481. Driver's violation of ordinance.]** Any driver, or owner, of any such passenger vehicle, who shall violate any of the provisions of this article, shall be deemed guilty of disorderly conduct and shall, upon conviction therefor, be fined not less than five dollars nor more than one hundred dollars.

## ARTICLE II.

### COACHES, CABS AND PASSENGER VEHICLES.

**482. License.]** No person or persons shall hire out, keep or use for hire, or cause to be kept or used for hire, for the carrying or conveying of persons within the city of Chicago, any hackney coach, cab, coach, omnibus, or other vehicle or vehicles, carriage or carriages of any description or name whatever, without first having taken out a license therefor in the manner provided in Article I of this chapter, and also after having complied in all respects with the provisions contained in said article.

**483. Name and number on vehicle.]** Every person so licensed shall forthwith cause the name of the owner and the number of his license to be plainly painted in letters at least one and a half inches in length, in a conspicuous place on the outside of each side of the vehicle, and shall keep the same plain and distinct at all times when used, during the continuance of such license; but upon the expiration of such license (unless renewed) such person shall immediately cause the said name and number to be erased from said vehicle, and shall not allow said vehicle to be used with said name or number thereon.

**484. Lamps with number—door.]** Every hackney coach, cab, livery carriage or other vehicle for the conveyance of persons (except omnibuses running upon established lines), when driven or used for hire, or waiting or standing for use, on any public street or place in the night time, shall have fixed upon some conspicuous part of the outside thereof, a lighted lamp with plain glass front and sides, with the number of the license painted with black paint on the sides and front of each of said lamps, in distinct and legible figures, at least one and a half inches in length, and so placed that said number and lamps may be distinctly seen from the inside and outside of such vehicle. And every hackney coach, cab, carriage or other vehicle for the conveyance of passengers, which has a door or doors to the same, shall have a knob or handle upon the inside of such door or doors, by which said door or doors may be easily opened from the inside of such vehicle.

**485. Driver's license—duty of owner.]** No person except a licensed owner shall hereafter drive any licensed hackney, coach, cab or other vehicle for the conveyance of passengers for hire or reward, without first obtaining a license as such driver, and no such driver shall drive any other carriage or vehicle than the one for which he shall be licensed; nor shall the owner or owners permit any person, except a licensed driver or owner, to drive any licensed carriage or vehicle owned or used by him or them; nor shall any such owner permit any licensed driver to drive any other carriage or vehicle than the one for which he shall be licensed. No coach, cab or other vehicle for the conveyance of persons shall have more than one driver.

**486. Transfer of license.]** If the owner of any hackney coach, carriage, cab or other vehicle, who may have received a license as aforesaid, shall sell or dispose of such coach, carriage, cab or other vehicle before the expiration of such license, such licensed owner shall, within five days of the date of such sale or disposal, report the same to the mayor, and the mayor may transfer such license on the payment of one dollar; and every such owner of a hackney coach, cab or other vehicle, who shall neglect to report such sale or disposal as aforesaid, shall be liable to a fine of five dollars.

**487. Penalty for no license.]** Any person who shall keep or drive any hackney coach, cab or other vehicle for the conveyance of persons from place to place within the city of Chicago for hire or reward, without being licensed as aforesaid, shall be liable to a fine of not less than ten dollars nor more than fifty dollars for each and every such offense.

**488. License fees.]** There shall be charged and paid to the city collector, for the use of the city, on issuing the said licenses, by the parties to whom they may be granted, the following sums:

1. For all omnibuses and accommodation coaches running in connection with hotels shall be charged for license, each, the sum of five dollars per annum.

2. For all omnibuses and accommodation coaches running upon

established lines and at stated periods from place to place, within the city, shall be charged for license, each, the sum of five dollars per annum.

3. For all hackney coaches and carriages drawn by two horses or other animals, and occupying any public stand, or that shall run for the conveyance of passengers, for hire or reward, within the city, shall be charged for license, each, the sum of five dollars per annum.

4. For all cabs or other vehicles drawn by one horse or other animal, and occupying any public stand, or that shall run for the conveyance of passengers for hire or reward, within the city; and all carriages, cabs or other vehicles kept or used for hire by any keeper or keepers of livery stables for the carrying or conveying of persons within the city of Chicago, shall be charged for license, each, such carriage, cab or other vehicle, the sum of two dollars and fifty cents per annum.

**489. Rates of fare—two horses.]** The rates of fare to be asked or demanded by owners or drivers of all two-horse vehicles for the conveyance of passengers for hire shall be as follows:

1. For one or two passengers not exceeding one mile, one dollar.
2. For one or two passengers for the second or subsequent mile or fraction thereof, fifty cents.
3. For each additional passenger of the same family or party, fifty cents.
4. For conveying children between five and fourteen years of age, accompanied by adult, half of the above price may be charged for like distance, but for children under five years of age no charge shall be made.

5. For the use of any hackney coach or other vehicle drawn by two horses or other animals, with one or more passengers, six dollars per day.

6. For the use of any such hackney coach or other vehicle, drawn by two horses or other animals, with the privilege of going from place to place and stopping at often as may be required, as follows: For the first hour, two dollars; for each additional hour or fraction thereof, at the rate of one dollar an hour.

**490. Rates of fare—one horse.]** The prices or rates of fare to be asked or demanded by the owners or drivers of cabs or other vehicles drawn by one horse or other animal for the conveyance of passengers for hire shall not be more than as follows: Fifty cents a mile or fraction thereof for one or two passengers, and twenty-five cents for each additional passenger for the first mile or fraction thereof. For the second and subsequent miles or fraction thereof, for one or more passengers, twenty-five cents.

When passengers wish to hire such vehicle by the hour, the charge shall not exceed seventy-five cents per hour and twenty cents for each quarter hour additional after the first hour.

All such vehicles shall be under the direction of the passenger from

the time he or she calls said vehicle until the same is discharged, and shall be paid for accordingly. In the case of a vehicle being engaged by the hour and discharged at a distance from its stand, the owner or driver shall have the right to charge for the time necessary to return to such stand.

For services outside of the city limits and in the parks, not over one dollar per hour and twenty-five cents for each quarter hour after the first hour shall be charged.

**491. Baggage.]** Every passenger shall be allowed to have conveyed upon such vehicle, without charge, his ordinary traveling baggage, not exceeding in any case one trunk and twenty-five pounds of other baggage. For every additional package, where the whole weight of baggage is over one hundred pounds, if conveyed to any place within the city limits, the owner or driver shall be permitted to charge fifteen cents.

**492. Lost baggage.]** Whenever any package or article of baggage, or goods of any kind, shall be left in or on any hackney or other coach, cab, omnibus, carriage, dray, cart, wagon, or other licensed vehicle for the conveyance of passengers, goods or baggage; or when any such package or article shall be left in the custody of the driver of any such vehicle, such driver shall, upon discovery of such package or article, forthwith deliver the same at the central police station of said city, into the hands of the inspectors of passenger vehicles, unless such package or article shall be sooner delivered to the owner thereof, or the order of such owner. Any neglect or refusal on the part of the driver of any vehicle, as aforesaid, to comply with the provisions hereof, and any violation of any clause or provision of this section, shall subject such driver to the penalty of not less than ten dollars for each offense.

**493. Posting rates in vehicle.]** There shall be fixed in every hackney coach, cab, or other vehicle for the conveyance of passengers for hire, in such manner as can be conveniently read by any person riding in the same, a card containing the name of the owner of said vehicle, the number of his license, and the whole of sections 489, 490, 491 and 492 of this article, printed in plain legible characters, under the penalty of not less than ten dollars nor more than fifty dollars for each and every violation thereof, and revocation of license.

**494. Fare disputed.]** All disputes as to prices or distance shall be settled by the superintendent of police or other member of the police force.

**495. Pay for detention.]** In all cases when the hiring of a hackney coach, cab or other vehicle for the conveyance of passengers is not at the time thereof specified to be by the hour, it shall be deemed to be by the mile; and for any detention exceeding fifteen minutes, when so working by the mile, the owner or driver may demand at the rate of one dollar per hour.

**496. Number not posted.]** The owner or driver of any hackney coach, cab or other vehicle for the conveyance of passengers shall not

demand or be entitled to receive any pay for the conveyance of any passenger, unless the number of the carriage and rates of prices be conspicuously fixed in and on said vehicle, as herein provided by sections 489 and 490 of this article, under penalty of five dollars.

**497. Fare collected in advance.]** Every licensed owner or driver of any hackney coach or cab shall have the right to demand his fare of the person or persons employing him on entering his coach or cab, and may refuse to convey any person who will not comply with said demand.

**498. Stands established.]** Any duly licensed hackney coach, cab or other vehicle for the conveyance of passengers, may stand, while waiting for employment, at any of the following places, and for the period of time hereinafter provided:

Stand No. 1. The north side of Washington street, between Clark and La Salle streets.

Stand No. 2. That portion of the west side of Clark street beginning fifty feet from the southwest corner of Randolph and Clark streets, and running thence to Washington street.

Stand No. 3. The south side of Randolph street, between La Salle and Clark streets.

Stand No. 4. The east side of Canal street, occupying one hundred and ten feet between Adams and Madison streets, as the superintendent of police shall direct.

Stand No. 5. At all theaters and other places of public amusement fifteen minutes before the conclusion of the performance.

Stand No. 6. At all railroad depots ten minutes previous to the arrival of all passenger trains.

Stand No. 7. On such street corners from ten p. m. until sunrise, as the superintendent of police shall designate.

Stand No. 8. The east side of Clark street, between Adams and Jackson streets.

Stand No. 9. The west side of Dearborn street, between Adams and Jackson streets.

Stand No. 10. At such other places where the occupants of the premises in front of which it is desired to stand for employment, shall give permission, in writing, to the owner or driver so to do; and it shall be approved, in writing, by the superintendent of police: Provided, it shall not be lawful to stand while waiting for employment at any place within three hundred feet of stands 1, 2, 3, 4, 8, and 9, as described in this chapter: Provided, it shall not be lawful to stand for employment in front of an hotel where a stand has been established on the opposite side of the street from such hotel.

**499. Penalty.]** Any person violating any of the provisions of the foregoing section, or refusing to comply therewith, shall be fined not less than five dollars and not more than twenty-five dollars.

**500. New stands designated.]** The mayor, with the advice and consent of the aldermen of each ward, may, from time to time, designate additional places in each ward as he may deem proper, at which hack-

ney coaches, cabs and other vehicles for the conveyance of passengers, may stand while waiting for employment: Provided, however, no two stands shall be established opposite to each other on the same street.

**501. Loitering off stands.]** The owner or driver of any hackney coach, cab or other vehicle for the conveyance of passengers, which shall stand waiting for employment at any other place than as herein provided, shall be subject to a fine of not less than five dollars nor more than twenty dollars for each and every offense.

**502. Duty to convey.]** No owner or driver of any hackney coach, cab, coach, or other carriage or vehicle licensed as aforesaid, shall refuse to convey in said city any person with or without baggage as aforesaid, when applied to for that purpose; or, having undertaken to convey such person, shall omit or neglect so to do, under the penalty of not more than ten dollars for each offense.

**503. Duty of police.]** It shall be the duty of the several officers and members of the police department to see that all the ordinances regulating hackney coaches, cabs, and all other vehicles for the conveyance of persons for hire, are strictly complied with, and any policeman shall have power and authority to order away from the stands and from all other places, any hackney coach, carriage or cab not provided with a number or with lamps fixed up, lighted and numbered, as hereinbefore required, or not furnished with proper and suitable harness or horses, or whenever the same shall be improperly obstructing the way or street, or whenever the horses attached thereto are unruly, or whenever the driver or person having charge of any such hackney coach, carriage or cab is intoxicated, or in any manner misbehaves himself. If any person having charge of such hackney coach, carriage or cab, shall refuse or neglect to obey any such order, he or they shall forfeit and pay for every such offense the sum of five dollars, to be recovered from the owner or driver of such hackney coach, carriage or cab, severally and respectively.

**504. Stands regulated.]** The superintendent of police, under the direction of the mayor or other person designated by him, shall determine the number of coaches and carriages for any particular stand, and also the proper boundaries and limits of every stand.

**505. Sleighs.]** All the provisions and penalties of this article, except those requiring lamps, shall apply to sleighs which shall come upon or use the public stand or other places in this article designated for them, and to the owners and drivers thereof, to be used or driver for the conveyance of passengers for hire in this city; and said owners or drivers of hackney coaches and cabs are hereby permitted to use sleighs, when feasible, in place of such coaches and cabs.

**506. Driver to give number, etc.]** Every owner or driver, or person having charge of any hackney coach or cab, shall, upon being requested so to do, give to any person or persons the number of his coach or cab, the names of the owner and driver thereof, and their place of abode and stable.

## ARTICLE III.

## EXPRESS WAGONS, CARTS, TRUCKS, DRAYS, ETC.

**507. Public cart, defined.]** Every cart, truck, wagon, dray, or other vehicle drawn by one or more horses or other animals, which shall be kept, used, driven or employed for the transportation or conveyance of goods, wares, merchandise, or other articles, from place to place, within the city of Chicago, for hire, wages, or pay for such transportation, shall be deemed a "public cart" within the meaning of this article, and every person who shall set up, or so keep, use or employ any such public cart, without first obtaining license therefor from the mayor of said city as is hereinafter provided, shall be deemed guilty of a violation of this article.

**508. License.]** The mayor shall, from time to time, license and appoint so many and such persons, companies, or corporations as he may think proper to set up and keep public carts in said city, and he may revoke or suspend any or all such licenses at his pleasure. All persons licensed as aforesaid to keep public carts, shall be deemed to be public cartmen within the meaning of this article; but it shall not be lawful for any person to receive or hold a license to keep public carts or to be a public cartman, unless he be a resident of the state of Illinois, and is the actual owner of the cart or carts so licensed to be kept as public carts; and the mayor may examine, under oath, all persons applying for or holding any such license, touching their qualifications as aforesaid; and all licenses other than to persons so qualified shall be void.

**509. License fees.]** The city collector shall require and receive for the use of the city from every person to whom the mayor may grant a license:

1. For all baggage, express and furniture wagons and vehicles drawn by two or more horses or other animals, shall be charged for license, each, the sum of five dollars per annum.

2. For all baggage, express and furniture wagons and vehicles drawn by one horse or other animal, shall be charged for license, each, the sum of two dollars and fifty cents per annum.

3. For all drays, carts, wagons and other vehicles running within said city for hire or reward, and not otherwise expressly provided for, shall be charged for license, each, the sum of two dollars and fifty cents per annum.

4. For all wagons and other vehicles drawn by four or more horses or other animals, for the conveyance of any heavy article or thing for hire from place to place in said city, shall be charged for license, each, the sum of five dollars per annum: Provided, that nothing herein contained shall include omnibuses and baggage wagons running to and from hotels free of charge.

**510. Licenses—expiration.]** All licenses to persons to keep public carts and be public cartmen, shall expire on the last day of



April next after the date thereof, unless sooner revoked, as provided in this article.

**511. Public cart—liability.]** No public cart shall be used within said city except it be duly licensed, and the person to whom license is granted to keep and use a public cart shall, for all the purposes of this article, be considered the owner thereof, and responsible for all articles intrusted to, and for the conduct of the driver thereof, and liable equally with the driver thereof to all forfeitures, penalties and punishments herein contained or provided. No person under the age of sixteen years shall be permitted to act as driver of any licensed vehicle.

**512. Stands.]** A space forty feet wide in the middle of Market street, extending from the south line of Randolph street to the north line of Washington street, and from the south line of Washington street to the north line of Madison street, is set apart as a public stand for truck wagons and teams.

**513. Stands assigned.]** The superintendent of police may assign to the owner of each duly licensed public cart, a stand, where such cart may remain waiting to be employed, and also a stand where it may remain at other times: Provided, that no such stand shall be assigned for a cart to remain at such other times in front of the premises of any person other than the owner of such cart, against the wishes of the owner or agent thereof: and provided, further, that carts shall not be permitted to so stand two abreast in any of the streets; and every public cartman who shall permit his cart to stand loaded, or waiting for employment, or to remain at other times at any place other than the one so assigned for such carts, shall be deemed guilty of a violation of this article.

**514. Police control.]** The superintendent of police and the several officers and members of the police department shall have power and authority to order the driver or other person having charge of any public cart or any other vehicle, to remove such cart or other vehicle away from any place in any of the streets, which in his or their opinion, may be improperly incumbering such street, or obstructing or impeding the public travel, and any and every person neglecting or refusing to comply with or obey any such order, shall be deemed guilty of a violation of this article.

**515. Duty of driver.]** It shall be [the duty [of every person driving or having charge of a public cart, to give to any person requesting it, his name and place of residence, the number of the cart he is driving or in charge of, and the name and place of residence of the owner thereof; and the refusal to do so shall be deemed a violation of this article.

**516. Accident—duty of driver.]** If any accident or injury shall happen to any person or any carriage, vehicle or other thing by reason of coming in contact with any public cart or other cart or vehicle, or the horse or horses attached thereto, or anything

loaded thereon while the person is moving, it shall be the duty of the person driving or having charge of the same to immediately stop, and if necessary, render his assistance, and to give his name and residence, and to give the number of the cart or other vehicle he was driving, and the name and residence of the owner thereof, under penalty of not less than five nor more than one hundred dollars, to be recovered from the driver or owner of any such cart or other vehicle.

**517. Not to obstruct travel.]** It shall not be lawful for any public cartman, or for any person driving or having charge of any public cart, or any other cart, wagon or other vehicle, to drive or back any such public cart or any other vehicle onto the sidewalk of any of the streets of said city, or to stop any such cart or any other vehicle on any of the crosswalks or intersections of streets, so as to obstruct or hinder the travel along such crosswalks or intersections of streets, or to place any such carts or other vehicles crosswise of any street of said city except to load thereon or unload therefrom; but in no case shall it be lawful for any person to permit such cart or other vehicle to remain so crosswise of any street for a longer period than may be actually necessary for such purpose.

**518. License revoked.]** It shall not be lawful for any person who has been licensed to keep public carts, or to be a public cartman, and whose license has been suspended or revoked by the mayor, to keep, drive or use any public cart in the city of Chicago, under the penalty of not more than twenty-five dollars for every such offense.

**519. Tariff of rates.]** The price or rates to be charged by the owner or driver of any public cart or other vehicle for the carrying of goods, wares and merchandise, and for the loading and unloading of the same, shall be as follows:

1. For loads not exceeding 500 pounds weight, one mile. . . . \$0.50  
When the distance exceeds one mile, 25 cents for each and every mile.
2. Over 500 pounds, 50 cents for every additional 500 pounds or fraction thereof.
3. Household furniture, per load of one-horse truck, within two miles. . . . . 1.00  
When the distance exceeds two miles, an extra 25 cents for each and every additional mile.
4. For a double truck load, within two miles. . . . . 3.00  
When the distance exceeds two miles, \$1 extra for every additional mile.

**520. Driver's lien on goods.]** Every public cartman shall be entitled to be paid the legal rate or compensation allowed and provided in this article immediately upon the carting or transportation of any article or thing, and it may be lawful for any such public cartman to retain any article or thing so carted or transported by him for which he is not so paid his cartage, and to convey the same without delay to the office of the superintendent of police, and he shall be entitled to the lawful rate of pay or compensation for so con-

veying. All disputes or disagreements as to distance or rates of compensation, between public cartmen or public porters and persons employing them or owing for cartage or transportation, shall be determined by the superintendent of police or any member of the police force.

**521. License number displayed.]** All public cartmen upon taking out a license, shall obtain from the city clerk two painted metal plates eight inches long and four inches wide, on which shall be stamped the number corresponding to the license, and also the words "Chicago express," together with the year for which the license is issued, which plates the said licensed cartman shall cause to be securely fastened on the outside of each side of the box of his cart, so licensed, or in a conspicuous place, so that the same can be easily seen. The said licensed cartman shall also at the same time obtain from the city clerk a metal badge one and three-fourths inches long and one and one-eighth inches wide, having a number thereon corresponding to the number on the aforesaid plates; said badge shall be provided with a pin or other fastening, and shall be worn by such licensed cartman in a conspicuous place on the outside of the coat, so that it may not be hidden either by accident or design. Upon the expiration of the licenses the city clerk shall prepare new plates, similar in design, but of a different color, and with the proper year stamped thereon, and shall also prepare new badges for all applicants for license as cartmen. The driving or using of a public cart without the above described plates attached thereto in plain sight, and without the driver thereof having such badge, shall be deemed a violation of this article.

Note: See section 16 concerning free badges and plates.

**522. License not renewed.]** Every person licensed as aforesaid to keep a public cart, upon failing to renew the license for, or disposing of or parting with the same, shall deface, remove, and obliterate the license number therefrom, and failing or neglecting to do so shall be deemed to be a violation of this article.

**523. Licensee's residence.]** Every such person upon receiving his license shall report his residence to the city clerk, and upon changing his residence shall in like manner report his new residence, and the failing or neglecting so to do shall be deemed a violation of this article.

**524. Fictitious numbers.]** It shall not be lawful for any person to keep, use, drive or employ any cart or other vehicle with numbers or figures thereon similar to or resembling the numbers on public carts, or for any person licensed to keep public carts to place or have any number for which he may have received license on more than one cart, or to use more carts as public carts than he may have license for.

**525. Conveyance of spars.]** It shall not be lawful for any public cartman or any other person to cart or transport through any of the streets of said city, any planks, poles, spars, timber or other thing ex-

ceeding thirty feet in length, except on a suitable truck or other vehicle, and such plank or other thing shall be placed lengthwise thereon, so as not to project at either end beyond the line of the side or width of such truck or other vehicle; and all persons carting or transporting any poles, planks, timber, spars or other thing in any other manner shall be deemed guilty of a violation of this article.

**526. Refusal to convey.]** No person driving any licensed public cart shall refuse to convey within said city the baggage, goods or merchandise of any person, when applied to for that purpose, or having undertaken to convey such baggage, goods or merchandise, or other thing, shall omit or neglect to do so, or shall state to, ask, take, or extort from any person desiring to have, or having had, conveyed to any place in said city such baggage, goods, merchandise, or other thing, as the price or rate of fare for such conveyance, any greater price or rate of fare than that herein established, under the penalty of five dollars for every offense.

**527. Penalty.]** Any person who shall violate any clause or provision of any section of this article, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, excepting as is herein otherwise provided, pay a fine of not less than five dollars nor more than one hundred dollars and shall forfeit his license.

#### ARTICLE IV.

##### MISCELLANEOUS PROVISIONS.

**528. Lamps on omnibus.]** All omnibuses running within the city, and required to be licensed, shall, when running in the night time, have fixed in some conspicuous place in front thereof, so as to be distinctly seen from the inside and outside, a lighted lamp, with the number of license distinctly painted thereon in figures of one inch and a half in length.

**529. Contents of licenses.]** All licenses granted under this chapter shall designate the coach, cab, omnibus or vehicle by their number or name, and the owner or owners, driver or drivers, shall be severally liable for each and every violation of this chapter by such owner or owners, or their driver or drivers.

**530. Badge for driver.]** Every person so licensed (except drivers of omnibuses on established lines running at regular hours, on regular routes, in cases where the name or names of the owners of such line of omnibuses, together with the number of the vehicle, shall be legibly painted on the outside upon the door of such omnibus) shall, while acting as driver of such vehicle, wear conspicuously a metal badge, to be obtained from the city clerk, one and three-fourths inches long and one and one-eighth inches wide, designating the kind of vehicle which he is licensed to drive, and having a number thereon corresponding to the number on the license. Said badge shall be provided with a pin or other fastening and shall be

worn in a conspicuous place on the outside of the coat, and of a different design for each year.

Note: See section 16, concerning free badges and plates.

**531. Standing in other places.]** The owner or driver of any hackney coach, omnibus, cab or other carriage for the conveyance of passengers, or of any public cart or other carriage for the conveyance of baggage, luggage, or other merchandise, who shall make any stand or stopping place for his vehicle, while waiting for employment, at any place on any street or public grounds adjacent to any railroad or railway depot, or steamboat landing or wharf, other than the place or places designated by the person having charge of such depot, or by the superintendent of police, shall be subject to the penalty of not less than five dollars nor exceeding one hundred dollars for each and every offense.

**532. Limit stopping places.]** Nor shall any such owner or driver make such stand or stopping place, either within or without the limits designated in this chapter, within the distance of twenty feet of any street crossing, under the penalty of five dollars for each and every offense.

**533. Right to occupy stands.]** All owners or drivers of hacks, hackney coaches, omnibuses, cabs, public carts, or other carriages for the conveyance of passengers, baggage, luggage, or merchandise, taking their stands with their vehicles at such places designated by the persons having charge of depots, as provided in section 531 of this chapter, shall have the right to stand on any vacant place within the limits of the places designated, and no preference shall be shown between different vehicles of the same class as to the choice of position within such limits; but different places may be designated for omnibuses, for other carriages for passengers, and for drays and baggage wagons, so as to keep each class of vehicles together.

**534. Railroad depots.]** When at or near any railroad passenger depot in the city of Chicago, a place has been or shall be designated as a licensed carriage stand, it shall be lawful for the drivers of the first double and first single vehicle in line to stand in front of such railroad passenger depot and solicit business; Provided, such drivers shall not in so soliciting business obstruct the sidewalk nor stand thereon at a greater distance than two feet from the curb line.

**535. Worthless tickets, etc.]** It shall be unlawful for any licensed owner or driver of any coach, cab, public cart or other vehicle, to convey any person, without his request, to any place or house of ill fame, or deceive any person in relation to any railroad or other ticket or voucher for conveyance, which is worthless, or make any false representation or statement in regard to any voucher or ticket for conveyance that may be shown to him, under a penalty of not less than ten dollars nor more than twenty dollars for each and every offense.

**536. Refusal to give name.]** No licensed owner or driver

herein mentioned shall refuse to give his name on request of any person, or impose upon or deceive any person in any manner or form, or strike, threaten, insult, or otherwise abuse or ill-treat any passenger or patron under any pretense whatever, under the penalty of not less than ten dollars nor more than twenty dollars for each and every offense.

**537. Penalty for misinforming.]** No owner or driver of any licensed hackney coach, cab, public cart or other vehicle, shall induce anybody to employ him, by either knowingly, wantonly or ignorantly misinforming or misleading such person, either as to the time or place of the arrival or departure of any railroad car, steamboat, canal boat, or other public conveyance whatever, or the location of any railroad depot, office, station, or any railroad ticket office, or the location of any hotel, stage office, public place or private residence within the said city, under the penalty of not more than ten dollars for each and every offense.

**538. False representations.]** It shall be unlawful for any such licensed owner or driver to induce any person to ride in or employ his vehicle, by falsely representing his vehicle to such person as running for or being in the employment of a public house, canal or steamboat line, railroad or stage company, with a view to exact, solicit or obtain fare or anything of value from such person, or having so induced any person to ride in his vehicle, to exact, solicit or take fare or anything of value from such person, for conveying him to such public house, canal or steamboat landing, railroad depot, ticket office, stage company office, or other public place, under the penalty of not less than ten dollars nor more than twenty dollars for each and every offense.

**539. Rule of the road.]** All omnibuses driven upon, over or along any of the streets or avenues of the city shall at all times keep to the right hand side of the center of such street or avenue, and in no event shall any such omnibus be driven to the left hand side of the center of such street or avenue for the purpose of receiving any passenger or for any other purpose: Provided, that this section shall not be construed so as to prevent any omnibus from receiving passengers from a hotel on the left hand side of the street, for the purpose of conveying such passengers to a railroad depot or steamboat landing. Any driver or owner of any omnibus violating any of the provisions of this section shall be subjected to a fine of not less than ten dollars and not more than twenty-five dollars.

**540. Omnibus stands.]** The superintendent of police of the city of Chicago is authorized and empowered to designate stands for omnibus lines running in said city. Said superintendent may make all necessary rules and regulations for omnibuses and the drivers of the same at such stand or stands. Any person violating any of such orders, rules or regulations of said superintendent shall be subject to a penalty of not more than fifty dollars.

**541. Loud noise or disturbance.]** No person shall in or about any railroad passenger house in said city make any loud noise or disturbance, or be guilty of any lewd or indecent conduct or behavior to the annoyance or disturbance of citizens or travelers, under the penalty of not less than ten dollars, nor more than twenty dollars, for each and every offense.

**542. Driver not to act as runner.]** No driver, agent, servant, owner or owners, of any hackney coach, cab, carriage or other vehicle herein referred to, shall act as public porter or runner without a license for that purpose, or solicit passengers, except for such vehicle as he may be licensed for; and no driver of any hackney coach, cab, omnibus, wagon, public cart, carriage or other vehicle, shall engage in racing with another, or drive faster than a moderate trot while passing in, along or through any of the public streets in the city; and all such vehicles shall keep to the right when in motion and passing along any of such public streets.

**543. Driver to be with vehicle.]** It shall not be lawful for the driver or other person having charge of any hackney coach, cab, public cart, or any other vehicle mentioned in this chapter, to be off or away from any such hackney coach, cab, cart or any other vehicle while the same is moving or passing along any of the streets or avenues of said city; nor shall it be lawful for any driver of any vehicle herein mentioned to snap or flourish his whip, or to be away from his vehicle except under police regulations, or unless from necessity; nor to sit or stand about the doorsteps or platforms, or in front of any house, store or other building, to the annoyance of the occupants thereof.

**544. Penalty.]** Any person who shall violate any clause or provision of any section of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, excepting as is herein otherwise provided, pay a fine of not less than five dollars nor more than one hundred dollars, and shall forfeit his license.

## CHAPTER XX.

### COAL.

**545. Measure prescribed.]** In the sale of coal, the hundred weight shall consist of one hundred pounds avoirdupois, and twenty such hundred weight shall constitute a ton.

**546. Weigher's certificate.]** Any person or persons engaged in the business of selling coal in the city of Chicago, to be delivered in said city, shall deliver to the purchaser at the time of the delivery of the coal purchased, a certificate, signed by a city weigher, showing the weight of the coal so delivered, and the weight of the wagon or cart.

**547. Penalty.]** Any person violating any of the provisions of this chapter, or who shall deliver to any purchaser a less quantity than two thousand pounds of coal for each ton purchased (or a proportionate amount for any part of a ton), or who shall practice any fraud or deceit in the sale or delivery of any coal purchased, to be delivered in said city as aforesaid, shall upon conviction be fined in a sum not less than twenty dollars, nor more than fifty dollars, for each offense.



## CHAPTER XXI.

### DOGS.

**548. License—fee.]** Every owner of, or person who harbors or keeps, a dog within the limits of this city, shall report to the city collector annually, within thirty days after the first day of May in each year, his or her name and address, and shall give the name, breed, color and sex of each and every dog owned or kept by such person, and shall pay to such officer the sum of two dollars for each and every dog, and cause such dog, or dogs, to be registered for license in the office of the city clerk, who shall furnish the owner or keeper of the same with a license tag.

**549. Collar-tag—registration.]** Every dog shall be provided by its owner, or keeper, with a leather or chain collar, to which a license tag shall be securely fastened, and every dog shall also be muzzled, if so ordered, as hereinafter provided. No dog shall be permitted to remain within the limits of the city of Chicago, unless the owner, or keeper, thereof, shall have caused such dog to be registered and licensed, and provided with such collar and tag, and be muzzled, if so ordered, and any owner, or keeper, of a dog failing to provide such collar, tag or muzzle, if required, shall be subject to a fine of five dollars for every such dog so unprovided, to which fine shall be added, if unlicensed, the amount of the license fee, and costs, if any, incurred.

**550. Book of registry.]** The city clerk shall keep a complete registry, in a book to be kept for that purpose, of all licensed dogs, describing same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of city license tag.

He shall provide, each and every year, such number of metallic tags as may be necessary (the shape to be changed each year), having stamped thereon the year for which the tax is paid, the letters C. D. T., and also the number of the tag, and it shall be the duty of the city clerk to deliver one of such metallic tags, numbered to correspond with the number of the registry of the dog, to the person having paid the tax upon any such dog.

The city clerk shall also send a duplicate of such registry to the pound-master, who shall record the same in a book to be kept by him for that purpose, and such records shall be open to public inspection.

**551. Proclamation to muzzle.]** Whenever the mayor of this city shall deem it necessary, he shall issue an order prohibiting for a certain time therein specified all dogs from running at large on any street, alley or other public place, in this city, unless such dogs be securely muzzled, so as to effectually prevent them from biting any

person or animal, or led by a line or chain, which order shall be published in a daily newspaper of general circulation in the city of Chicago.

**552. Impounding.]** It shall be the duty of the superintendent of police, his assistants, and of all policemen of the city of Chicago, to take up and impound in such suitable place, or places, as may be designated by the mayor (of which place, or places, notice shall be given by posting a card or notice in some conspicuous place in the office of the chief of police, and in the office of the city collector, and also by publication, of such place or places, in some daily newspaper of the city of Chicago of general circulation to be designated by the mayor), any dog found running at large in the city of Chicago, contrary to the provisions of any ordinance, or of any order issued by the mayor.

**553. Registry—notice to owner.]** The city pound master shall, immediately upon receiving any dog at the pound, make a complete registry of the same, entering the breed, color and sex, and whether licensed or not, if ascertained, and if licensed, he shall, if known, enter the name and address of the owner or keeper, and the number of the license tag, if any, and shall keep impounded licensed dogs separated from unlicensed dogs.

A list of all licensed dogs impounded, if any, shall be immediately sent to the city clerk, for entry, by the pound master, who shall also forthwith give notice, through the post-office, to the owners or keepers of such licensed dogs, of their being impounded.

**554. Redemption—fee.]** For every dog taken up and confined in the dog pound, as provided in this ordinance, for which no license tax has been paid, a redemption fee of three dollars, together with the amount of the tax, shall be paid to the city collector for the use of the city; and upon procuring the certificate of the city collector stating that said amount has been paid, and paying to the pound master for taking up such dog the further sum of fifty cents, and the cost of keeping such dog, not to exceed twenty-five cents per day, and cost of advertising, if any, as hereinafter provided, the owner or keeper thereof, within five days after the impounding, or any other person, after five days, shall be entitled to redeem such dog, and if such dog shall not be redeemed within five days after being taken up, such dog shall be destroyed by the pound keeper, except that at the expiration of the five days allowed for the redemption of impounded dogs, the pound master shall advertise immediately in a daily newspaper of general circulation in this city, all unredeemed licensed dogs, if known or identified as such, and if such dogs be not redeemed at the expiration of the fifth day after such advertising, they shall then be destroyed.

**555. Lost tag—affidavit.]** Any dog for which a license has been paid, which may be impounded for being at large without collar or tag, or without a muzzle, if required (if it shall be made to appear to the satisfaction of the city collector by the affidavit of the owner or keeper, or by other sufficient testimony, that a license for such dog was procured, and a collar put around its neck, with license tag

attached, as provided in this ordinance, or was muzzled, as required by any order of the mayor, but that such collar, tag or muzzle has been accidentally lost) may be redeemed upon the payment to the city collector, for the use of the city, of two dollars, and payment of the fees to the pound keeper, as herein provided; and the city collector may deliver to the person redeeming such dog, a duplicate license tag to correspond with the registry, for which duplicate tag twenty-five cents shall be paid.

**556. Fierce dogs—impounding—removing.]** Any dangerous, fierce or vicious dog running at large in the streets or public places of the city of Chicago, or upon private premises of any other person than the owner or keeper, and any dog which may in any manner disturb the quiet of any person or neighborhood, or may bite a person within the city of Chicago, when the person bitten was not at the time trespassing upon the property of the owner or keeper of such dog, is hereby declared to be a nuisance, and the said dog shall be taken up and impounded in the manner provided by the ordinances of the city of Chicago: Provided, however, that if any fierce, vicious or stray dog so found at large cannot safely be taken up and impounded, the said dog may be slain by any officer of the city of Chicago who may find the same at large, as provided in this section.

**557. Fierce dogs at large — penalty.]** If any fierce or dangerous dog shall be found at large in the streets of Chicago, or upon any public place, or upon the private premises of any other person than the owner or keeper of the dog, and shall there annoy or endanger any person thereon, the owner or keeper thereof shall forfeit and pay to the city of Chicago a sum of money not exceeding ten dollars, for the first offense on the part of said owner or keeper, in permitting such fierce or dangerous dog to be at large; and upon a second or further conviction, for the same offense, a sum not exceeding twenty-five dollars; and it may be part of the sentence, upon such second conviction, that such fierce and dangerous dog be immediately killed, and this sentence shall be forthwith executed by the chief of police, or any police officer, for which killing the owner or keeper shall pay the further sum of one dollar, which sum shall be included in said judgment.

**558. Trial — judgment — execution.]** Whenever complaint shall be made and filed with any justice of the peace or police magistrate, setting forth that any dog has in any manner disturbed the quiet of any person or neighborhood, or has bitten a person within the city of Chicago, and that the person so bitten was not at the time trespassing on the person or property of the owner or keeper of such dog, the justice of the peace or police magistrate shall issue a summons against said owner or keeper, which summons shall be served and made returnable at the same time and in the same manner as other summonses issued by justices of the peace.

At the time and place set for trial the justice of the peace or police magistrate shall proceed to hear and determine the matter, and if it shall appear that such dog has so disturbed any person or neighborhood, or that the person so bitten by such dog was not at the time trespassing upon the person or property of the owner or keeper of such dog, the justice of the peace or police magistrate shall order the owner to kill the same within twenty-four hours from the time of making such order, and continue the further hearing of the case.

In case the owner or keeper of such dog shall refuse or neglect to remove or kill such dog, in compliance with the order of the justice or police magistrate, such owner or keeper shall be liable to a fine of not less than five nor more than fifty dollars.

And it shall be the duty of any police officer to kill such dog whenever the same shall be found at large in said city of Chicago at any time after such owner or keeper has refused or neglected to comply with the order herein provided for.

**559. Six dogs.]** No person shall keep, or allow to be kept, upon the premises occupied or used by him within the city of Chicago, more than six dogs at any one time, and for any person or persons to keep or use any yard, pen, place or premises within the city of Chicago, in or upon which more than six dogs shall be found or kept at any one time, shall constitute, and is hereby declared to be a nuisance, and any person or persons creating or permitting such nuisance to exist, having the right or power to abate the same, shall be subject to a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, in every case, and to a like fine for every day he or they shall neglect to abate such nuisance, when notified by the commissioner of health to abate the same: Provided, however, that this section shall in no wise affect or apply to members of kennel clubs who are breeders of registered or imported dogs registered with kennel clubs incorporated under the laws of this state.

**560. Definition.]** The word "dog," whenever used in this chapter, shall be intended to mean a female as well as a male dog.

## CHAPTER XXII.

### DRAINS AND SEWERS.

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#### ARTICLE I.

##### DRAIN LAYERS.

**561. License required—qualifications.]** Any person desiring to do business, in connection with the sewerage system of the city of Chicago, as a drain layer, shall first obtain a license therefor from the department of public works and shall pay a fee of five dollars, which fee shall be paid to the cashier of the water office of said city, who shall account for the same as all other receipts which come into his hands belonging to the sewerage fund of the city. No person shall receive such license who shall not have attained the age of twenty-one years and have an established place of business within the limits of said city, and who shall not furnish the commissioner of public works with satisfactory evidence of his responsibility and mechanical skill to ply his trade, in accordance with the rules and regulations of the department of public works.

**562. License, petition—contents—bond.]** Every person desiring such license shall file with the commissioner of public works a petition, in writing, giving the name of the firm, if he shall be one of a firm, and each member thereof and place of business; said petition shall be accompanied by a bond signed by two or more sureties, to be approved by the commissioner of public works, in the sum of three thousand dollars, conditioned that he, or they, will indemnify and save harmless the city of Chicago from all accidents and damages caused by any negligence in either the execution or protection of his work or for any unfaithful or improper work done under and by virtue of his license, and will also conform to all the conditions and requirements of the city for the government of licensed drain layers.

**563. Connecting drains with sewers.]** The commissioner of public works shall prescribe the mode of connecting drains with the sewerage system and make rules and regulations defining the quality and kind of material to be used and the manner of laying or extending the same, and all fixtures connecting therewith.

**564. Inspection of work.]** All work done by licensed drain layers shall be subject to the inspection, supervision and approval of the commissioner of public works and all faulty or defective work which may, at any time, be discovered shall be made satisfactory to

the commissioner of public works, and no further permits will be issued to the party in default until all defects have been made good.

**565. License forfeited—effect.]** Any drain layer whose license shall be declared forfeited by the commissioner of public works for a violation of any of the provisions of this article or of the rules and regulations governing drain laying, shall not be entitled to do any work whatever in connection with the public or private sewers of the city of Chicago, unless said declaration of forfeiture shall be revoked by said commissioner.

## ARTICLE II.

### MISCELLANEOUS PROVISIONS.

**566. Steam—discharge in sewer prohibited.]** No connection with or opening into any sewer or drain shall be used for the conveyance or discharge into said sewer or drain of steam from any steam-boiler or engine, or from any manufactory or building in which steam is either generated or used, under a penalty of fifty dollars for each and every day during any part of which such connection or opening may have been used for that purpose. This penalty shall be imposed upon and recovered from the owner and occupants, severally and respectively, of such manufactory or building.

**567. Kitchen slops, etc. — water supply.]** All connection with sewers or drains used for the purpose of carrying off animal refuse from water-closets or otherwise, and slop of kitchens, shall have fixtures for a sufficiency of water to be so applied as to properly carry off such matters, under the penalty of five dollars for each day the same are permitted to remain without such fixtures for supplying said water.

**568. Obstructing sewer—penalty.]** No butchers' offal or garbage, dead animals or obstructions of any kind whatsoever, shall be placed, thrown or deposited, in any receiving basin or sewer, and any person so offending or causing any such obstruction or substance to be placed so as to be carried into such basin or sewer shall be subject to a penalty of ten dollars for each offense; and any person injuring, breaking or removing any portion of any receiving-basin, covering-flag, man-hole, vent or any part of any sewer or drain, or obstructing the mouth of any sewer or drain, shall be subject to a penalty of twenty dollars for each offense; nor shall any quantity of marble or other stone, iron, lead, timber or any other substance, exceeding one ton in weight, be placed or deposited upon any wharf or bulkhead through which any sewer or drain may run; nor upon or over any sewer or drain where the same shall be within three feet of the surface of the street, under the penalty of not more than fifty dollars for each offense, to be recovered of the person or persons causing or permitting the same.

**569. Street gutters.]** It shall be the duty of every person having charge of the sweeping and cleaning of the streets in the city to see

that the gutters are properly scraped out before the water is suffered to flow from any hydrant for the purpose of washing the same, in order that no substance or obstruction be carried into any of the receiving-basins; every person violating this section to be subject to a penalty of five dollars for each offense.

**570. Duty of police.]** It shall be the duty of all policemen to be vigilant in the enforcement of the provisions of this article, and report any violations thereof to the commissioner of public works.

**571. Excavation around sewer — permit.]** Any person who shall uncover or excavate under or around the brick or pipe sewers in this city, for any purpose whatever, without the written consent of said commissioner, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars; the person or persons by whom the work is done, and their employers, shall be deemed guilty of a violation of this section.

**572. Alteration of house drain.]** Any person who shall lay alter or disturb any part of a house drain or drains, catch-basin or, strainer of said drain or drains, cesspool or water-closet, connecting with any brick or pipe sewer belonging to said city, without being duly licensed to perform the same by said commissioner, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars, for each offense, which shall be recoverable against the person or persons performing the work, or their employers.

**573. Drain construction.]** It shall be the duty of any person or persons constructing or using any private drain, sewer, cess-pool, water-closet pipe or other pipe connecting with or emptying into any brick or pipe drain or sewer belonging to said city, to construct and use the same strictly in conformity with the orders and directions of the commissioner of public works, which orders and directions shall be given in writing for such purpose; and any person who shall construct or use, or cause to be constructed or used, any such drain, sewer, cess-pool or water-closet pipe in a different manner from that so ordered and directed by said commissioner, or in violation of the orders of said commissioner, shall be subject to a fine not exceeding fifty dollars, which shall be recoverable against the person or persons so constructing or using said sewer, drain or pipe, or their employers, and the owner of the lot or lots or premises in which said work is constructed or used, shall be deemed and considered as authorizing such construction or use and liable to such penalty.

**574. Inspection—right of entry.]** That the public sewers of the city may be fully protected against improper use and injury, the said commissioner and his authorized agents shall have free and unobstructed access to any part of the premises where house drains, cess-pools or water-closets, connected with or draining into said sewers, are laid, for the purpose of examining the construction, condition and usage of the same, and making necessary alterations or repairs, at any time of the day between the hours of seven o'clock a. m. and six o'clock

p. m.; and any owner, occupant or other person, on refusing to allow any officer or agent of said commissioner access to the premises for such purposes, shall be liable to a fine of not less than five dollars nor exceeding fifty dollars.



## CHAPTER XXIII.

### DRUGGISTS.

**575. Permit to sell liquor.]** No person, firm, or corporation, engaged in carrying on the business of selling drugs, or keeping what is commonly known as a drug store, shall sell or give away, or in any manner deal in any vinous, spirituous, ardent, intoxicating, or fermented liquors, by himself, agent or servant without a permit for that purpose, under a penalty of not less than one hundred dollars, nor more than two hundred dollars, for each and every offense.

**576. Fee for permit.]** Every person, firm, or corporation engaged in the business of selling drugs, or keeping what is commonly known as a drug store, desiring to sell, or give away, or in any manner deal in any vinous, spirituous, ardent, intoxicating or fermented liquors, for medicinal, mechanical, sacramental, or chemical purposes only, not to be drunk upon the premises, or in any such store, may have a license or permit therefor upon paying to the city the sum of one dollar per annum; Provided, that alcohol may be sold under such permit for chemical and medicinal purposes only.

**577. Record of sales — inspection.]** Any person, firm, or corporation obtaining such permit, shall enter in a well-bound book a record of the date of the sale or gift of any vinous, spirituous, ardent, intoxicating or fermented liquors, the amount sold or given away, and the person to whom delivered, except on a written prescription from a licensed physician, which said book shall be at all reasonable hours open to the inspection of any member of the police force whom the superintendent of police may designate for such purpose.

**578. Penalty.]** Any person, firm, or corporation violating the provisions of this chapter or neglecting or refusing to comply therewith, shall be fined not less than one hundred dollars, nor more than two hundred dollars, for each and every offense, and any such permit shall be revoked by the mayor for the second offense.

## CHAPTER XXIV.

### ELECTION CONTESTS.

**579. Alderman — contest of election.]** The election of any alderman may be contested by any elector of the city, and the proceedings shall be in accordance with the general laws of this state regulating the mode of contesting the elections of county officers, so far as the same may be applicable.

**580. City council to hear contest.]** The city council shall be the tribunal before which such contest shall be heard, and their decision shall be final.

**581. Verified statement of points.]** When any elector shall desire to contest the right of another to hold the office of alderman, he shall, within sixty days after the election, file with the city clerk a statement in writing, briefly setting forth the points on which he will contest the election, which statement shall be verified by affidavit.

**582. Notice to respondent.]** Upon filing such statement said contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case he is absent, or cannot be found, then by leaving a copy of said statement at the respondent's usual place of residence.

**583. Testimony, when and how taken.]** Whenever said statement shall have been filed and served as aforesaid, it shall be the duty of the city council, upon the application of either party, to fix the time and place for taking the depositions of witnesses, when either party may proceed to take the testimony of any witness, in the manner and as provided for taking depositions to be used in cases in chancery, before any judge, justice of the peace, master in chancery, or notary public, at the time and place so fixed, and continue the same from day to day thereafter until all the testimony shall have been taken.

**584. Proofs taken and filed.]** In all cases of contested elections, the proofs shall be taken and filed with the city clerk as hereinafter provided, within sixty days from the day fixed by the city council for taking the same: Provided, that the council may, from time to time, upon sufficient cause shown, extend the time for taking and filing said proofs.

**585. Testimony limited.]** No testimony shall be taken or produced on the hearing before the city council, except upon the points set forth in the said statement required to be filed with the city clerk and served upon the respondent.

**586. Proceedings in council.]** When all the evidence shall have been taken, the same shall be filed forthwith with the city clerk, who shall immediately lay the same before the city council, and the council shall, without delay, refer the same to some appropriate committee to investigate and report upon; and upon such report being made, the council shall decide the same according to the right of the matter, and shall declare as elected the person who shall appear by the evidence to have been elected. The council may require all the testimony and proofs taken to be read in open council.

**587. Legal disqualification.]** Whenever it shall appear in any case that the person receiving the highest number of votes is ineligible to the office because of any legal disqualification, it shall, for that reason, be the duty of the city council to declare said election null and void, and immediately call a special election to fill said office.

**588. Counting ballots.]** In all cases of contested election the parties shall have the right to have the package or packages of ballots which have been returned to the proper clerk or to the board of election commissioners, as required by law, opened in open session of the city council and in the presence of the officer having the custody thereof, and to have said ballots then and there counted by a committee of three persons appointed for that purpose.

## CHAPTER XXV.

### ELECTRIC LIGHTS.

**589. Electric current.]** No electric current shall be used for illumination, decoration, power, or heating, except as hereinafter provided.

**590. Application — contents — permit.]** All persons, firms, or corporations desiring to make use of electric currents for any of the purposes mentioned in the preceding section of this chapter, shall, before commencing or doing any electrical construction work of any kind whatever, either installing new electrical apparatus or repairing apparatus already in use, file an application for a permit therefor in the office of the superintendent of city telegraph, which application shall describe in detail such material and apparatus as it is desired to use, with a full description of the same, giving the locality by street and number; and upon receipt of which application, if found proper, such permit shall be given.

**591. Duties of superintendent of city telegraph.]** The said superintendent shall then have power, and it shall be his duty, when by him deemed necessary, to carefully inspect any such installation previous to and after its completion, and it shall be competent for him to remove any existing obstructions which may prevent a perfect inspection of the current-carrying conductors, such as laths, plastering, boarding, or partitions; and if such installation shall prove to have been constructed in accordance with the rules and requirements of the fire department of the city of Chicago, controlling the use of electric current, upon the payment of a fee, as herein provided, he shall issue a certificate of such inspection, which shall contain a general description of the installation and the date of said inspection. The use of electric current is hereby declared to be unlawful previous to the issuance of said certificate; Provided, however, the superintendent of city telegraph may issue a temporary permit for the use of electrical current during the course of construction or alteration of buildings, which permit shall expire when the electrical apparatus for such building is fully installed.

**592. Preliminary and final certificate.]** A preliminary certificate may be issued by said superintendent in the case of completed installations, but upon which no current will be used in the immediate future. Such preliminary certificate shall show that at the date of inspection the installation was erected in accordance with the terms of this chapter, and shall be issued at one-half the rates hereinafter named. Prior to the introduction of electric current into the said premises, a second inspection shall be made, when, if the

said installation is still in accordance with the terms of this chapter, a complete and final certificate shall issue, and the amount of the fee paid for the preliminary certificate shall be deducted from the fee for the final certificate. Any owner or owners of property installing electric wires to be hidden from view shall, prior to such installation, give said superintendent a reasonable notice in order to give ample time for inspection.

**593. Power of superintendent—penalty.]** The said superintendent is hereby empowered to inspect or re-inspect all overhead, underground and interior wires and apparatus conducting electric current for light, heat or power, and when said conductors or apparatus are found to be unsafe to life or property, shall notify the persons, firms or corporations owning, using or operating them to place the same in a safe and secure condition within forty-eight hours. Any person, firm or corporation failing or refusing to repair, change or remove the same within forty-eight hours after the receipt of such notice, shall be subject to a penalty of ten dollars for each and every day such conductors and apparatus continue to be in an unsafe condition.

**594. Poles — covers — wires — branded and tagged.]** All poles now standing or hereafter erected, and all covers for man-holes now in service, or hereafter placed in service for the use of electric conductors, shall be branded or stamped with the name of the person, firm or corporation owning the same; and all electric service entrances shall have attached to the conductor or conductors, in a conspicuous place, a substantial tag designating the owner of, and giving such a full description of the conductors as shall meet with the approval of said superintendent.

**595. Fees.]** There shall be collected by the said superintendent, and paid into the treasury of the city of Chicago, upon the issuance of certificates permitting the use of electric currents, the following fees:

For each arc light, the sum of.....	\$1.00
For each incandescent lamp of nominal 16 candle power, and for larger or smaller lamps in that proportion .....	.10
For each electrical horse power of 746 Watts, used for mechanical or other purposes than above mentioned..	1.00
But no inspection shall be made for a less amount than	1.00
Inspection of temporary installations, for show windows, exhibitions, conventions, and the like, shall be charged for by the time required for such inspections, at the rate of, per hour.....	.50
For each re-inspection of any overhead, underground and interior wires or apparatus, there shall be collected by said superintendent at the rate of one-half of the fees prescribed in this section.	

**596. Record--annual report.]** It shall be the duty of the said superintendent to keep records containing a full and accurate account of all inspections made, and of all moneys received, and render a full report and account to the fire marshal of the city of Chicago, on the thirty-first day of December in each year.

**597. Alterations.]** No alterations shall be made in any installation without first notifying the said superintendent and submitting the same for similar inspection, as above provided.

**598. Penalty.]** Any person or persons who shall use any electric current in violation of any of the provisions of this chapter, shall be subject to a penalty of not less than fifty, nor more than one hundred dollars, and to a further penalty of ten dollars for each day during which he or they shall continue such violation. Said superintendent may, for any violation of this chapter, order and compel the cutting off and stopping such current until the provisions of this chapter are fully complied with.

#### STREET LIGHTING.

**599. Improvements paid by special assessment.]** Hereafter all local improvements, consisting of electrical conduits, cables, lamp posts, switches and lamps, necessary for the purpose of furnishing electric light for municipal purposes, shall be paid for by special assessment to be levied upon the property benefited: Provided, however, that all such improvements and assessments shall only be made or levied on such property as shall have petitioned for the same by a majority of the owners of frontage to be benefited.

**600. Permanent improvements paid by general taxes.]** The cost of power houses, real estate for power houses and the necessary machinery for furnishing electric lights, and the maintenance thereof, shall be paid for by general taxation.

## CHAPTER XXVI.

### FIRE.

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#### ARTICLE I.

##### FIRE MARSHAL.

**601. Department created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the fire department, and shall embrace one fire marshal, one first assistant fire marshal, one superintendent of the city telegraph, a secretary of the fire department, one fire inspector, one veterinary surgeon, and such number of assistant fire marshals, captains, lieutenants, engineers, pipemen, drivers, truckmen, telegraph operators, assistants, clerks and employes, as the city council may, by ordinance, see fit to prescribe and establish.

**602. Fire marshal—office.]** There is hereby created the office of fire marshal, who shall be the head of the fire department, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**603. Appointment.]** He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**604. Bond.]** Said fire marshal, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of twenty-five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**605. Subordinates — appointment.]** He shall appoint, with the consent of the mayor, all officers above the rank of captain, and, with like consent, may remove them. All other officers and members of said department shall be appointed by him, with the consent of the mayor, and may be removed by the fire marshal.

**606. Subordinates — regulations.]** All subordinate officers, assistants, clerks and employes who shall be employed in said fire department, shall be subject to such rules and regulations, and shall perform such duties as shall be prescribed or required of them by said fire marshal, or the ordinances of the city.

**607. Bonds of subordinates.]** Said fire marshal shall require good and sufficient bonds to be given by all assistants, clerks

and employes in his office who shall receive, or have the care, custody or handling of any moneys or other property belonging to the city of Chicago, which said bonds shall be approved by the mayor.

**608. Control of department.]** The fire marshal shall have sole and absolute control and command over all persons connected with the fire department of the city, and shall possess full power and authority over its organization, government and discipline, and, to that end, he may prescribe and establish, from time to time, such rules and regulations as he may deem advisable.

**609. Custody of apparatus.]** He shall have the custody, subject to the direction of the city comptroller, of the engines, hose carts, trucks, ladders, horses, telegraph lines, and all other property and equipments belonging to the fire department.

**610. Causes of fire—investigation of.]** He shall inquire into and cause to be investigated by the fire inspector the cause of all fires which may occur in the city, as soon as may be after they occur, and cause to be kept a record of his proceedings, and of the evidence in each case, and to file the same, or a copy thereof, in his office.

**611. Inspection of apparatus.]** He shall, at least twice in every year, examine into the condition of the fire engines, and other fire apparatus and engine houses, and report the same to the city council on or before the first day of February in each year.

**612. Annual report.]** He shall also, at the same time, report all accidents by fire that may have taken place in the city during the preceding fiscal year, with the causes thereof, as well as they can be ascertained, and the number of and description of the buildings destroyed and injured, together with the names of the owners or occupants.

**613. Repair of apparatus.]** He shall, whenever any of the fire engines, hose carts, trucks and hooks and ladders, or other apparatus, shall require to be repaired, cause the same to be repaired under his direction and supervision.

**614. Uniform—badges.]** The fire marshal shall make suitable regulations, under which the officers and men of the department shall be required to wear some appropriate uniform and badge, by which, in case of fire, and at other times, the authority and relations of such officers and men in said department may be known, as the exigencies of their duties may require.

**615. Violation of rules—tribunal.]** The fire marshal and two assistant fire marshals to be designated by the fire marshal, shall constitute a board for the purpose of hearing and determining all cases for the violation of any rule, regulation or order of said department, or other breach of discipline, and a majority of said board shall have power to punish the offending party by reprimand, forfeiture and withholding pay for a specified time, or dismissal from the force.

**616. Reducing to ranks—discharge.]** The fire marshal, when charges of incompetency, lack of energy or judgment, are preferred and proven against any member holding any position above the grade



of pipeman, may, in his discretion, reduce such officer to any lower position, which he may deem the said officer competent to fill; but otherwise, when either of said charges are proven against such officer, he shall be discharged from the department.

**617. Prefer charges.]** The fire marshal may prefer written charges, without oath, for any violation of the rules, regulations or orders of said department, against any member thereof, upon his own knowledge, or upon written information communicated to him by any member of the department.

**618. Suspension of members.]** During the pending of charges against any member of the department, the fire marshal may suspend from duty any such member until such charges can be examined by him.

**619. Record.]** He shall cause to be kept, in books for that purpose a full and complete record of all transactions in said department, of complaints against members, and the judgment of the fire marshal thereupon, of time lost by them, and of all property placed in his charge, and such other books and records as shall be required by the business of the department.

**620. Annual estimate.]** He shall prepare and submit to the comptroller, on or before the first day of February in every year, an estimate of the whole cost and expenses of providing for and maintaining the fire department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the city council, with his annual estimate.

## ARTICLE II.

### SECRETARY.

**621. Duties.]** The fire marshal, with the consent of the mayor, shall appoint a secretary of the fire department, whose duty it shall be to preserve and keep all books and papers belonging to said department, or which are required by law to be filed therein. He shall deliver to the city council, and to the respective departments, all communications from the said fire marshal in writing, and shall attend in the office of said department during the usual office hours, and do and perform such other services as may be required by said fire marshal, or the ordinances of the city.

## ARTICLE III.

### ASSISTANT FIRE MARSHALS.

**622. Duties.]** It shall be the duty of the said assistants, if in their power, to attend all the fires happening in any division of the city, and in case of the absence of the fire marshal at any fire, it shall be the duty of the first assistant to take charge of the organization, and he shall have and exercise all the powers of the fire marshal; and in case of

the absence of both the fire marshal and first assistant, the assistant marshals shall have and exercise the duties and powers of fire marshal in the order of their arrival at the fire. In case of vacancy in the office of fire marshal, the first assistant shall discharge the duties of fire marshal until the vacancy shall be filled.

#### ARTICLE IV.

##### SUPERINTENDENT OF CITY TELEGRAPH.

**623. Duties.]** There shall be appointed by the fire marshal, with the consent of the mayor, a superintendent of the city telegraph, who shall be a practical and skilled electrician, and he shall have the general superintendence of the police and fire alarm telegraph, under the direction of the fire marshal.

**624. Control of fire alarm apparatus.]** He shall have charge of all apparatus, instruments, batteries, alarm boxes and wires belonging to or connected with said telegraph, and he shall see that the same are at all times kept in good working order, and promptly repaired when out of order; and shall test all the instruments and alarm boxes at least once a month.

**625. Records—annual report.]** He shall keep such books as may be necessary, in which shall be recorded all such matters as may be necessary for a full understanding of the operations of the telegraph, and shall annually, on or before the fifteenth day of January in each year, make a full report of the operations of his office to the fire marshal.

**626. Control of operators.]** He shall, under the direction of the fire marshal, see that the operators, linemen and assistants in his office do and perform all such duties as may be required of them, to the end that the said police and fire alarm telegraph shall be at all times in perfect working order, and free from obstructions.

**627. Control of batteries and instruments.]** The batteries and instruments at the station houses shall be in the care of and operated by the officers in charge of the several stations; subject, however, to the control and direction of said superintendent.

**628. Rules and regulations.]** He shall make such rules and regulations as he may deem most beneficial and expedient for the successful operation of said telegraph, subject to the approval of the fire marshal.

#### ARTICLE V.

##### FIRE INSPECTOR.

**629. Duties—causes of fire.]** It shall be the duty of the fire inspector immediately upon the occurrence of a fire to investigate the cause thereof, and all the circumstances connected therewith; to ascertain, as accurately as may be, the value of the premises destroyed

or involved, and the amount of insurance carried thereon; to ascertain any carelessness or criminal intent that may have been instrumental in causing any fire; to make a detailed statement of the result of his investigations to the fire marshal, from day to day, or as frequently as may be required by the occurrence of fires or by the orders of the fire marshal, and to perform such other duties as the fire marshal may from time to time direct.

■ **630. Power to arrest.]** It shall be the duty of the fire inspector to cause the arrest of all parties by him suspected of incendiary intent, and to take them before any magistrate for criminal prosecution.

## ARTICLE VI.

### FIRE DEPARTMENT.

**631. Disability—salary.]** Any member of the fire department receiving injury or becoming disabled while in the discharge of his duties, so as to prevent him from attending to his duties as such member, shall, for the space of twelve months, provided his disability shall last that time, receive his usual salary. The fact of such disability, and its duration, shall be certified by the city physician, or such other evidence as the fire marshal may require.

**632. Exclusion of non-employes.]** It shall be the duty of all members of the fire department to prevent all persons not belonging to the department from entering any house, or handling any apparatus belonging to the department without permission.

**633. Copy of rules.]** Each member of the fire department shall be furnished with a copy of the rules and regulations prescribed by the fire marshal for the government of the department.

**634. Badges.]** Every member of the fire department, when on duty, shall wear a suitable badge, furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it; and whenever any member shall leave the department, he shall immediately deliver his badge, and all other property belonging to the city, to the proper officer of said department.

**635. Rewards.]** The fire marshal, for meritorious services rendered by any member of the fire department in the due discharge of his duty, may permit any member of the said department to retain for his own benefit any reward or present tendered him therefor; and it shall be cause of removal for any such member to receive any reward or present, without notice thereof to the fire marshal.

**636. Resignation.]** No member of the department, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the fire marshal. Unexplained absence without leave, of any member of the department, for five days, shall be cause for removal and forfeiture of all pay due; but it may, at the option of the fire marshal, be deemed and held to be a resignation by such member, and accepted as such.

**637. Cordon around fire.]** The fire marshal, or any assistant fire marshal in command, may prescribe limits in the vicinity of any fire, within which no persons excepting those who reside therein, firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come.

**638. Removal of property.]** The fire marshal, or any assistant fire marshal in command, shall have power to cause the removal of any property, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property.

**639. Destruction of building.]** The fire marshal, or any assistant fire marshal, or other officer in command, may direct the hook and ladder men to cut down and remove any building, erection or fence, for the purpose of checking the progress of any fire; and the fire marshal or the assistant fire marshal in command shall have power to blow up, or cause to be blown up, with powder or otherwise, any building or erection, during the progress of a fire, for the purpose of extinguishing or checking the same.

**640. Power of arrest.]** The fire marshal and the assistant fire marshals shall have power, during the time of a fire, and for a period of thirty-six hours after its extinction, to arrest any suspected person, or any person hindering, resisting, conducting himself in a noisy and disorderly manner, or refusing to obey any such officer while acting in the discharge of his duty, and, as soon as their duties in relation to the extinguishment of the fire will permit, take such person before a magistrate to be dealt with according to law. Said officers shall be severally vested with the usual powers and authority of police officers to command all persons to assist them in the performance of such duty.

**641. Hydrant—obstruction.]** No person shall in any manner obstruct the use of any fire hydrant, or have or place any material in front thereof or within five feet from either side thereof, under the penalty of ten dollars for each offense; and any and all material found as an obstruction, as aforesaid, may be forthwith removed by any member or members of the fire department, and at the risk, cost and expense of the owner or claimant.

**642. Engine house—non-employes excluded.]** No person other than a fireman, policeman or public officer, shall enter or assemble with any other person or persons, in any engine house belonging to the city without the permission of the officer in charge of such engine house, under the penalty of two dollars for each offense.

**643. Personating firemen.]** Any person not a member of the fire department, who shall personate a fireman or officer of the fire department at a fire, or going to or returning from a fire, by wearing a cap or badge or in any other way, shall be subject to the penalty of not more than ten dollars for each offense.

**644. Non-employes to obey orders.]** Every person who shall be present at a fire shall be subject and obedient to the orders of the fire marshal and the assistant fire marshals, in extinguishing the fire and the removal and protection of property; and in case any person shall refuse to obey such orders, he shall forfeit and pay for every offense the sum of five dollars; Provided, that no person not a member of the fire department shall be bound to obey any of said officers, unless such officers shall bear their respective badges of office, or their official character shall be known or made known to him; and all such officers shall have power to arrest any person or persons so refusing to obey such lawful orders as aforesaid, and hold them in custody until after the fire is extinguished, when he or they shall be taken before a magistrate to be dealt with according to law.

**645. Aid of licensed vehicles.]** It shall be lawful for the fire marshal and the assistant fire marshals to require the aid of any drayman with his horse and dray, driver of a licensed wagon with his team and wagon, or any citizen, inhabitant or bystander, in drawing or conveying any engine or other fire apparatus to the fire and in working and using the same while at a fire; and on the refusal or neglect of any person to comply with such requisition, the offender shall for every default forfeit and pay a penalty of not less than five dollars nor more than twenty dollars.

**646. Hindrance to firemen.]** Any person who shall wilfully offer any hindrance to any officer or fireman in the performance of his duty at a fire, or shall wilfully in any manner injure, deface or destroy any engine or fire apparatus belonging to the city of Chicago, shall for every such offense forfeit and pay a penalty of not less than fifty dollars.

**647. Speed on return.]** No hose carriage, hook and ladder carriage, or engine shall be drawn faster than a walk on its return from a fire or an alarm of fire; nor shall any such carriage or engine be drawn on any sidewalk opposite a paved or planked street; nor shall any such carriage or engine be drawn to a fire or alarm of fire in a manner calculated to endanger the safety of persons or property in the streets or alleys of said city, under the penalty of not less than five dollars nor more than twenty-five dollars, to be paid by the person or persons committing the offense.

**648. Driving on or over hose.]** No wagon, street railroad car or other vehicle, shall be driven over any unprotected hose of the fire department of the city of Chicago, when laid down on any street or alley to be used at any fire or alarm of fire without the consent of the fire marshal or the assistant in command, and any person violating this section shall be subject to a penalty of not less than five dollars nor more than one hundred dollars for each offense.

**649. Hose protectors.]** The fire marshal shall procure and cause to be carried with each hose cart at every alarm of fire, efficient protectors, which shall be laid down when said hose is laid on any

street or alley, in such manner as to protect said hose from injury when vehicles are driven over the same, and he shall also cause all such hose to be taken up when no longer needed for use.

**650. Removal of property.]** No person shall between the hours of seven o'clock p. m. and six o'clock a. m. of any day within ninety days after any dwelling-house or building shall have been in whole or in part destroyed by fire, carry off or remove from the lot or part of lot upon which such dwelling-house or building was erected, any iron or lead pipe, iron railing, fencing, iron pillars, bars, rods or other iron or lead fixtures, or other property of any kind, from the ruins of any such building, without a permit from the superintendent of police so to do, and every person convicted of violating the provisions of this section shall be liable to a penalty of not more than twenty-five dollars for each and every such offense.

Any person who shall remove or carry away from any such lot or part of lot, any such iron or lead pipe, iron railing or fencing, iron pillars, bars, rods or other iron or lead fixtures, or other property of any kind, from the ruins of any such dwelling-house or building, within ninety days after such dwelling-house or building shall have been destroyed by fire, without the consent or authority in writing of the owner of such lot or part of lot, or of such dwelling-house or building, shall be liable to a penalty of not more than twenty-five dollars for every such offense.

**651. Department keys—wrongful possession.]** Should any person have in his possession, or make or cause to be made, any key or keys of any fire-engine or truck house, police signal or fire-alarm telegraph box, or use, or cause to be used, the same, without the consent of the proper authority (except the mayor and members of the fire department), every such person shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

**652. Property saved.]** No person shall be entitled to take away any property in the possession of the fire department saved from any fire, until proof of ownership be made satisfactory to the fire marshal or acting fire marshal.

**653. Telegraph poles.]** Any person who shall scratch, stencil or post placards or bills on any of the poles of the police and fire-alarm telegraph, or in any other manner deface or injure the same, shall be subject to a fine of not less than five dollars nor more than twenty dollars for each and every offense.

**654. Boxes—wrongful opening.]** No person or persons, except those connected with the management of the same, shall open any signal box, unless it be to give an alarm of fire or to communicate with the police on necessary business, nor shall break, cut, injure, deface, derange or in any manner meddle or interfere with any signal box or the fire-alarm or police telegraph wires or with any municipal electric wires, poles, conduits or apparatus whatever, under a penalty of not less than twenty-five dollars nor more than fifty dollars for each and every offense.

## ARTICLE VII.

## HYDRANTS.

**655. Fire hydrants—interference with, or injury to, etc.]** All the hydrants constructed in the city of Chicago for the purpose of extinguishing fires in said city are hereby declared to be public hydrants, and no person or persons (other than the members of the fire department of said city, for the uses and purposes of said department, and those specially authorized by the commissioner of public works) shall open any of the said hydrants, or attempt to draw water from the same, or in any manner interfere with or injure any of said hydrants, under a penalty of not less than ten dollars nor exceeding fifty dollars for each and every offense.

The fire hydrants herein provided for shall, under the direction of the commissioner of public works, be erected in such portions of the city as he shall deem most exposed to and least protected against fire.

Any person or persons who shall wilfully or carelessly break or injure any of the public hydrants, or shall pollute or unnecessarily waste the water at any such hydrants, shall, on conviction, be fined in a sum not less than ten dollars nor exceeding fifty dollars for each and every offense.

**656. Department wrenches—use prohibited, when.]** Any member of the fire department who shall let out, or suffer or permit any person or persons to take the wrenches furnished to the fire department of said city to be used in case of fire, or shall suffer or permit any of said wrenches furnished said department to be taken from the engine houses of said department, except as they accompany the engines on occasions of fire, or for other purposes connected with the fire department, shall forfeit and pay, on conviction, a sum not less than ten dollars nor more than fifty dollars for each and every offense.

**657. Fines—fund—comptroller to pay out.]** All moneys received from fines for violations of the provisions of this article shall be employed and used in the construction and repair of the fire hydrants, and shall be paid over to the comptroller for that purpose. The comptroller shall pay out such sums from the funds so raised and for the purpose hereinbefore mentioned upon vouchers to be audited by the commissioner of public works.

## ARTICLE VIII.

## MISCELLANEOUS PROVISIONS.

**658. False alarm.]** Whoever, without reasonable cause, by outcry or otherwise makes or circulates, or causes to be made or circulated any false alarm of fire, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

**659. Bonfires in streets, etc.]** Whoever is concerned in causing or making a bonfire, or shall set fire to or burn any hay, straw, shavings or other combustible materials in any street, alley or public place within the limits of the city, shall be subject to a fine of not less than twenty-five dollars: Provided, the fire marshal or any assistant fire marshal or fire warden may, in such cases as he may deem proper, grant permits in writing for the destruction of straw or other rubbish where the same can be done without damage to property or annoyance to the public, but the same shall be done after sundown, and at least thirty feet from any building.

**660. Lamps in barns, etc.]** No person shall take or use in any barn or stable within the corporate limits of the city any lighted candle, oil or fluid lamp, or any burning light of any kind whatsoever, unless the same be enclosed and secured in a good glass, horn or other lantern, under penalty of not less than ten nor more than fifty dollars for each offense.

**661. Shavings, oiled rags, etc.]** Every person keeping or occupying any shop or other building wherein shavings or other combustible materials are made, accumulated, or may be contained, and situated within two hundred feet of any other building, shall clear and remove such shavings or other combustible materials out of any such building and the yard belonging thereto at least three times in each week, under the penalty of five dollars for each offense. Any person or persons using rags or waste for rubbing furniture, or other varnished or oiled work, shall burn or cause to be burned all such rags or waste every day; but if any rags or waste so used are not burned before the close of the working day, such rags or waste shall be immersed in water.

**662. Stoves in shops and buildings.]** No stove shall be used in any such shop or building, unless the same shall be set in a box surrounded with fire-proof material, with the pipe carefully set up and provided with a suitable collar where passing through wall or roof; and no lighted candle shall be used in any such shop or building except it be placed in a candlestick made of a material not liable to take fire, under a penalty of two dollars for each offense.

**663. Conveyance of fire through street.]** No person shall carry fire in or through any street or lot, or other public or private place, except the same be placed in or covered by some close or secure pan or other vessel, under a penalty of one dollar for each offense.

**664. Removal of combustibles.]** No person in removing any chips, shavings or other combustible matter, shall scatter or throw them or suffer them to be thrown or scattered on any street, alley or other public place, under a penalty of not less than ten nor more than fifty dollars for each offense.

**665. Boiling of pitch, etc.]** No person shall boil any pitch, tar, resin or turpentine within the corporate limits, unless in an open space at least thirty feet distant from any building, vessel or other property, or in a fire-proof building, under a penalty of not less than ten nor more than twenty dollars for each offense.



**666. Deposit of hay, etc.]** No person [shall deposit or stack any hay, straw or other combustible substance within one hundred feet of any dwelling-house, barn, stable, outhouse or building of any description within the limits of the city of Chicago, without first having obtained written permission from the mayor and both the aldermen of the ward in which the same may be located, under a penalty of not more than twenty-five dollars for each offense, and a like penalty for every week the same may remain after notice.

**667. Ashes in wooden vessel prohibited.]** No person shall keep ashes in any barrel, box or other wooden vessel, or on any wooden floor in any building, under a penalty of not more than five dollars for each offense.

**668. Piling lumber.]** No lumber shall be piled for the purpose of storing, seasoning or drying the same, within one hundred feet of any planing mill or wood-working manufactory, nor within one hundred feet of any private residence, unless the same has been erected since the establishment of such yard. Any person, firm or corporation violating any of the provisions of this section shall be fined in the sum of not less than ten nor more than one hundred dollars, and every day that any lumber shall remain piled, or any place kept for the storage or piling of lumber in contravention of any of the provisions of this section shall be deemed a new and distinct offense.

#### ARTICLE IX.

##### FIRE LIMITS.

**669.** The following is hereby established as the fire limits of the city of Chicago:

Commencing at a point on the shore of Lake Michigan and a line one hundred and fifty feet north of Belmont avenue, thence west on said line to the center of Halsted street; thence south on center line of Halsted street to center line of Fullerton avenue; thence west on center line of Fullerton avenue to the north branch of the Chicago river; thence along the said river to the center of Diversey avenue, and west on center line of Diversey avenue to center of North Kedzie avenue; thence south on center of North Kedzie avenue to center of West North avenue; thence west on center of West North avenue to center of North Fortieth avenue; thence south on center line of South Fortieth avenue to center of alley lying immediately north of Park avenue; thence west on center of said alley to center of South Forty-sixth avenue; thence south on center of South Forty-sixth avenue to center of West Madison street; thence west on center of West Madison street to center of South Forty-eighth avenue; thence south on center of South Forty-eighth avenue to center of West Jackson street; thence east on center of West Jackson street to center of South Forty-sixth avenue; thence south on center of South Forty-sixth avenue to center of Colorado avenue; thence northeast on center of Colorado avenue to center of South Forty-fourth avenue; thence south on center

of South Forty-fourth avenue to the center of West Twelfth street; thence east on center of West Twelfth street to center of South Fortieth avenue; thence south on South Fortieth avenue to the Illinois and Michigan canal; thence along the said canal to center of South Western avenue; thence south on South Western avenue to center of West Thirty-ninth street; thence east on center line of West Thirty-ninth street to center of State street; thence south on center of State street to center of Seventy-fifth street, and thence east on center of Seventy-fifth street to Lake Michigan.

Also that territory bounded on the east by State street, on the north by Forty-seventh street, on the west by a line seventy-five feet west of and parallel to the west line of State street, and on the south by Sixty-third street;

Also that territory bounded on the north by Forty-seventh street, on the east by a line seventy-five feet east of and parallel with the east line of Wentworth avenue, on the south by Sixty-third street, and on the west by a line seventy-five feet west of and parallel with the west line of Wentworth avenue;

Also that territory bounded on the north by Forty-seventh street, on the east by a line seventy-five feet east of and parallel with Halsted street, on the south by Sixty-third street, and on the west by a line seventy-five feet west of and parallel with the west line of Halsted street;

Also that territory bounded on the north by the north line of Forty-seventh street, on the east by State street, on the south by a line seventy-five feet south of and parallel with the south line of Forty-seventh street, and on the west by Halsted street;

Also that territory bounded on the north by a line seventy-five feet north of and parallel with the north line of Sixty-third street, on the east by State street, on the south by Sixty-third street, and on the west by Ashland avenue;

Provided, however, that any person or corporation desiring to erect or remove a frame or wooden building within that portion of the territory bounded by the center line of Thirty-ninth street on the north, the center of State street on the west, the center of Seventy-fifth street on the south, and Lake Michigan on the east, of the limits above defined, shall have the right to do so upon presenting a petition to the commissioner of buildings of the city of Chicago, together with a plat, plans and specifications showing the place where the said building is to be situated, the work designed to be done, and the streets through which said building is to be moved, if such petition shall be verified by the affidavit of the applicant, and shall contain the written consent of the owners of a majority of the frontage upon each side of the street upon which the building is to be located, for a distance of five hundred feet each way.

Also that territory bounded on the south by Sixty-third street, on the east by Wentworth avenue, on the north by the center line of Sixty-first street, and on the west by the center line of Princeton avenue.

## CHAPTER XXVII.

### FIRE-ARMS, FIREWORKS AND CANNON.

**670. Fire-arms—prohibition.]** No person shall fire or discharge any gun, pistol, fowling-piece or other fire-arm within the corporate limits of the city of Chicago, under a penalty of not more than ten dollars for each offense.

**671. Fire-arms—minor.]** No person shall sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other fire-arm within the limits of the city, under a penalty of not more than fifty dollars for each offense.

**672. Fireworks—discharge.]** No person shall fire, discharge or set off within the limits of the city of Chicago, any rocket, cracker, torpedo, squib or other fireworks or thing containing any substance of an explosive nature, under a penalty of not more than ten dollars for each offense; Provided, that the mayor may by proclamation permit the use of fireworks on the fourth day of July, and on such other day or days as he in his discretion may deem proper.

**673. Fireworks—dynamite.]** No fireworks containing dynamite or any other explosive more powerful than ordinary black gunpowder shall be sold as a part of any fireworks in the city of Chicago, under a penalty of not more than fifty dollars for each offense.

**674. Storage of fireworks.]** No squibs, rockets, crackers, serpents or other fireworks containing powder or other combustible or explosive materials shall be kept or stored within the limits of the city of Chicago, except the same be kept or stored in a fire-proof vault, under a penalty of not less than fifty nor more than one hundred dollars for each offense, and a like penalty for every twenty-four hours that said rockets, squibs, crackers or other fireworks containing the aforesaid materials shall be kept or stored after the first conviction.

**675. Cannon—discharge.]** No cannon or piece of artillery shall be discharged or fired off in any street, avenue, alley, park or place within the corporate limits of the city without a written permission from the mayor, under a penalty of not more than twenty-five dollars for every offense.

**676. Fireworks—sale.]** No person shall sell within the limits of the city any rockets, crackers, squibs or other fireworks containing any combustible or explosive material, under a penalty of not less than fifty dollars for each offense; Provided, that this section shall not apply to the sale of imported fireworks in their original packages.

**677. Torpedo on car tracks.]** No person shall place upon the car tracks of any street railway, or upon the rails of any railroad

within the limits of the city of Chicago, either on the fourth of July or at any other time, any torpedo, bomb, or other thing containing any substance of an explosive nature, under a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

**678. Duty of police.]** It shall be the duty of every member of the police force to see that the provisions of this chapter are strictly complied with and enforced.

## CHAPTER XXVIII.

### FISH.

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#### ARTICLE I.

##### INSPECTOR AND HIS DUTIES.

**679. Office created.]** There is hereby created the office of inspector of fish, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**680. Inspector—appointment.]** Said inspector shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**681. Bond.]** He shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**682. Assistants—appointment and removal.]** Said inspector shall have the right to appoint and remove one or more assistants, who shall have the same right to brand all packages inspected by either of them, in the name of said inspector; but each assistant shall have some distinctive mark, with which he shall designate each package inspected by himself, so as to indicate by whom the inspection was actually made; and the said inspector shall have the right to take a bond, with sufficient penalty and security, running to himself, from each of the assistants appointed by himself, and of the same tenor as the bond herein required to be executed by said inspector; and he shall be liable for the acts of his said assistants.

**683. Weighing—standard packages.]** The inspector shall procure sealed weights, and carefully weigh all fish offered for inspection; and to entitle said inspector to grant a certificate of true inspection, or to brand the packages as duly inspected, he shall first find that the contents and weights of the several packages are as follows, viz: Each barrel shall contain two hundred pounds; each half barrel shall contain one hundred pounds; each quarter barrel shall contain fifty pounds; and each eighth barrel shall contain twenty-five pounds.

**684. Brand.]** He shall, also, on branding any package of fish, plainly and distinctly mark on the head of each package, in some indelible manner, the kind, quantity and quality of fish contained in each package, respectively, together with his name and the year and month in which the same shall have been inspected.

**685. Fees.]** Said inspector shall be entitled to the following fees for the performance of his duties, viz: For unheading, heading, weighing, repacking, brining and inspecting and branding each barrel, twenty cents; each half barrel, ten cents; each quarter barrel, five cents; each extra hoop, five cents; each extra head, twenty cents.

**686. Cooperage—payment for.]** Whenever the said fish inspector shall, in the course of his employment, furnish any cask, barrel or other cooperage, or supply salt, it shall and may be lawful for him to charge therefor a just compensation.

**687. Package, strength and sufficiency.]** He shall not put his brand upon any package of fish, as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also be in good shipping condition.

**688. Record—report.]** He shall keep a record of the number of packages and sizes, and of the kinds and qualities of fish, and for whom inspected, each year; and shall make a report of the same to the city council, on the thirty-first day of December in each year.

**689. Office.]** He shall keep an office at a convenient place on or near the Chicago river, which shall be kept open during business hours, and in which the inspector shall at all times have some person, during his absence, to receive orders.

**690. Prohibited dealings.]** No person holding the office of fish inspector for said city of Chicago shall, nor shall his employes or assistants, or either of them, buy or sell, or deal in, or in anywise be interested in, any fish sold or received for sale in the city of Chicago.

**691. Inspection—right of entry.]** Said inspector shall have power to inspect all pickled or salted fresh water fish and oysters found within the limits of the city, or exposed for sale, or kept with intent to sell therein; and may, for this purpose, enter into all buildings or enclosures where the same are kept stored or exposed for sale.

**692. Seizure.]** When such fish or oysters are found, on inspection, to be tainted, diseased, corrupted, or unwholesome, from any cause, said inspector shall seize the same and cause them to be destroyed or disposed of otherwise than for food; Provided, however, that if the owner of the property seized shall, at the time of the seizure, notify the said inspector, in writing, of his desire to appeal to the commissioner of health, said inspector shall cause said property so seized to be inspected by said commissioner, and if he shall find the same to be tainted, diseased, corrupted, or unwholesome, he shall order the same to be destroyed or disposed of otherwise than for food; but if he shall not so find, the same shall be forthwith returned to the owner. All moneys received for property disposed of as aforesaid, shall, after deducting all expenses incurred by reason of such seizure, be paid to the owner thereof.

## ARTICLE II.

## MISCELLANEOUS PROVISIONS.

**693. False assumption of office.]** It shall not be lawful for any person not duly appointed and qualified as fish inspector, or assistant, to act, or assume to act, as inspector of fish, or hold himself out to the public to be such inspector.

**694. Interference with inspector.]** No person shall, directly or indirectly, obstruct or wilfully interfere with the fish inspector of the city of Chicago, lawfully appointed as aforesaid, or any of his assistants or employes, in the legitimate exercise of any of the rights or the performance of any of the duties given, imposed and prescribed herein, or which may hereafter be given, imposed or prescribed by the ordinances of the city, under the penalty of not less than twenty-five dollars for each offense.

**695. Freshwater fish.]** Any and all persons bringing or causing to be brought to the city of Chicago, or receiving on consignment or otherwise, for the purpose of sale, any freshwater fish in packages, shall have the same duly inspected by the fish inspector of the city of Chicago before such fish shall be sold or in any way disposed of; and it shall be the duty of every person having such fish in possession, for the purpose of selling or dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in any way disposed of, to give notice to the inspector and have such fish duly inspected and branded; and for this purpose such person shall arrange the packages in a convenient manner, and have them in a suitable place. Any person or persons violating any of the provisions of this section shall be fined in a sum not to exceed twenty-five dollars for every barrel or other package of fish so sold without such inspection.

**696. Brand—penalty.]** The fish inspector shall brand upon each and every package of fish packed and put up in said city of Chicago for sale, of whatever size, the true and exact weight of fish in such package, and any person or persons who shall sell or dispose of any such package of fish not thus branded, shall be subject to a penalty of not to exceed twenty-five dollars for each and every offense.

**697. Inspector's default—penalty.]** Any fish inspector violating, refusing or failing to comply with any of the provisions of this chapter, so far as they are made incumbent upon him, shall, for every offense, be liable to a fine of not less than five dollars, nor more than one hundred dollars; which said fine may be collected in the name and for the use of the city of Chicago; and shall also be subject to immediate removal from office.

**698. Penalty.]** Any person who shall violate any of the provisions of this chapter, for which no other penalty is provided, shall forfeit the sum of not to exceed twenty-five dollars for each and every offense.

## CHAPTER XXIX.

### FOREIGN FIRE INSURANCE COMPANIES.

**699. Business prohibited--when.]** It shall be unlawful for any corporation, company or association, not incorporated under the laws of the state of Illinois, to engage, in the city of Chicago, in effecting fire insurance, or transact any business of insurance in said city before fully complying with all of the provisions of this chapter, but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this chapter.

**700. One per cent. gross receipts--pay in city treasury.]** Any such corporation, company or association, not incorporated under the laws of the state of Illinois, engaged in the city of Chicago in effecting fire insurance, shall pay to the treasurer of the city of Chicago, for the maintenance, use and benefit of the fire department of said city, a sum of money equal to the amount of one per cent. per annum of the gross receipts received for premiums by the agency in said city of said corporation, company or association during the year ending on every first day of July, for any insurance effected or agreed to be effected in said city by or with such corporation, company or association. Such sum shall be paid, as aforesaid, on or before the fifteenth day of July of each and every year, and upon such payment a receipt shall be issued therefor.

**701. Company to make report each year.]** Every person or firm who shall act in the city of Chicago as agent or otherwise, for or on behalf of any such corporation, company or association, shall on or before the fifteenth day of July of each and every year render to the city treasurer of the city of Chicago a full, true and just account, verified by his or their oath, of all premiums which, during the year ending on the first day of July preceding such report, shall have been received by him or them, or any other person for him or them, in behalf of any such corporation, company or association, and shall specify in such report the amounts received for fire insurance. Said agent shall also at the time of rendering the aforesaid report pay to the treasurer of said city the sum of money for which such company, corporation or association, represented by him or them, is chargeable, by virtue of the provisions of this chapter.

**702. Recovery by suit.]** The said sum of money for which such company, corporation or association is so chargeable, may be recovered of it, or its agent or agents, by an action in the name of and for the use of said city of Chicago.

Nothing in this section shall be held to exempt any person, firm,



corporation, company or association from indictment and conviction under the provisions of an act entitled "An Act to enable cities, towns and villages, organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire departments," in force July 1, 1895.

**703. Insurance broker—concerning.]** No insurance broker in the city of Chicago shall place any insurance with any company, association or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payment as hereinbefore provided, until said company, association or corporation shall have complied with all the provisions of this chapter.

**704. Broker defined—license—fee.]** An insurance broker is one who is engaged in procuring or placing insurance on buildings, vessels or other property, for others. It shall be unlawful for any person or persons to exercise within the city of Chicago the business of an insurance broker without a license therefor, and there shall be collected annually in advance for every license granted for any insurance broker or firm of such brokers, the sum of twenty-five dollars.

**705. Penalty.]** Any person or firm of persons violating any of the provisions of the two foregoing sections of this chapter shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than two hundred dollars, and be subject to a fine within the same limits for every subsequent violation thereof.

## CHAPTER XXX.

### GAMING.

**706. Places kept for gambling — nuisance.]** Every house, room, yard or other premises kept for the purpose of permitting persons to gamble for any valuable thing within the limits of the city of Chicago, is hereby declared to be a common nuisance. All persons who own, keep, maintain, manage or conduct, or who are interested in any such place, shall, upon conviction, be fined not exceeding two hundred dollars.

**707. Gambling prohibited.]** No person shall deal, play or engage in faro, roulette or any other device or game of chance, hazard or address, either as banker, dealer, player or otherwise, for the purpose of gaming, under a penalty of not less than ten dollars nor more than two hundred dollars for every offense.

**708. Duty of police.]** It shall be the duty of all members of the police force to give information to the mayor of each house or other place within the city wherein such games or devices, or tables or other instruments or things for the purpose of gaming, are or may be set up, kept or maintained; and said police officers shall take all lawful means to suppress and prevent the playing at the tables, games or devices aforesaid, and for this purpose, when and as often as any one of them shall have reasonable cause to suspect that any such table, game or device is set up, kept or maintained as aforesaid, he shall forthwith make complaint thereof before some justice of the peace, and obtain a warrant authorizing him to enter such house, houses or place or any room within the same; and said police officer shall thereupon have authority to demand entry therein, and any person or persons who shall refuse or neglect to open the door or entrance to such house, houses or place or any room within the same, upon application of any police officer having such warrant, shall forfeit and pay a fine of not less than twenty-five dollars nor more than two hundred dollars for each and every offense.

**709. Possession of gambling device.]** No person shall bring into the city of Chicago, or have in his, her or their possession in the said city, for the purpose of gaming, any table, thing or device of any kind or nature, whereon or with which money or any other thing of value may in any manner be played for, under a penalty of not less than twenty-five dollars nor more than two hundred dollars for each and every offense.

**710. Gaming on street.]** No person shall expose in any of the streets, avenues or other public places within the limits of the city, any table or device of any kind whatever, upon or by which any game

of chance or hazard can be played, or shall play at or upon any such table or device, under a penalty of not to exceed twenty-five dollars for each offense.

**711. Visitor—keeper—runner, etc.]** Every person who shall patronize, visit, frequent or be connected with the management of, or any door-keeper, solicitor, runner, agent, abettor or pimp of any house, room, yard or other premises kept for the purpose of permitting persons to gamble for any valuable thing within the limits of the city of Chicago, hereinbefore declared to be a common nuisance, shall, upon conviction, be fined not to exceed two hundred dollars for each offense.

**712. Seizure of gaming implements.]** It is hereby made the duty of every member of the police force to seize any table, instrument, device, or thing used for the purpose of gaming; and all such tables, instruments, devices or things shall be destroyed. Any person or persons obstructing or resisting any member of the police force in the performance of any act authorized by this section shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

#### LOTTERY.

**713. Prohibited.]** Whoever sets up or promotes any lottery for money, or by way of lottery disposes of any property of value, real or personal, or under pretense of a sale, gift, or delivery of any other property or any right, privilege, or thing whatever, disposes of or offers or attempts to dispose of any real or personal property with intent to make the disposal of such real or personal property dependent upon or connected with any chance by dice, lot, numbers, game, hazard, or other gambling device whereby such chance or device is made an additional inducement to the disposal or sale of said property, and whoever aids, either by printing or writing, or is in any way concerned in the setting up, managing or drawing of any such lottery, or in such disposal, or offer or attempt to dispose of property by any such chance or device, shall, for each offense, be fined not less than fifty dollars nor more than two hundred dollars.

**714. Owner or lessee of building.]** Whoever, in a house, shop, or building owned or occupied by him, or under his control, knowingly permits the setting up, managing, or drawing of such lottery, or such disposal or attempts to dispose of property, or the sale of a lottery ticket, or share of a ticket, or any other writing, certificate, bill, token or other device, purporting or intended to entitle the holder, bearer or any other person to a prize, or to a share of or interest in a prize, to be drawn in a lottery, or in such disposal of property, and whoever knowingly suffers money or other property to be raffled for in such house, shop or building, or to be won there, by throwing or using dice, or by any other game of chance, shall, for each offense, be fined not less than fifty dollars nor more than two hundred dollars.

**715. Agents.]** Whoever sells, either for himself or for another person, or offers for sale, or has in his possession, with intent to sell

or offer for sale, or to exchange or negotiate, or in anywise aids or assists in the selling, negotiating or disposing of any ticket in any such lottery, or a share of a ticket, or any such writing, certificate, bill, token, or other device, or any share or right in such disposal or offer as is mentioned in this chapter, whether such lottery or the drawing thereof is in this city or elsewhere, shall, for each offense, be fined not less than fifty dollars nor more than two hundred dollars.

**716. Advertising prohibited.]** Whoever knowingly prints, publishes, distributes or circulates, or knowingly causes to be printed, published, distributed or circulated any advertisement of any lottery ticket or scheme, or any share in such ticket or scheme, for sale, either by himself or by another person, or sets up, or exhibits, or devises, or makes, for the purpose of being set up and exhibited, any sign, symbol, or emblematic or other representation of a lottery, or the drawing thereon, in any way indicating where a lottery ticket, or any share thereof, or any such writing, certificate, bill, token or other device before mentioned may be purchased or obtained, or in any way invites, or entices, or attempts to invite or entice, any other person to purchase or receive the same, shall, for each offense, be fined not exceeding two hundred dollars.

#### POOL-SELLING, BOOK-MAKING.

**717. Betting prohibited.]** All betting, wagering, speculating, pool-selling, or book-making upon any horse race or races or the result thereof, and all gambling and games of chance of every nature whatsoever, within or upon any and all race tracks and race courses, or in any building or buildings within any race track or race course, within the limits of the city of Chicago is hereby prohibited.

**718. Penalty.]** Any person or persons found betting, wagering, speculating, or selling pools upon any horse race or the result thereof, or engaged in book-making, gambling or games of chance within or upon any race track or race course, or in any building or buildings within any race track or race course, within the limits of the city of Chicago, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than two hundred dollars. (See Sec. 137e, Chapter 38, Hurd's Revised Statutes.)

**719. Owner — lessee — occupant — exception.]** Any person, persons or corporations who keep any room, shed, tenement, tent, booth, or building, or any part thereof, or who occupy any place upon any public or private grounds within this city, with any book, instrument or device, for the purpose of recording or registering bets or wagers, or of selling pools, or any person who records or registers bets or wagers, or sells pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election; or being the owner, lessee or occupant of any room, shed, tenement, tent, booth or

building, or part thereof, knowingly permits the same to be used or occupied for any of these purposes, or therein keeps, exhibits or employs any device or apparatus for the purpose of recording or registering such bets or wagers, or selling of such pools, or becomes the custodian or depository for hire, or privilege, of any money, property, or thing of value staked, wagered or pledged upon any such result, shall be fined in a sum not less than fifty dollars nor more than two hundred dollars; Provided, however, that the provisions of this section shall not apply to the actual enclosure of any fair or race track association incorporated under the laws of the state, during the actual time of the meetings of said association, or within twenty-four hours before any such meeting.

## CHAPTER XXXI.

### GAS.

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#### ARTICLE I.

##### INSPECTOR OF GAS METERS AND GAS.

**720. Office created.]** There is hereby created the office of inspector of gas meters, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**721. Appointment—term.]** Said inspector shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**722. Bond.]** He shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of ten thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**723. Duty to test meters.]** It shall be the duty of such inspector to examine and test any gas meters furnished to the consumer by any gas company furnishing gas in this city, whenever requested so to do by such consumer.

**724. Notice of test.]** The inspector shall in every case give notice to the consumer, and also to the gas company at its office, of the time and place when and where he intends to test the meter.

**725. Inspection conclusive.]** The inspection herein provided for shall be conclusive, both upon the company and the consumer, as to the amount of gas consumed three months before the close of the month in which any meter shall be inspected.

**726. Fees.]** The said inspector shall be entitled to receive, in advance, from any consumer requiring his services, the sum of one dollar and his reasonable expenses, not exceeding two dollars for each meter by him inspected; such sum, however, to be refunded by the gas company, upon presentation to their treasurer of the inspector's certificate that the meter has been found by him to measure more gas than was actually consumed.

**727. Certificate.]** The inspector shall, when so requested by either party, furnish to the consumer or the gas company, free of charge, a certificate of the result of the examination made by him, of any meter.

**728. Time table for public gas lamps.]** The city comptroller is hereby required, whenever it shall become necessary, to employ the

services of some competent person, and, with the assistance of such person, to calculate and determine upon a time table for lighting and extinguishing the public street lamps of the city of Chicago, and report the same to the city council for adoption. The comptroller shall furnish correct copies of the time table adopted by the council, to the respective gas companies which now or may hereafter have contracts to furnish the city with gas in the public street lamps, to the inspector of gas meters, and to the several watchmen stationed at the fire engine houses where test meters are now located or to be located, as hereinafter provided, and when such time table shall have been adopted and copies so distributed as aforesaid, the same shall regulate the time of lighting and extinguishing all the public street lamps within said city, as provided in the several contracts with said gas companies.

**729. Test lamps—inspection.]** Said inspector shall carefully inspect and test each of the gas meters attached to what are commonly called test-lamps, and by which the gas paid for by the city of Chicago is measured, as often as once in three months, and cause the same to be kept in perfect order; and shall examine and test the burners on such test-lamps, and in case they consume too fast or too slow shall cause the same to be properly adjusted. He shall, before proceeding to test any such test or gauge meter or burner, give reasonable notice, in writing, of the time and place of making such test, to the proper gas company.

**730. Record of test—report.]** The said inspector shall on the day on which the respective gas companies take the state of test or gauge meters, each and every month, attend in person and take the state of the meters, and keep a record of each; and he shall on the succeeding day make a report thereof to the city comptroller, showing the number of feet of gas shown to be consumed by each of said test meters, giving their location; and it is hereby made the duty of said gas companies to give the said inspector notice of the time of taking the state of such meters, and on failure to receive such notice, the said inspector shall, on the first day of each month, proceed in person to take the state of such meters, and report to the comptroller the day following; Provided, that if any of the days herein set shall fall on Sunday, the day following shall be substituted: and provided, further, that in case said inspector, from sickness or other unavoidable causes, shall be unable to perform the duties herein required, the mayor shall forthwith designate and appoint some competent person to act and perform said duties for the time being.

**731. Gauge meters at engine houses.]** The department of public works shall cause to be maintained a test or gauge meter and lamp at two different fire engine houses in each division of the city, to be known as city test or gauge lamps, which shall be furnished with like meters and burners as the other test lamps. The meters of the same shall be enclosed with a strong wooden box, securely locked, and the key thereof given to the inspector of gas meters. The respective gas

companies are hereby authorized to test the said city test or gauge lamps, meters and burners, once in three months, if they desire to do so, after giving reasonable notice to the inspector, of such intention.

**732. Watchman's record.]** It is hereby made the duty of the watchman, at each fire engine house in said city, where any meter attached to test or gauge lamps is or may be located, to keep a true and correct record of the time at which such test or gauge lamp is lighted, and of the time when the same is extinguished.

**733. Watchman's report.]** The watchman at such fire engine houses where the city test-lamps are located, and the meters locked up, as hereinbefore provided, shall attend to the lighting and extinguishing of the same, in strict accordance with the time table provided for in this chapter. All watchmen shall make monthly reports, under oath, to the inspector of gas meters; and whenever the duty required of the watchman in regard to test gas lamps shall be performed by any member of the police force, he shall receive the same extra compensation as is allowed to the watchman.

**734. Extinguishment of lights.]** To equalize the time, it is hereby made the duty of the person employed to light the public street lamps by the several gas companies which furnish the city with gas, to cause the test or gauge lamps and other public lamps first lighted to be first extinguished, taking them in the same order in which they were respectively lighted; that is to say, if any test or gauge lamp is first lighted it shall be the first extinguished, and so with the street lamps. And it is hereby made the duty of all police patrolmen, as well as all firemen and watchmen at fire engine houses, to report all violations of the provisions of this section to the inspector of gas meters, who shall report the facts in writing to the city council without delay.

**735. Monthly report.]** The inspector shall file, with his monthly reports to the comptroller, the reports of the respective watchmen, and the comptroller shall compare the time so reported with the quantity of gas consumed, as reported by said inspector, and in case he finds any material discrepancy between the quantity so ascertained and the bills rendered by the respective gas companies, he shall not pay such bills until they are properly adjusted; and the said comptroller is hereby authorized on the part of the city to make such adjustment on fair and equitable principles.

**736. Report of gauge lamps.]** The inspector shall also carefully report to the city comptroller the state of the city test or gauge lamps, as shown by their meters on the same day the other test lamps are taken, and the said comptroller shall examine and compare the same with the report of the other test lamps, and if he finds any substantial discrepancy between the said reports, he shall forthwith make an investigation as to the cause of such discrepancy, and report the result of such investigation to the city council.

**737. Supervision over street lamps.]** It is hereby made the duty of said inspector to keep a supervision over all the said test lamps and the public street lamps, together with the burners thereto attached,



and he shall see that they are kept clean and in perfect order; the burners to be of equal size, and of the size provided for in the contract of said city with any person or company furnishing or supplying the city with gas.

**738. Office hours—apparatus.]** The said inspector shall keep an office in the city hall, to be provided by the department of public works, where he shall be found at all business hours of the day, except when absent on business connected with his official duties, and shall keep in his office a good and accurate photometer, meter and prover, to be furnished by the city of Chicago.

**739. Quality of gas.]** Said inspector shall, from time to time, make photometrical tests of the quality of the gas furnished by the gas companies, and shall communicate to the city council the result of such tests.

**740. Records preserved.]** The said inspector shall keep books in his office in which he shall record the number of each meter inspected by him, and the time when it was tested and proven by him, the reports of said watchman and his own reports hereby required, and all notices given by him, and other proceedings of his office, which records shall at all times be open to public inspection.

**741. Test lamp examination.]** When any meter or burner at any test lamp is to be examined by any gas company or person furnishing gas to the city, the said inspector shall attend in person at such examination, keep a record thereof, and forthwith report to the city comptroller the result of such examination.

**742. Quarterly reports.]** The said inspector shall make quarterly reports, in writing, to the city council, showing the condition of test or gauge meters and burners, and also of the street lamp burners. He shall also report the number of private meters by him tested each quarter, and the amount of compensation by him received, and by whom paid. Such quarterly reports shall be made on the second Monday of May, August, November, and February, of each and every year.

**743. Apparatus.]** The city comptroller is hereby authorized and required to furnish all necessary apparatus, books and blanks, and to pay all reasonable expenses for the same out of the gas-light fund appropriation.

**744. Penalties.]** If any person or persons shall unlawfully tamper with, alter or change any gas meter, public or private, or the register thereof, or the burner of any test, gauge, or public street lamp, with the intent to defraud the city of Chicago, or with the intent to defraud any gas company, corporation, person or persons; or if any person or persons shall violate any of the provisions or requirements of this article, the person or persons so offending shall be liable to a penalty of not less than ten nor more than one hundred dollars for each and every such offense.

## ARTICLE II.

## DEPOSITS FOR METERS.

**745. Deposit as condition precedent.]** It shall be unlawful for any person, firm or corporation engaged in the business of furnishing illuminating or fuel gas for consumption in the city of Chicago, to require or receive any deposit of money or other valuable article as a condition precedent to or as security for furnishing the same.

**746. Deposit with city treasurer.]** Whenever any person, firm or corporation in said city shall require illuminating or fuel gas, he, they, or it shall apply to any person, firm or corporation whose business it is to supply gas of the quality so desired and whose gas mains are located in the street or alley adjoining the premises upon which such gas is required, whereupon the party so supplying gas shall estimate as nearly as may be, either by some method hereafter devised, or by some rule or method now in vogue, or by the statement of the first monthly bill, the quantity of gas which such applicant would be expected to consume per month, and shall estimate the value thereof, at the then current rate of charges therefor and shall certify the same to such applicant, whereupon such applicant shall deposit with the city treasurer of the city of Chicago, the sum so estimated, taking such treasurer's receipt therefor, issued in duplicate, and shall deliver to the party so furnishing gas the said duplicate receipt, and thereupon it shall be the duty of such party so furnishing gas to place a meter, make all necessary connections and furnish gas to such applicants.

**747. Present receipt for deposit and interest.]** Whenever any person, firm or corporation who has made a deposit of money with the city treasurer, as aforesaid, desires to discontinue the use of such gas, he, they or it shall notify the party so furnishing the same of such desire, and shall pay all moneys due for gas theretofore furnished, and shall demand and receive a receipt therefor as in full of the same, and upon presentation of the same, together with the original deposit receipt, shall receive from the said city treasurer the amount of said deposit with unpaid accrued interest thereon.

**748. Rate of interest.]** Deposits of money made with the city treasurer, under the provisions of this ordinance, shall bear interest at the rate of five per centum per annum, payable semi-annually.

**749. Deposit too small.]** Nothing herein contained shall be construed to require any person, firm or corporation engaged in the business of supplying gas, to furnish to any consumer any more gas than would be paid for by the amount of the aforesaid deposit, before the same shall be paid for by such applicant, but such deposit shall be treated as a security for the payment of gas furnished to such applicant. The city treasurer shall pay such part thereof to the party furnishing said gas, upon presentation of said duplicate receipt and

satisfactory proof of the amount of gas furnished and unpaid for, as will pay the same, and whenever it shall be found that such deposit is too small to furnish the security contemplated the same shall be increased and new certificates of deposit issued.

Any person or persons in arrears with any corporation for furnishing illuminating gas or fuel gas shall be required to deposit not less than ten nor more than fifty dollars.

## CHAPTER XXXII.

### GRADES.

**750. Record of benches and elevations.]** It shall be the duty of the superintendent of sewers to have accurate standard elevations and city bench marks established from, and referring to, "Chicago City Datum" as "Low Water of 1847," and after they have been ratified and confirmed by the city council, to make and keep a careful and complete record of such standards and bench marks. He shall also make and keep a record of all the street grades heretofore and hereafter established by the city council. From the elevations given in said records all public works and private improvements shall be constructed. The elevations, bench marks and street grades contained in said records shall be the legal and only standard representing city datum.

**751. Bench engineer.]** The said superintendent of sewers shall designate from among the corps of engineers in his department one competent and experienced civil engineer to be known as the bench engineer, whose duties shall be to make and record city standards and benches.

**752. Grade ordinances.]** All ordinances fixing the grades of streets in the city of Chicago shall be referred to the superintendent of sewers and shall be passed by the city council only upon the recommendation of said superintendent.

**753. Straight lines.]** All street grades shall be established along the curb lines of said streets and shall run in a straight line from the established grade at any street intersection to the established grade at the intersection of the next street thereto, or to any established street grade between the intersections of said streets. The term "intersection of streets" shall be taken as the corners of curb at street crossings.

## CHAPTER XXXIII.

### GUNPOWDER AND EXPLOSIVES.

**754. Explosives—sale—permit.]** No person shall keep, sell or give away any gunpowder, gun-cotton or cartridges, in any quantity, without permission in writing, signed by the mayor and city clerk, and sealed with the corporate seal, under a penalty of not more than twenty-five dollars for every offense; Provided, any person may keep for his own use a quantity of gunpowder or gun-cotton not exceeding one pound.

**755. Permits—number limited.]** All applications for such permits shall be made to the mayor; and no more than four shall be granted in any block. When the number of applications in any block shall at any time exceed the number to be granted, the authorized number shall be chosen by ballot by the city council.

**756. Register of permits.]** The city clerk shall make an entry thereof in a register to be provided for that purpose, which entry shall state the name and place of business and date of permit.

**757. Sale during evening.]** No person shall sell or weigh any gunpowder or gun-cotton after the lighting of lamps in the evening, unless in sealed canisters or cases.

**758. Sign showing sale of.]** It shall be the duty of every person to whom such permit shall be given to keep a sign at the front door of his place of business with the word "gunpowder" painted or printed thereon in large letters.

**759. Gunpowder—amount on hand.]** No person, firm or corporation shall have or keep at his, their or its place of business, or elsewhere within the city, or within one mile of the limits thereof, a greater quantity of gunpowder or gun-cotton than fifty pounds at one time, and the same shall then be kept in tin canisters or cases, containing not to exceed thirty pounds each, and in a situation remote from fires, lighted lamps, candles, gas or other inflammable matter, from which the same may be easily removed in case of fire, and then only by first obtaining a permit as herein required.

**760. Powder magazine.]** No powder magazine or place for storing or keeping gunpowder or gun-cotton shall be kept or maintained within the city or within one mile of the limits thereof: Provided, however, the provisions of this section shall not be held or construed to apply to any powder magazine or place now used or that may be hereafter erected and used for storing gunpowder or gun-cotton within the city, or within one mile of the limits thereof, which is now or may hereafter be located on any lot, piece or parcel of land, the size or area of which is such that the boundaries thereof are not less than

fifty rods distant from the walls of any such magazine or place, and the title to which said lot, piece or parcel of land, together with all the improvements thereon, by purchase or lease, is vested in the person, firm or corporation owning any such magazine or place now or hereafter used for the storage of gunpowder or gun-cotton, as aforesaid.

**761. Conveyance through streets.]** It shall be unlawful for any person or persons to carry or convey any gunpowder or gun-cotton (exceeding fifty pounds in quantity) through any street, alley, highway or road in the city, or within one mile of the limits thereof, in any cart, carriage, wagon, dray or wheelbarrow, or otherwise, unless the said gunpowder or gun-cotton be secured in tight cases or kegs well headed and hooped and put into and entirely covered with a good, tight and substantial leather bag sufficient to prevent the same from being spilled or scattered, or unless the same is put into a well covered and perfectly water tight box, the bottom and sides of which shall be completely covered with zinc, or unless such gunpowder or gun-cotton be secured in water tight patent metallic cases or kegs.

**762. Removal—large quantities.]** All gunpowder and gun-cotton coming into the city in greater quantities than fifty pounds shall, within twenty-four hours after its arrival, be transported and conveyed beyond the city limits and beyond one mile of the limits thereof; Provided, however, that powder or gun-cotton may be conveyed to and stored in the magazines beyond the city limits which are embraced in the exceptions made in section 760, and provided, further, that in case of the receipt in or shipment from said city of powder in quantities exceeding one hundred kegs in one lot, the superintendent of police or fire marshal may, on a proper case made, grant special permit in writing, extending said time not exceeding forty-eight hours.

**763. Same subject.]** No gunpowder or gun-cotton shipped to or from the city of Chicago shall be permitted or suffered to be or remain on any dock, landing, street, alley, highway, railroad track or car, or other place within said city, or within one mile of the limits thereof, in a greater quantity than fifty pounds, except as herein otherwise provided, for a longer period than a reasonable time to load and unload the same, which time, however, shall not exceed twelve hours; Provided, however, the superintendent of police or fire marshal may, by permit in writing, extend said time not exceeding twenty-four hours.

**764. Vehicle carrying explosives.]** No wagon, dray, cart, or other vehicle, loaded in whole or in part with gunpowder or gun-cotton shall be permitted to stand or remain on any street, alley, highway, or place in said city, or within one mile of the limits thereof, more than half an hour at a time, except when unavoidably detained by the opening of bridges; and every magazine, safe, box or keg used for storing or transporting, and all vehicles employed in hauling gunpowder or gun-cotton within the city, or within one mile of the limits thereof,

shall have the word "powder" painted upon both sides of them in large letters.

**765. Vessel carrying explosives.]** No vessel laden in whole or in part with gunpowder or gun-cotton shall land or make fast to any dock or wharf upon the Chicago river, or either branch thereof, between the south line of the school section and Chicago avenue, or discharge such gunpowder or gun-cotton within said limits. If any master or owner of any vessel or other person shall violate any provision of this section, he shall be subject to a fine of not less than twenty dollars nor more than one hundred dollars.

**766. Removal of vessel.]** The mayor or superintendent of police shall have power to cause any vessel to be removed from the limits mentioned in the preceding section, to any place beyond the same, by a written order, which shall be executed by the harbor master, or any member of the police force. If any person shall neglect or refuse to obey such order, or shall resist any officer in the execution of the same, he shall be subject to a penalty of not more than one hundred dollars.

**767. Permits — fee.]** All permits granted under this article shall expire on the first day of May in each year. No permit shall be granted to any retailer of intoxicating liquors or to any intemperate person. The collector shall receive, for the use of the city, twenty-five dollars for each and every such permit which may be issued.

**768. Seizure.]** All gunpowder or gun-cotton which shall be found in any store, storehouse, manufactory or other building, or which may be found in any cart, wagon or other vehicle, or on board any steamboat, tug or other vessel which shall make fast to any dock or wharf in the city of Chicago, or anchor within the jurisdiction of said city, in violation of any provision of this article, shall be immediately seized and removed to some secure place, and it is hereby made the duty of the members of the police force to assist in said seizure when called upon.

**769. Manufacture of explosives.]** It shall not be lawful for any person or persons to manufacture within the limits of the city any explosive material or compound, to be used for any purpose, the manufacture of which would be dangerous to life and property, under a penalty of not more than one hundred dollars, and a further penalty of fifty dollars for each and every day that such explosive material or compound may be manufactured after written notification for discontinuance thereof by the fire marshal.

**770. Penalty.]** It shall not be lawful to store or keep in any building or other place within the corporate limits, or convey through any street, avenue, alley or other public place, any dynamite, nitroglycerine or any other explosive material or compound other than gunpowder, unless a permit in writing for such purpose be first obtained from the mayor, under a penalty of not more than one hundred dollars for each and every offense, and a further penalty of fifty dollars

for each and every day that such explosive material or compound may remain stored, kept, deposited or conveyed, as the case may be.

**771. Sign showing sale of explosives.]** In all buildings in which any explosive material or compound, as regulated by the two preceding sections, is stored or kept under a permit obtained from the mayor, it shall be the duty of the person or persons so storing it to place a tin sign on the door, or some other conspicuous place on the outside of the first story of such building, on which shall be painted in legible letters, the name of the compound or material so kept or stored, under a penalty of not more than fifty dollars, and a further penalty of twenty-five dollars for each and every day after written notification from the fire marshal to comply with the provisions of this section.

**772. Penalties.]** Any person or persons, corporation or corporations, violating any of the provisions of this article, when no other or different penalty is provided, shall be subject to a penalty of not less than fifty dollars, and not exceeding two hundred dollars, for each and every offense; and each and every day that gunpowder or gun-cotton shall be kept in any place contrary to any provision of this chapter shall constitute a separate and distinct offense.



## CHAPTER XXXIV.

### HARBOR AND HARBOR MASTER.

**773. Office created — assistants — bridge-tenders.]** There shall be appointed by the mayor, with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter, one person to be harbor master and one person to be vessel dispatcher for the port of Chicago and two persons to be assistant harbor masters and assistant vessel dispatchers, and who shall perform such duties as may be prescribed by the ordinances of the city of Chicago. The harbor master shall wear such uniform as the police department may adopt as the uniform of a lieutenant of police; the assistant harbor masters shall wear such uniform as the police department may adopt as the uniform of a patrol sergeant of police. At the same time and in the same manner as hereinbefore provided there shall also be appointed such number of bridge tenders as the city council shall designate and provide for in the appropriation ordinance.

**774. Bonds.]** Each of said officers or employes provided for herein shall be required to give such bonds for the faithful discharge of their respective duties as the mayor or city council may prescribe, and shall be removable by the mayor.

**775. Office—office hours.]** It shall be the duty of every person so appointed and employed as harbor master, to keep an office in such place as the city council shall designate, where at all times during the season of navigation he can be found, or where orders can be left and receive prompt attention.

**776. Subject to commissioner of public works.]** The vessel dispatchers, harbor masters, river police and bridge tenders shall be under the direction of the commissioner of public works, and shall perform such duties as may be prescribed for them by the rules and regulations of said department of public works and the ordinances of the city.

**777. Uniform—record of damages—reports.]** The harbor masters and vessel dispatchers shall at all times while on duty wear police uniform. They shall keep an accurate account and record of each case of damages to bridges, docks and all other city property pertaining to the harbor, occurring by any and every violation of the provisions of any ordinance by any person, vessel, craft or float, the name of such vessel, craft or float, the owner, master or consignee thereof, and shall gather all evidence and information in their power concerning any such violation or violations; and also keep an accurate record of the amount of such damage, when, to whom, and

how paid, and an account of all claims against the city made by vessel owners or persons navigating the harbor, for damages sustained in said harbor to vessels or other craft, and make a detailed report thereof to the commissioner of public works.

**778. City life boats—custody.]** The harbor master shall have charge of and be responsible for the safe keeping of the city life boats, and any other property which may be placed in his charge by the city council or the department of public works.

**779. Locate vessels—forbidden location—penalty.]** The harbor master shall give such orders and directions relative to the location, change of place or station, manner of moving or use of the harbor of every vessel, craft or float lying, moving or laid up in the harbor, as may be necessary to promote good order therein and the safety and equal convenience of such vessels, crafts or floats. No steamboat, vessel or other craft shall make fast to or lay along side of another, or lap one another in that portion of the harbor between Rush street bridge and Wells street in the main river, between Lake street bridge and Halsted street in the South Branch, and between Kinzie street bridge and North avenue in the North Branch, contrary to the orders of the harbor master. It shall also be unlawful for any mud scow, flat boat, dredge, or any such crafts, to be placed or laid along side of another while lying at any of the docks or wharves of the harbor during the navigable season of the year, without first having obtained permission from the harbor master. Any owner, master, or other person having charge of the same, who shall refuse or neglect to obey any such order or direction, shall be subject to a penalty of not more than twenty-five dollars for every such neglect or refusal.

**780. Power over vessels—refusal to obey.]** Whenever there shall be in the harbor any vessel, craft or float insecurely fastened, adrift, sunken, or laid up, which may require to be fastened, raised, removed or its location changed, for the benefit of other vessels navigating the river, the harbor master shall notify the owner, master, or other person who may be in charge thereof, to secure, raise, or remove such vessel, craft or float without delay. But, if the harbor master should be unable to find the master, owner or person in charge of such vessel, craft or floats as aforesaid, or if no person answering such description can be found by him, such notice shall not be required, and the harbor master shall remove such vessel, and said vessel shall be held for all expenses and costs, and any person who shall refuse or neglect to comply with such order or direction shall be subject to a penalty of not more than twenty-five dollars, and a further penalty of ten dollars for every hour he or they shall refuse or neglect to observe the same.

**781. Removals, etc., at expense of owner.]** If any vessel, craft or float shall not be secured, removed or its location changed in compliance with the direction of the harbor master after notice, or if the harbor master shall be unable to serve such notice, as aforesaid, in either case he shall cause such vessel, craft or float to be secured, raised,

removed or its location changed as aforesaid, employing such assistance as may be necessary for the purpose. All expenses which may be incurred in any case shall be recoverable of the owner, consignee, master or other person having charge of such vessel, craft, or float. If any person shall resist the harbor master, or any person acting under him, in the execution of any duty imposed upon him by this chapter, such person so resisting shall be subject to a fine of not less than ten dollars and not exceeding one hundred dollars.

**782. Stop at south pier limited—penalty.]** No master, owner or any person in charge of any vessel, craft or float, shall cause or suffer the same to remain at or within one hundred feet of the south pier for a longer period than is actually necessary to furl sail on coming in, or make sail on departing, under a penalty of ten dollars; Provided, that rafts or vessels necessarily used in the construction or repair of the piers shall not be deemed to be within this provision.

**783. Vessel blocking passage—injury to bridge.]** No vessel, craft or float shall be so moored or anchored within the harbor or in any slip or at any dock as to prevent the passage of any other vessel, craft or float; nor shall any vessel, craft or float be so moored as to range against or injure any bridge across the river, or any branch thereof, under a penalty of not less than ten dollars, nor exceeding one hundred dollars, to be recovered from the master, owner or person in charge thereof, for each offense.

**784. Speed at bridges—forbidden anchorage.]** All vessels, crafts or floats navigating the harbor, when passing any bridge, shall be moved past the same as expeditiously as is consistent with a proper movement in the harbor, but in no case shall any vessel, craft or float while passing any bridge, and obstructing the passage across such bridge, move at a rate of speed less than two miles per hour; and no vessel, craft or float shall be so anchored or fastened as to prevent any bridge from a free and speedy opening, or any ferry boat from a free and direct passage, nor shall any line or fastening be so thrown, laid or made fast as to cross the track of any bridge or ferry, under a penalty of not more than twenty-five dollars for each offense, to be recovered from the master or other person having charge of such vessel, craft or float.

**785. Steam tug for sailing vessels.]** All vessels, crafts or floats not propelled by steam, navigating the harbor, for which the opening of any bridge may be necessary, shall, while approaching and passing such bridge, be towed by a steam tug, under a penalty upon the master, owner or person in charge thereof of not less than twenty-five dollars nor exceeding one hundred dollars.

**786. Vessel moved to bridge before opening.]** Whenever any person having charge of any vessel, craft or float shall wish to move the same past any ferry boat or bridge, reasonable time shall be allowed for the opening of the same, and any person who shall move any vessel, craft or float against any bridge or ferry or the draw of any bridge before the same shall be opened, to the injury thereof,

shall be subject to a fine not exceeding two hundred dollars and be, likewise, answerable to the city of Chicago for damages.

**787. Cargo—discharge.]** No person discharging the cargo of any vessel, craft or float shall suffer any part of such cargo to remain projecting over the front of any wharf, after such vessel, craft or float shall remove from the wharf, under a penalty, to be recovered from the master, owner or other person having charge of such vessel, craft or float occupying such wharf, of ten dollars for every hour such projection shall continue.

**788. Rules of navigation.]** All vessels, crafts or floats lying in or navigating the harbor shall be respectively governed by the following further provisions:

1. All vessels using steam shall have their smoke pipes so constructed and managed as to prevent sparks or coals of fire escaping therefrom, and shall be moved slowly at a speed not exceeding four miles per hour under a low head of steam. All tug boats or steam vessels used chiefly for towing shall have a joint in their smoke pipes, and shall be constructed in all respects in such a manner as to be able to pass under any bridge which is not less than thirteen feet above the surface of the water.

2. No master or other person owning or having charge of any vessel, craft or float shall leave the same in the harbor without having on board or in charge thereof some competent person to control, manage and secure the same, without first obtaining permission of the harbor master.

3. No vessel laden in whole or in part with gunpowder or gun-cotton shall land at or make fast to any dock or wharf upon the Chicago river, or either branch thereof, between the south line of the school section and Chicago avenue, or discharge such gunpowder or gun-cotton within said limits. The harbor master shall prevent any vessel with gunpowder or gun-cotton on board from making fast to any wharf or dock, or unloading, within the limits aforesaid.

4. All vessels, crafts or floats, whether using steam or otherwise, while in the harbor, shall have and keep their anchors on board, and their lower yards cock-billed, and their upper yards braced up sharp.

5. They shall likewise have and keep out on board during the night time a conspicuous light, and shall have extinguished or safely secured at dark all fires which may be kept on board.

6. No vessel, craft or float shall be suffered to lie in the harbor adrift or insecurely fastened.

7. Any master, owner or other person having charge of any such vessel, craft or float shall be subject to a fine of not less than twenty dollars nor exceeding one hundred dollars, for every violation of any provision of this section, and to a like fine for every refusal to conform thereto when directed by the harbor master.

**789. Befouling stream.]** No person shall cast or deposit, or suffer to be cast or deposited in the harbor of the city of Chicago, or within five miles of the harbor, any earth, ashes or other heavy sub-

stance or substances, filth, logs or floating matter, or any obstructions. No tug owner or captain or other person in charge or command of a tug shall tow, inside the limits of the city of Chicago, any dumping scow or like vessel, with or without a collapsible or adjustable bottom, loaded with clay or other material cut from the harbor or with earth, ashes, filth or other substance or substances, unless there is on board of said tug at the time of said towing an inspector from the department of public works of the city of Chicago: Provided, however, that in case of scows loaded at work conducted under the direction of the department of public works, directions, in writing, for such tugs to convey such loaded scow or scows to the number of two, to a proper place to dump or deposit its or their loads, shall be considered satisfactory to the requirements of this section. It shall be unlawful for any dredge or other machine to cut clay or other material from the bed or bottom of the harbor of the city of Chicago, unless the party or parties present conducting such work be a representative or representatives of, or have in his or their possession a permit in writing from the department of public works of the city of Chicago, in which permit the location and time occupied in said work shall be specified, and said party or parties conducting such work shall produce said permit on the demand of harbor master, or any of his assistants. It shall be the duty of the harbor master to cause the arrest of all persons in charge of tugs, scows or dredges who are detected violating any of the provisions of this section, and on conviction thereof they shall be fined not less than fifty dollars nor more than one hundred dollars for every such offense.

**790. Police powers.]** The harbor master and assistant harbor masters shall be sworn in as special policemen by the superintendent of police, for the purpose of carrying more readily into effect the police regulations of the city concerning the harbor under their charge and to preserve the public peace and quiet in and about the harbor, and for such purposes shall have all the power and authority of police officers under the laws of the state and the ordinances of the city of Chicago.

**791. Definitions.]** The harbor shall consist of the Chicago river and its branches to their respective sources, including that portion known as the Ogden canal, and all slips adjacent to and connecting with the Chicago river, the piers and basins, including the waters of the government breakwater which lie adjoining to, and extending three miles into the lake between the north and south lines of, the city, and all the territory embraced between the limits of said survey as aforesaid shall be a portion of the harbor of the city of Chicago, and shall be subject to the control of the harbor master and to all the rules and regulations of this chapter or which shall be hereafter provided by the city council. The words "vessel," "crafts" and "floats" shall be deemed to include every species of steam and other vessels lying or floating in or navigating the harbor.

**792. Improvement of harbor—hindrance.]** If any owner or master, or other person in charge of or in command of, or sailing any

tug boat or towing boat in and upon the Chicago river, or any of the branches of said river, or upon Lake Michigan within said city limits, shall run, sail or cause to be run or sailed such tug boat or towing boat, or any thing that they may have in tow, upon, against, or over any rope, chain, or other fastening, mooring, dredge or other machine used by said city for deepening, widening and improving said lake and said river and its branches, so that the said dredge or other machine shall be displaced, hindered or delayed in the working thereof, such persons so offending shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

**793. Pile driving—encroachment on harbor lines.]** No person or persons shall drive or place, or cause to be driven or placed any pile or piles, stone, timbers, earth or other obstruction in the harbor of the city without permission of the commissioner of public works, nor shall any person or company use the piers of the harbor erected by the government of the United States without the permission of the agent of the United States for said piers, or the harbor master. It shall be the duty of the harbor master to report to the city engineer any and all encroachments upon the harbor lines as now established, or which may hereafter be established, and thereupon they shall take such action as may be necessary to enforce the provisions of this chapter.

**794. Craft fouled—assistance.]** If any steamboat, vessel or other craft by winding or other cause shall get foul and obstruct the navigation or passage of other boats or crafts the harbor master shall have power and is hereby authorized to order to his assistance men and tackle from any other boat or craft. The harbor master shall have power and is hereby authorized to order to his assistance any tug boat or other steam craft that may be in the vicinity or passing at the time. Every master or officer of such boat, craft or tug shall render the assistance so ordered, and any steamboat, vessel or other craft or float receiving such assistance shall pay to the person or persons rendering the same any sum fixed by the harbor master.

**795. Penalties.]** Any person or persons violating any provision of either of the last two sections of this chapter shall, on conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars for the first offense, and not more than seventy-five dollars for each and every subsequent offense.

**796. Lumber raft—obstruction.]** Any person or persons having in charge any raft of lumber, logs or timber, who shall refuse or neglect to comply with the orders of the harbor master, relative to the change of location or removal of the same, shall forfeit and pay, on conviction thereof, the sum of not more than fifty dollars and the cost of prosecution. And any owner, master or officer of any tug, propeller or steamboat leaving any such raft of lumber, logs or timber within the harbor, where the same shall be or become an obstruction to commerce, shall, on conviction thereof, be fined not more than one hundred dollars for each and every offense.

**797. Steam vessel—working engine.]** No steam vessel while lying in the harbor or along the wharves or docks of the same, shall work its engines previous to leaving the harbor; Provided, that owners, masters or other persons in charge of boats fitting out and desirous of working and testing their engine, shall before working or testing such engine station some person in such a place or position so as to signal the engineer to stop such engine; said engine shall be kept from working until all approaching vessels, crafts or floats shall have passed the wheel of said boat or boats a distance of two hundred feet. This shall not apply to cases of fire. Any person or persons violating any provisions of this section shall be fined not less than twenty nor more than fifty dollars for each and every offense; and shall also be liable for any damage to persons or property sustained by reason of such violation.

**798. Removal of vessel—tying up.]** The harbor master shall have the power to move any vessel, craft or float, while lying at any dock, wharf or pier, while receiving or discharging cargo or otherwise engaged, when in his judgment it is necessary so to do to facilitate the movements of other vessels, crafts or floats; he shall also have power, when in his judgment a vessel is so deeply loaded as to interrupt the traffic at the bridges or in the harbor, to tie up such vessel until such time as the said vessel shall have been lightened or a rise in water in the river may enable her to proceed; also to stop at any time or place such vessels, crafts or floats as may be proceeding up or down the river, so as to prevent a jam or blockade.

**799. Limit of towage—danger signal—speed in passing.]** It shall be unlawful for any steamboats, steam tugs or steam canal boats to tow more than four canal boats, barges or scows in one tow within the limits of said harbor. All docks, wharves, bridges, piers, protections or other place where person or property is in danger by the fast moving of steamboats or tugs shall have a blue flag flying in the most conspicuous place thereon and as near the point of danger as possible, so as to be seen from up or down the river, and at night a blue light shall take the place of such flag; and any owner, master or other person in charge of any steamboat or tug running or causing to be run any steamboat or tug past such blue signal faster than at the rate of two miles per hour or violating any other provision of this section shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense, and shall be held liable for any damage to person or property sustained by reason of such violation.

**800. Wharves and docks.]** Every owner or owners, occupant or occupants of premises abutting on said harbor shall at all times keep the wharves and docks on said premises in good repair and safe condition. Every person violating any provision of this section shall, on conviction thereof, be fined in any sum not less than twenty dollars nor more than fifty dollars for every day said violation shall continue, and said harbor master shall also notify the owner that he

will be held liable for all damages occasioned to person or property by reason of such unsafe condition of said wharves and docks.

**801. Bridges—control.]** All bridges crossing the Chicago river, or any of its branches, including railroad bridges, shall be under the control of the harbor master, and he shall have power to order the opening and closing of the same at any time when in his judgment it is necessary to carry out the provisions of this chapter. Any bridge tender or other person or persons in charge of any bridge within the city, who shall violate any provision of this section shall be subject to a penalty of not less than ten dollars nor exceeding one hundred dollars, and, on conviction, shall be immediately removed from office; Provided, however, that in all matters pertaining to the opening or closing of bridges the harbor master shall conform to all ordinances now in force or which may hereafter be passed regulating the opening and closing of bridges.

**802. Dock construction—repairing.]** It shall be the duty of the harbor master to require all parties who may be engaged in repairing, renewing, altering or constructing any dock within the city of Chicago to produce a permit from the department of public works of the city of Chicago, which permit shall specify the character and location of such repairing, renewal, alteration or construction, and in default of the production of such permit the harbor master shall at once stop all work on the said docks, and shall cause the arrest of the said party or parties engaged in said unlawful repairing, renewal, alteration or construction of any dock inside the limits of the city of Chicago, who, upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than one hundred dollars for each offense; and further, in the event of said dock having been repaired, renewed, altered or constructed in or upon the water area of the harbor of the city of Chicago, the party or parties thus convicted of the violation of this section, in addition to the fine hereinbefore specified, shall be required at once, and at his or their own expense or cost, to remove said dock back to its former location; and, in default of said removal of said dock, the commissioner of public works is hereby authorized to cause said dock to be moved to such location as he deems best and to recover, from the party or parties convicted, as hereinbefore set forth, the cost or expense of said removal of said dock.



## CHAPTER XXXV.

### HEALTH.

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#### ARTICLE I.

##### DEPARTMENT OF HEALTH.

**803. Health department } created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of health, and shall embrace the commissioner of health, the superintendent of police and the city physician, and such other assistants and employes as the city council may, by ordinance, prescribe and establish.

**804. Commissioner—term.]** There is hereby created the office of commissioner of health, who shall be the head of said department of health, and shall have the management and control of all matters and things pertaining thereto. He shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**805. Appointment.]** Said commissioner shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**806. Bond.]** Said commissioner, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of said office.

**807. Control and supervision.]** Said commissioner shall have and exercise a general supervision over the sanitary condition of the city; and all orders and directions emanating from said department shall be issued in the name of said commissioner.

**808. Assistants and employes.]** Said commissioner shall appoint, with the consent of the mayor, an assistant commissioner of health, a secretary, a register of vital statistics, medical sanitary inspectors, meat inspectors, sanitary policemen and sanitary policewomen having full police powers, and such other employes as may be necessary, who shall perform all the duties now provided by the laws of the state and ordinances of the city, and such other duties as the said commissioner of health may require and determine. He shall also have power to remove any of said officers, clerks or employes.

**809. Advice — contagious disease.]** The commissioner of health shall give to the mayor and other city authorities all such pro-

fessional advice and information as they may require, with a view to the preservation of the public health; and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same, and adopt measures to arrest its progress.

**810. Duties and powers.]** It shall be the duty of the commissioner of health to enforce all the laws of the state and ordinances of the city in relation to the sanitary regulations of the city, and cause all nuisances to be abated with all reasonable promptness. And for the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to a thorough examination of cellars, vaults, sinks or drains; and to cause all privies to be cleansed and kept in good condition; and to cause all dead animals or other nauseous or unwholesome things or substances to be buried, removed or disposed of as the commissioner of health may direct.

**811. Records and books.]** It shall be the duty of the commissioner of health to provide the necessary books for keeping a record of all transactions of said department, including the proper registration of births and deaths, and such other statistical information necessary for the efficient working of said department; and he shall also keep on hand all necessary blanks, to be used by physicians and midwives, and furnish them with the same on application.

**812. Contagious disease.]** It shall be the further duty of the commissioner of health to visit and examine, or cause to have visited and examined, all sick persons who shall be reported to him as laboring, or supposed to be laboring, under any yellow or ship fever, small pox, cholera, or any infectious or pestilential disease, and cause all such infected persons to be removed to the cholera, small pox, or other hospitals, or to such other safe and proper place as he may think proper, not exceeding three miles from said city, and cause them to be provided with suitable nurses and medical attendance, at their own expense if they are able to pay for the same, but if not, then at the expense of the city.

**813. Notices posted.]** It shall be the further duty of the commissioner of health to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with small pox, scarlet fever, or any contagious, infectious, pestilential or epidemic disease, upon which shall be written, or printed, the name of such disease; and if any person or persons shall deface, alter, mutilate, destroy, or tear down such notice, without permission of the commissioner of health, or of the health officer, such person or persons shall be liable, for each offense, to pay a fine of not less than twenty-five dollars, nor more than fifty dollars; the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall be held responsible for the removal of the same, and if the

same shall be removed without the permission of the commissioner of health, or of the health officer, such occupant shall be subject to the like fine of not less than twenty-five dollars, nor more than fifty dollars, unless he shall notify the commissioner of health, or health officer, within twenty-four hours after the removal of the said notice.

**814. City hospital.]** The commissioner of health shall have charge of the city hospital, and shall have power to employ such assistants and nurses as he may deem necessary; and it shall be his duty to see that the hospitals of the city are supplied with suitable furniture, nourishment, fuel, and medicines, and that persons dying therein, or in other places under the charge of the city, are decently and promptly buried at the expense of the city; Provided, such deceased persons have not the means to defray their own expenses of sickness or burial.

**815. Epidemics—regulations concerning.]** In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of the said commissioner of health to take such measures, and to do, and order, and cause to be done, such acts for the preservation of the public health (though not herein, or elsewhere, or otherwise authorized), as he may in good faith declare the public safety and health to demand, and any person who violates, disobeys or refuses to comply with any of the rules, orders or sanitary regulations of the department of health made in conformity with this section shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

**816. Small pox, vaccination—refusal.]** The commissioner of health may take such measures as he may, from time to time, deem necessary to prevent the spread of the small pox, by issuing an order requiring all persons in the city, or any part thereof, requiring vaccination, to be vaccinated within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to a fine of not less than three dollars nor more than twenty-five dollars: Provided, that it shall be the duty of the commissioner to provide for the vaccination of such persons as are unable to pay for the same, at the expense of the city.

**817. Disinfection of premises.]** He shall have power to cause any house or any premises to be cleansed, disinfected, or closed to visitors, and prevent persons from resorting thereto while any person is laboring under any pestilential, contagious or infectious disease; he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth, to be removed from any house or premises, and may prescribe the time and mode of doing so, and take any other measures he may deem necessary and proper to prevent the spread of any contagious, infectious, pestilential or epidemic disease; and any person who shall neglect or refuse to obey the orders, directions and instructions of said commissioner of health shall be fined in any sum not less than five dollars nor more than one hundred dollars.

**818. Quarantine.]** The said commissioner shall make such rules and regulations for the government of the quarantine or health of the city, as, from time to time, he shall deem necessary. (See article on quarantine regulations.)

**819. Weekly visitations in poor districts.]** It shall be the duty of the commissioner of health to make, or cause to be made, a circuit of observation once in every week, to every part of the city and its environs, which from its location, or from any collateral circumstances, may be deemed the cause of disease; and in all cases, where the existence of any agent, the presence of which will prove dangerous to the health of the city, is discovered, and there is no ordinance competent to the correction of the evil, he shall immediately report the same to the city council, accompanied with his opinion of the necessity of extraordinary or particular action.

**820. Vaccine virus.]** Said commissioner of health shall always have on hand, as far as practicable, a sufficient quantity of vaccine virus; and he shall vaccinate and re-vaccinate, without charge, all persons who may apply to him for that purpose; and shall give certificates of vaccination to children who have been vaccinated, and require such certificates for admission to the public schools.

**821. Annual report—estimates.]** Said commissioner of health shall, annually, on or before the first day of February, send to the city comptroller a full and comprehensive statement of all matters pertaining to said department during the year, and of all expenditures from appropriations for the health department, together with an estimate in detail of the appropriations required by the department during the next municipal year.

**822. Contracts in name of city.]** All contracts entered into by the said commissioner, and all bonds taken by him, shall be made to and in the name of the city of Chicago.

## ARTICLE II.

### ASSISTANT COMMISSIONER AND OTHER EMPLOYES.

**823. Duties of assistant.]** It shall be the duty of the assistant commissioner of health to attend at the health office, every day, except Sunday, to discharge the duty of seeing that a faithful record is kept of reports and other matters relating to the department of health; and in case of absence or sickness of the commissioner of health, or when directed by the mayor, he shall perform all the duties herein assigned to the commissioner of health.

**824. Duties of employes.]** It shall be the duty of the assistant commissioner, and all other employes in said department of health, to obey and carry out all orders and directions of the commissioner of health, and perform such duties as may be imposed upon them by said commissioner.

## ARTICLE III.

## CITY PHYSICIAN.

**825. Office created—duties.]** There is hereby created and established the office of city physician, who shall, in subordination to the commissioner of health, exercise a general supervision over the sanitary condition of the city; and shall report to said commissioner all nuisances, the prevalence of any epidemic, contagious or infectious disease, or other causes which in his opinion are likely to be detrimental to the general health.

**826. Ex-officio member of department.]** Said city physician shall be a member ex-officio of the department of health: Provided, however, that he shall not exercise any powers, or perform any duty as such member, beyond giving information to, and advising and consulting with the commissioner of health, when so requested, upon subjects pertaining to the sanitary condition of the city.

**827. Appointment.]** Said city physician shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**828. Bond.]** He shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

**829. Duties.]** The city physician, when notified thereof, shall examine into all nuisances, sources of filth and causes of sickness; and upon being informed of the existence or introduction of any contagious or infectious disease within the city, shall inquire immediately into the facts, and report the same to the commissioner of health, and see that the orders of said commissioner are obeyed as far as practicable.

**830. Attendance at city hospital.]** Said city physician shall, when directed by the commissioner of health, superintend the small pox, cholera and other city hospitals, and administer to all persons conveyed there who have no other physician or who are unable to employ one; shall attend and administer to such other indigent persons as he may be directed to by the commissioner of health, or the health officer; and visit and administer to prisoners sick in the city work-house, calaboose, watch-house, police stations, or house of correction; and make at least three visits to the house of correction each week.

**831. Report on sanitary conditions of city.]** He shall attend all meetings called by the commissioner of health when requested, and report to said commissioner all cases where any sick person has not been properly attended to, and all other matters which he may deem important, and give such information as the said commissioner may desire in relation to the sanitary condition or regulations of the city, so far as he may be able so to do.

**832. Inspection of cars, vessels, etc.]** It shall be the duty of the

city physician to examine, at the request of the commissioner of health or health officer, boats and vessels coming into port, the officers, crews or passengers of which may be supposed to be affected by any contagious or infectious disease, and advise the health officer what disposition shall be made of the same; and to perform such other duties as the city council shall hereafter prescribe, including the vaccination of the children in the public schools, or of others requesting him to do so; and to make a monthly report of his transactions to the city council, together with such suggestions as are calculated to promote the general sanitary condition of the city.

#### ARTICLE IV.

##### AMBULANCES AND PHYSICIANS.

**833. Right of way--permit.]** All ambulances and vehicles belonging to the health department, and all ambulances and vehicles belonging to incorporated hospitals recognized by the health department as being regular hospitals in the city of Chicago, shall have the right of way in the streets of said city when conveying any patient or injured person to any hospital in the city or when proceeding to the scene of any accident by which any person or persons have been injured; and any person refusing to yield the right of way, where it is possible, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding twenty-five dollars for each and every such offense. The superintendent of police is hereby required to rigidly enforce the provisions of this article.

Physicians having a permit, and who shall wear suitable badges to be procured from the city clerk, shall also have a like right of way for themselves and their vehicles in the streets, and shall be allowed, as soon as possible, to cross processions and other public gatherings and bridges, when answering calls for their professional services.

The mayor and city clerk are hereby authorized to issue, upon written application therefor, a proper permit to any duly registered physician or surgeon, residing or practicing in the city of Chicago, which permit shall not be transferable.

**834. Certificate from state board of health.]** The mayor and city clerk, before issuing any such permit or badge, shall obtain from the state board of health a certified list of all regular practicing physicians, licensed by such board of health, and residing or practicing in the city of Chicago, and such permit and badge above referred to shall only be issued to those physicians or surgeons who shall be so certified by the state board of health.

## ARTICLE V.

## BIRTHS AND DEATHS.

**835. Duty of physicians, etc.]** Every physician, midwife, or other person who may professionally assist or advise at any birth shall make and keep a registry of every birth, and therein enter the time and place, ward and street number and the sex and color of every child born, and the names and residence of each of the parents (so far as the foregoing facts can be ascertained), and every physician and professional adviser who has attended any person during a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place and street number of the place of such death.

**836. Registration of births and deaths.]** It shall be the duty of every person mentioned in the last section who is required to make or keep any such register, to present to the department of health a copy thereof or a written statement, signed by such person, containing all the facts in said register required to be entered, within five days after the birth and within thirty-six hours after the death of any person to whom such registry may or should relate, which shall thereupon be placed on file with said department.

## ARTICLE VI.

## BURIAL OF THE DEAD.

**837. Inspectors of burials—unlawful burials, removals, etc.—permits.]** Hereafter it shall be unlawful for any person or persons to move any human body within or to remove any human body from the corporate limits of the city of Chicago, or bury any human body within said limits or cremate or deposit any human body in any vault within the city limits, without first obtaining a permit so to do from the commissioner of health or such subordinate officers as may be appointed by said commissioner in accordance with the provisions of this chapter. It shall be the duty of said commissioner of health to appoint, with the consent of the mayor, four competent graduate physicians, who shall have been licensed to practice medicine under the laws of this state, and who shall be denominated inspectors of burials, and who shall be removable at the pleasure of said commissioner and shall be subject to all rules and regulations of the department of health; said commissioner shall cause one of said inspectors to be stationed as near as may be convenient to the center of the territory comprised in the former town of Lake; and shall cause one of said inspectors to be stationed as near as may be convenient to the center of the territory comprised in the former village of Hyde Park; and shall cause one of said inspectors to be stationed as near as may be

convenient to the center of the territory comprised in the former city of Lake View; and shall cause one of said inspectors to be stationed as near as may be convenient to the center of the territory comprised in the town of Cicero in said city of Chicago and the former village of Jefferson; each of said inspectors shall furnish at his own expense a suitable office at the place which shall be designated by said commissioner; and said inspectors shall have power and authority to issue permits to move any human body within or to remove any human body from the corporate limits of the city of Chicago, to issue permits to bury any human body within said limits and to issue permits to cremate or bury any human body in any vault within the city limits; each of said appointees shall be paid a salary of seventy-five dollars per month out of any savings or unexpended balance that may be to the credit of the health department.

**838. Penalty.]** Any person neglecting or refusing to comply with any of the provisions of any section of this article or who violates any of the provisions thereof shall be liable to a fine of not more than one hundred dollars.

#### HUMAN BODY.

**839. Human body exposed.]** No person shall retain, expose or allow to be retained or exposed the dead body of any human being, to the peril or prejudice of the life or health of any person.

**840. Human body discovered.]** It shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body or part thereof is not publicly known), to immediately communicate to the department of health the fact of such discovery of such body, the place where and time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified or the cause of death ascertained.

#### ARTICLE VII.

##### BUTTERINE.

**841. Prohibited sales.]** No person, firm or corporation shall sell, offer or expose for sale, or cause the same to be done, any compound or substance purporting to be butter, or having the semblance of butter, which substance or compound is not made wholly from pure cream.

**842. Branded with appropriate name.]** Any person having in his or her possession for the purpose of sale, or exposing for sale, or offering to sell, or selling, any compound whatever in lieu of or as a substitute for, or to be used as butter, shall have the box, vessel or package containing the same plainly stamped, branded or marked



with the appropriate name of such compound, article or thing, which name shall be other than butter. If such compound, article or thing shall contain lard, the box, vessel or package containing the same shall be plainly stamped, branded or marked "suine," or "butterine;" and if it shall contain tallow, the box, vessel or package containing the same shall be plainly stamped, branded or marked "oleomargarine;" and if it shall contain any grease or fat whatever, except the grease or fat of butter, the box, vessel or package containing the same shall be plainly stamped, branded or marked with some appropriate name, other than butter.

**843. Inspector—appointment.]** The mayor is hereby authorized to appoint a butter and cheese inspector, giving him the necessary authority to examine any butter and cheese that may be manufactured, or exposed for sale, in violation of the law; said officer to serve without salary from the city.

**844. Penalty.]** Any person violating any of the provisions of this article shall be fined in a sum not less than ten dollars nor exceeding one hundred dollars.

## ARTICLE VIII.

### BUILDING REGULATIONS.

**845. Inspection of plumbing.]** It shall be the duty of the commissioner of health to cause an inspection to be made of all plumbing and other sanitary work in all buildings of any kind or description whatever, now erected, or in process of erection, and to compel the observance, in every particular, of all the provisions contained in the chapter herein entitled "Plumbers and plumbing."

**846. Construction—use.]** No person shall hereafter erect, or cause to be erected, or converted to a new purpose by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to ventilation, light, sewerage or any of the usual, proper or necessary provisions or precautions for the preservation of health, nor shall the builder, lessee, tenant or occupant of any such or of any other building or structure (having the right or ability to remedy or prevent the same), cause or allow any matter or thing to be or to be done in or about any such building or structure dangerous or prejudicial to health.

**847. Ventilation—light.]** No owner, agent or lessee of any building or any part thereof shall lease or let the same, or any portion thereof, or allow the same to be occupied by any person as a dwelling or lodging-house unless the said building or such parts thereof are in a clean and wholesome condition as provided in this article.

**848. Roofs—drainage.]** The roof of every house shall be kept in good repair and so as not to leak, and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on the ground, or causing dampness in the walls, yard or area.

**849. Condemned buildings.]** Whenever it shall be decided by the commissioner of health that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among the occupants, and notice of such decision shall have been affixed conspicuously on the building, or part thereof, so decided to be unfit for human habitation, and personally served upon the owner, agent or lessee, if the same can be found in the state, requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein as aforesaid, such building or part thereof shall within ten days thereafter be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified.

**850. School, church, etc.—ventilation.]** No master, teacher or manager of or in any school, public or private, or of or in any Sunday school or gymnasium, nor the officers or managers thereof, nor officers, managers or persons having charge of any place of public worship, shall omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil or attendant of any such church, hall of worship, school house, school room or place of practice or exercise, or relative to anything appurtenant thereto, whereby the health of any person may suffer or incur any avoidable peril or detriment through or by reason of such neglect or omission,

**851. Water closets.]** Every building shall be provided with good and sufficient water closets or privies, and shall have proper doors, traps, soil pans and other suitable works and arrangements so far as may be necessary to insure the efficient operation thereof.

**852. Number of closets.]** Such water closets or privies shall not be less in number than one to every twenty occupants of said house; but water closets or privies may be used in common by the occupants of any two or more houses; Provided, the access is convenient and direct, and provided, the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water closet.

**853. Connection with sewers.]** Every house situated upon a lot on a street in which there is a sewer shall have the water closets or privies furnished with a proper connection with the sewer, which connection shall be in all parts adequate to permit whatever enters the same to entirely and freely pass into said sewer.

**854. Construction.]** All such water closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means for flushing the same; and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them so that no accumulation shall take place, and so as to prevent any exhalation therefrom, offensive, dangerous or prejudicial to health.

**855. Sewer gas.]** No water closet, sink, tub, vat or other structure shall hereafter be constructed within the city of Chicago having connection with or by any sewer or underground passage, unless the same is provided with adequate or the best generally approved constructions and precautions for preventing gases and other offensive currents, substances and smells from passing up or out through such connection from such sewer or passage; nor shall any such water closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

**856. Sewer connections.]** It shall be the duty of every person using, making or having any drain, soil-pipe or passage to connect with any sewer from any ground, building, erection or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings and erections, and of the parties interested in such place of business, or business therein, and in like manner the duty of all departments, officers and persons (to the extent of the right and authority of each) to cause and require that such drain, soil-pipe, passage and connection shall at all times be adequate for its purpose, and such as shall convey and allow freely and entirely to pass whatever enters or should enter the same, and that all connections between metal pipes and house drains shall be made by a plumber, in such manner as the commissioner of health may direct.

**857. Sewers—flushing.]** It shall be the duty of all departments, officers and persons having power and authority so to do or require (and to the extent thereof) to cause to be used sufficient water, and other adequate means to be taken, so that whatever substances may enter any sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulations shall take place, and no exhalations from thence proceed, dangerous or prejudicial to health.

**858. Sewers—construction and repair.]** The proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of said city to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions in every particular, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drainage, or the want thereof.

**859. Penalty.]** Any person who violates or refuses to comply with any of the provisions of any section of this article, or who resists any officer in the discharge of his duty concerning any of the matters in this article contained, shall be subject to a penalty of not less than ten dollars and not more than two hundred dollars.

## ARTICLE IX.

## CONTAGIOUS DISEASES AND INFECTED ARTICLES.

**860. Physicians to report.]** Every physician who shall prescribe for or attend any person having a contagious or infectious disease, such as cholera, yellow fever, scarlet fever, diphtheria, typhus, typhoid fever, small pox, varioloid, or any of the grades of such diseases, shall, within twenty-four hours after first discovering the existence of such disease, make a report thereof in writing to the commissioner of health, which report shall give the name, if known, and the place of dwelling of the person having such disease, together with the character and state of his or her disease. Every physician who shall thereafter continue to prescribe for or attend the person having such disease shall, in each and every case, make at least two such reports every week during the existence of such disease.

**861. Death from such disease.]** It shall be the duty of each and every physician in the city to report in writing to the commissioner of health the death of any of his patients who shall have died in said city, of a contagious or infectious disease, within twenty-four hours thereafter, and to state in such report the specific name and type of such disease.

**862. Hotel-keeper to report.]** Every keeper of any boarding-house or lodging-house, and every inn-keeper and hotel-keeper shall, within twenty-four hours, report in writing to the commissioner of health the facts concerning any person being at any of the aforesaid houses or hotels, and attacked with any contagious disease.

**863. Institutions to report.]** The commissioners, managers, principals or other proper head officer of each and every public or private institution in said city shall, twice in each week, report in writing (or cause such report by some proper and competent person to be made twice in each week), to the commissioner of health, and state therein the name, if known, condition and disease of any and every person being a patient therein, and sick of any contagious disease.

**864. Masters of vessels to report.]** The master, chief officer and consignee, or one of them, of every vessel not being in quarantine, or within quarantine limits, but being within one-fourth of a mile of any dock or building of said city, shall daily report to the commissioner of health, or cause to be reported, in writing, the particulars, and shall therein state the name, disease and condition of any person being in or on such vessel, and sick of any contagious disease.

**865. Duty of all persons to report.]** It shall be the duty of every person knowing of any individual in said city sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for, and to avoid giving said disease to others), and the duty of every physician hearing of any such sick person, who he shall have reason to think requires the attention of the department of health, to at once report the facts to the com-

missioner of health in regard to the disease, condition and dwelling-place or position of such sick person.

**866. Boarding-house keeper to report.]** The keepers, lessees, tenants and owners of every boarding-house and lodging-house shall within six hours after the fact shall come to his or her or their knowledge, notify the commissioner of health in writing of the fact of any seafaring man or person lately from any vessel being taken sick at such house, and shall in such notice state where such sick person may be found, and from what vessel and when he came, to the best of the knowledge of the person or persons giving such notice.

**867. Master of vessel to report.]** Every master and chief officer of any vessel, and every physician of or who practiced on any vessel which shall arrive at any dock or wharf in the city from any other port, shall at once report to the department of health the particulars of any infected person or article on such vessel or that came thereon, which he has reason to think may endanger the public health of this city.

**868. Same.]** Every master, charterer, owner, part owner and consignee of any vessel or of the cargo thereof, which shall be in the water of said city, unless detained in quarantine, shall at once give or cause to be given to the commissioner of health written notice of any infected article or person, and of every person sick of a contagious disease, being or having within ten days been on board said vessel; and also of each and every fact and thing relative to said vessel, sick person or cargo, or to the crew of said vessel, which any of the first-mentioned persons shall have reason to think may be useful for the department to know, or be or become dangerous or prejudicial to life or health in said city.

**869. Infected articles.]** No person shall bring to any dock, wharf or building in said city, or unload at any dock, building or pier therein, or have on storage any skins, hides, rags, or similar articles or materials, having been brought from any infected place, without, or otherwise than according to, a written permit so to do from the department of health; and no person shall sell, exchange or in any way make any exposure of any straw, bedding or articles that have been exposed to any contagious disease or are liable to communicate such disease, till after the same have been adequately cleansed or disinfected.

**870. Removal of infected person or article.]** No captain, officer, consignee, owner or other person in charge of any vessel (having right and authority to prevent the same) shall remove or aid in removing from any vessel to the shore (save as legally authorized by the department of health, and into quarantine grounds or building only) any person sick of or that has been exposed to and is liable very soon to develop any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease, except in accordance with a permit of said department or within its special regulations.

**871. Articles from infected place.]** No person shall bring into the city any article or thing whatsoever from any infected place, or from any vessel or building in which any person has been sick of a contagious disease, without a permit therefor from the department of health, nor until said articles or things have been thoroughly disinfected. It shall be no excuse that such person or article so offending, or the occasion of offense, has passed through any quarantine, or has a permit from any other source than said department.

**872. Removal of person.]** No person shall, within the city, without a permit from the commissioner of health, carry or remove from one building to another, or from any vessel to the shore, any person sick of any contagious disease. Nor shall any person by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith or in respect of the care or custody thereof, or by a needless exposure of himself, cause or contribute to or promote the spread of disease from any such person or from any dead body.

**873. Infants—non-exposure.]** No parent, master or custodian of any child or minor (having the power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person to the taking or to the infection of any contagious disease.

**874. Penalty.]** Any person who violates, disobeys, neglects or refuses to comply with, or who resists any of the provisions of any section of this article, shall be subject to a fine of not less than ten dollars nor exceeding two hundred dollars.

## ARTICLE X.

### CIGARETTES.

**875. License—application—bond.]** The mayor of the city of Chicago shall, from time to time, grant licenses authorizing the sale of cigarettes within the city of Chicago, in the manner following, and not otherwise:

Any person, firm, or corporation, desiring a license to sell cigarettes, shall make written application for that purpose to the commissioner of health, in which shall be described the location at which such sales are proposed to be made. Said application shall be accompanied by evidence that the applicant if a single individual, all the members of the firm if a co-partnership, and person or persons in charge of the business if a corporation, is or are persons of good character and reputation. The commissioner of health shall thereupon submit to the mayor the said application, with the evidence aforesaid, with his opinion as to the propriety of granting such license, and if the mayor shall be satisfied that the persons before mentioned are of good character and reputation and are suitable persons to be entrusted with the sale of cigar-

ettes he shall issue a license in accordance with such application, upon such applicant filing a bond payable to the city of Chicago with at least two sureties to be approved by the mayor in the sum of five hundred dollars, conditioned that the licensed person, firm or corporation shall faithfully observe and obey all laws of the state of Illinois and ordinances of the city of Chicago, now in force or which may hereafter be passed with reference to cigarettes; Provided, however, that nothing herein contained shall be held to authorize the sale of cigarettes containing opium, morphine, jimson weed, belladonna, glycerine or sugar.

**876. License—contents, fee.]** Every person on compliance with the aforesaid requirements and the payment in advance to the city collector, at the rate of one hundred dollars per annum, shall receive a license under the corporate seal, signed by the mayor, and countersigned by the clerk, which shall authorize the person, firm or corporation therein named to expose for sale, sell or offer for sale cigarettes at the place designated in the license; Provided, that no license shall be granted to sell within two hundred feet of a schoolhouse.

**877. License—term—fee.]** Every license so granted shall be at the rate of one hundred dollars per annum: Provided, however, that in no case shall said license extend beyond the municipal year. Such license may be issued for the unexpired portion of a municipal year, upon the payment in advance at the rate fixed by ordinance, and proof furnished by the commissioner of health to the city collector, that the applicant was not liable for license nor were any cigarettes sold at the place of business without a license prior to date fixed in his application.

**878. License—revocation.]** Any license so granted may be revoked upon written notice by the mayor, whenever it shall appear to his satisfaction that the party so licensed shall have violated any provisions of the laws of the state of Illinois or of any ordinance of the city of Chicago relating to cigarettes, or any condition of the bond aforesaid.

**879. License—posted.]** Any and all persons licensed under this chapter, or any ordinance, for the sale of cigarettes shall immediately cause to be and remain posted upon some conspicuous part of the room or place where cigarettes are sold, or exposed for sale, his or their license.

**880. Failure to post — penalty.]** Any person so licensed who shall not cause such license to be and remain so posted as required in the preceding section, or who, not being licensed, shall cause or permit any paper or document purporting to be a license to be or remain posted as aforesaid, shall, on conviction, be fined in a sum not exceeding one hundred dollars.

**881. Inspection by commissioner of health.]** It shall be the duty of the commissioner of health, and he is hereby authorized and empowered, from time to time to inspect and examine all places where cigarettes are licensed to be sold within the city of Chicago, with

a view of ascertaining whether the laws of the state of Illinois and the ordinances of the city in relation to the sale of cigarettes are being complied with at such place, and it shall be his duty to cause all such laws and ordinances to be rigorously enforced; and it shall be the duty of all persons, firms or corporations licensed to sell cigarettes within the city of Chicago, upon demand of the commissioner of health, to furnish to said commissioner for his inspection samples of all cigarettes sold or offered for sale by them, which samples of cigarettes shall be analyzed by or under the direction of said commissioner of health, and a record of such analysis shall be made and kept in his office for the inspection of the public.

**882. Sale without license—penalty.]** Any person who shall hereafter have or keep for sale or expose for sale or offer to sell any cigarettes, at any place within the city of Chicago, without having first procured the license as above provided, shall be fined not less than fifty dollars and not exceeding two hundred dollars for every violation of this ordinance, and a further penalty of twenty-five dollars for each and every day the person, firm or corporation persists in such violation after a conviction for the first offense.

**883. Sale of adulterated cigarettes.]** No person, firm, company or corporation shall expose for sale, sell, or offer for sale, to any person or persons, corporation or firm, directly or indirectly, within the city of Chicago, any cigarette or cigarettes containing opium, morphine, glycerine, jimson weed, belladonna or sugar. Any person, firm, company or corporation violating this ordinance shall be fined not less than fifty dollars and not exceeding one hundred dollars, and a further penalty of twenty-five dollars for each and every day the person, firm, company or corporation persists in such violation after a conviction for the first offense.

## ARTICLE XI.

### DEAD ANIMALS.

**884. Removal—duty of mayor and commissioner.]** The mayor and commissioner of health are authorized and empowered to advertise for and to receive bids or proposals for the removal of dead animals from the streets, avenues, alleys and other public grounds of the city of Chicago; such proposals shall be received of bidders for the period of one year and for such other period or periods as said mayor and commissioner may designate in such advertisement, not exceeding, however, the period of five years, and said mayor and commissioner shall in such advertisement reserve the right to reject any and all bids.

**885. Authority to contract—five years.]** After such bids have been received, if it shall appear that said mayor and commissioner of health are enabled to make a contract with any reliable and responsible bidder for such period or less without it being necessary for the city to incur the expenditure of any money for such removal of



dead animals, said mayor and commissioner of health are empowered and authorized to enter into such contract on behalf of the city for the period of five years or less for the removal of such dead animals.

**886. Bond of contractor.]** Any person, firm or corporation to whom a contract may be awarded in pursuance of this ordinance shall give bond to the city, with surety approved by the commissioner of health in the sum of twenty-five thousand dollars conditioned for the faithful performance of such contract.

## ARTICLE XII.

### GARBAGE, ASHES AND REFUSE.

**887. Removal of garbage—bureau of street and alley cleaning.]** In all matters relating to or affecting the collection, removal or disposal of garbage, offal, refuse or other matter injurious to the public health by the bureau of street and alley cleaning, said bureau and all officers and employes thereof shall be regarded as a part of the health department and shall be subject to the supervision and direction of the commissioner of health or of the acting head of the health department for the time being. In case question shall arise at any time in said bureau, or in the department of public works or the department of health respecting the proper jurisdiction to which said bureau is subject in any instance, and the heads for the time being of the department of public works and the department of health are unable to agree concerning such question, it shall be referred to the mayor and be conclusively determined by him.

**888. Vessel for garbage.]** It shall be the duty of every owner, tenant, lessee, or occupant of any and every house, dwelling, building, or place of business in the city of Chicago forthwith to provide, or cause to be provided, and at all times thereafter to keep or provide a separate water-tight and covered vessel for garbage, offal and liquid substances; and it shall be unlawful to put ashes or anything but refuse, animal, or vegetable matter in such vessel used for garbage and offal; and any person or persons who shall place in said vessel any ashes, dirt, or other substance, except as herein provided, shall be subject to a fine not exceeding two hundred dollars nor less than ten dollars for each offense.

**889. Ashes—district.]** In that portion of the city bounded on the north by the main branch of the Chicago river, on the west by the south branch of said river, on the east by the lake and on the south by Twelfth street, every vessel for the deposit of ashes shall be of iron, with a cover of the same material, to be always kept in good condition, and when of greater capacity than two bushels, shall be provided with handles at the sides midway from top to bottom.

**890. Position of vessel.]** Such vessels or receptacles shall be placed and kept in such position (unless kept within or upon private grounds, within the sidewalks) as the inspectors of the department of health shall provide or direct; and no person not for that purpose authorized shall interfere therewith or with the contents thereof.

**891. Health department only to take.]** No person other than the employes of the health department shall gather, pick up, take from or remove any decayed fruit, vegetable or other articles of food, or any article of garbage, or attempt so to do, from any barrel, box or other receptacle for the same, in any alley or street in the city of Chicago.

**892. Unlawful to sell garbage.]** No person shall vend, or attempt to vend, or dispose of in the city of Chicago any fruit, vegetable or other article of food that may be decayed or partially rotten, or that may have been taken from any barrel, box or other receptacle for the same, in any alley or street in the city of Chicago.

**893. Deposit of garbage—when forbidden.]** No ashes or garbage shall be deposited in that portion of the city described in section 889 after seven o'clock a. m., and the vessels containing them shall be removed within the premises as soon as they have been emptied by the scavengers, whenever, in the absence of alleys, it is necessary to place them on the sidewalks or streets; and it shall be the duty of owners or agents of premises where more than two tenants occupy the same building, to provide the vessel, or a sufficient number of them, for containing all the ashes to be deposited daily from such building.

**894. Scavengers—notice.]** The drivers of all carts for the removal of any garbage, offal, rubbish or dirt from any building or premises shall give adequate notice to those dwelling in any street whose buildings or premises such cart is about to or should approach for the removal of any substance aforesaid.

**895. Construction of vehicles.]** Every cart and other vehicle hereafter constructed for or intended to be loaded with manure, swill, ashes, offal, rubbish or garbage, or other offensive or noxious substance, shall be constructed according to this article, and the regulations and orders of the department of health.

**896. Vehicles not to create nuisance.]** No cart or other vehicle for carrying any offal, swill, garbage or rubbish, or the contents of any privy, vault, cesspool or sink, or having upon it or in it any manure or other nauseous or offensive substance, shall, without necessity therefor, stand or remain, nor shall a needless number gather, before or near any building, place of business or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading or in passing along any street or through any inhabited place or ground; nor shall any such cart or vehicle, or the driver thereof or anything thereto appertaining, be (or by any person having a right to control the same be allowed to be) in a condition needlessly filthy or offensive; and

when not in use, all such carts, vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any of the inhabitants of said city.

**897. Vehicles shall be covered.]** All carts and vehicles in the last section mentioned, and boxes, tubs and receptacles thereon in which any substance in said section referred to may be or is carried, shall be strong and tight, so that no part of such contents or load shall fall, leak or spill therefrom, and shall be adequately and tightly covered, so as to prevent the same from being offensive.

**898. Vehicles disinfected.]** No driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor any person or persons engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal or the contents of any vault, sink, privy, cess-pool or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building or premises, and all carts or vehicles shall be thoroughly disinfected and put in an inoffensive condition when not in use.

**899. Vehicles not to be overladen.]** No person shall allow (and it shall be the duty of every scavenger, contractor and person who has ordered or procured or is having any of the following articles carried, or who is carting the same, to prevent) any cart or vehicle to be so fully loaded, or to be in such bad condition of repair, or of such faulty construction, or to be so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt or material thereon, shall fall upon or in any place, street or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove what has so fallen.

**900. Deposit of manure, etc.]** No pile or deposit of manure, offal, dirt or garbage, nor any accumulation of any offensive or nauseous substance, shall be made within the city of Chicago, or upon any open space inclosed within any portions thereof, or upon the docks adjacent thereto, or upon any open grounds near, or upon any vessel or scow, other than those to be speedily and according to the duty of any person removed, lying at any such dock or wharf, except according to a permit obtained from the department of health, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay or other substance which has been used as bedding for animals be placed or dried upon any street or sidewalk, or roof of any building; nor shall any such straw, hay or other substance be deposited, nor shall accumulation thereof be made, within two hundred feet of any street, without a permit from said department.

**901. Deposit of offensive matter prohibited.]** No pile or deposit of manure, offal or garbage, nor accumulation of any offensive or nauseous substance, shall be made within the limits of said city; nor shall any person or corporation unload, discharge or put

upon or along the line of any railroad, street or highway, or public place within said city, any manure, offal, garbage or other offensive or nauseous substance; nor shall cars or flats loaded with or having in or upon them any such substance or substances be allowed to remain or stand on or along any railroad, street or highway within the limits of said city within three hundred yards of any inhabited dwelling. All manure vaults attached to stables, where more than two horses are kept, shall, between April and November in each year, be emptied twice in each week, and such vault shall in no case be permitted to become a nuisance.

**902. Garbage—loaded on railroad cars.]** All stable manure, kitchen offal, garbage or other offensive or nauseous substance or material may be loaded upon railroad cars for immediate transportation from the city of Chicago, at such place or places, only, in said city of Chicago, as shall be designated by the commissioner of health; Provided, however, that no place or places so designated shall be a nearer distance to any building occupied as a dwelling than three hundred feet. No person, firm or corporation shall use or occupy any place or places for the receipt, loading or dumping of such manure, offal, garbage or any other offensive or nauseous substance or material for immediate transportation without first obtaining a written permit for such purpose from the commissioner of health. Any person, firm or corporation who shall violate any provision of this section shall, upon conviction, be subject to a penalty of not less than twenty-five dollars nor more than one hundred dollars.

**903. Manure not to be turned.]** No manure, garbage or other material that is liable to emit an offensive exhalation shall, in or adjacent to the city, be turned or stirred (except in its removal) in such way as to be liable by reason thereof to increase such exhalations.

**904. Oyster-house—refuse.]** Every proprietor, lessee, tenant and occupant of any oyster-house, oyster-saloon or other premises where any oysters, clams, lobsters or shell or other fish are consumed, used or sold, or where any of the refuse matter, offal or shells thereof accumulate, shall daily cause all such shells, offal and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon and premises at all times free from any offensive smells or accumulations.

**905. Hotel and house swill.]** No hotel or house swill or garbage, or offensive material of a liquid nature, or partly liquid nature, not removed or required to be removed by the contractors for street cleaning, shall be transported through or along any street in the city, except in tightly covered and bound casks or boxes, and none of the contents of such casks or boxes shall be allowed to fall or leak or spill therefrom.

**906. Hotel garbage.]** No proprietor or manager of any hotel, restaurant or cafe shall place or deposit, or permit to be placed or deposited, or permit to remain upon any public street, alley or other public place within the city of Chicago any offal, table refuse or

animal or vegetable matter usually known as garbage, from such house, whether placed in any receptacle or otherwise; every such proprietor or manager shall cause all such garbage and other refuse to be burned, or to be conveyed at his or her expense to some dumping ground where other garbage is dumped or disposed of by the city of Chicago. Any person who shall violate the provisions of this section shall, upon conviction, be fined not less than ten dollars nor more than two hundred dollars for each offense; Provided, if any person charged with a violation of the provisions of this section shall show to the satisfaction of the court, that less than twenty guests or boarders are daily fed at such house so kept by him, such person shall not be deemed guilty of a violation of this section.

**907. Vessel conveying garbage—permit.]** No ship, boat or other vessel or article shall be taken or allowed by any person to come into, or lay to or at or within any dock or slip (or be placed thereon), set apart or appropriated for the use or purpose of the shipment or removal of any offal, garbage, rubbish, dirt or dead animals or for the use of any contractor for the removal of any of the foregoing substances without a permit from the department of health.

**908. Garbage in lake, street or river.]** No person or persons shall throw, place or deposit, or cause to be thrown, placed or deposited, any garbage, vegetable matter, dung, carrion, dead animal, offal or putrid or unwholesome substance, or the contents of any privy upon the margin or banks or into the waters of Lake Michigan within the limits of said city of Chicago, or upon the margin, banks or into the waters of the Chicago river or either of its branches, or upon any public grounds, or upon any lot within the limits of said city.

**909. Contents of privy, etc., in lake or river.]** No person shall throw, drop or permit to fall into the river, canal, slip, or into any street or place, any offal, or any unwholesome substance being or having been part of the contents of any vault, cesspool, privy, sink, tub or receptacle.

**910. Swill in streets, etc.]** No swill, brine, urine of animals, or other offensive animal substance, nor any stinking, noxious liquid or other filthy matter of any kind shall by any person be allowed to run or fall from out of any building, vehicle or erection into or upon any street or public place, or be taken or put therein save as herein elsewhere provided.

**911. Offal—in street or river.]** No butcher's offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter shall be thrown by any person, or allowed to go into any street, place, sewer or receiving basin, or into any river, canal, slip or standing or running water or excavation, or upon any ground or premises in the said city.

**912. Noxious refuse on vacant ground.]** No part of the contents of or substances from any sink, privy or cesspool, nor any manure, ashes, garbage, offal, rubbish, dirt, nor any refuse or waste or

thing which by its decomposition could or would become offensive to human beings or detrimental to health, or create or tend to create a nuisance, shall be by any person thrown, deposited or placed upon any street or public place, nor upon any vacant lot of land or vacant place upon the surface of any lot of land within the city of Chicago, whether such lot be enclosed or otherwise, without the written permission of the commissioner of health, nor shall any of said substances be allowed by any person to run or drop from the premises occupied by such person, into or upon any street or public place, nor upon any vacant lot of land, or vacant place upon the surface of any lot of land in said city, nor shall the same be thrown, deposited or placed by any person nor allowed to fall or run from the premises occupied by such person into the river, lake or any canal or slip, save through the proper underground connection; and it shall be the duty of every person knowing of the violation of this article to report the same, and, if known, the name of the person violating it, together with the residence of such person and the facts concerning such violation to the commissioner of health within forty-eight hours after the knowledge of such violation.

**913. Penalties.]** Any person who violates, disobeys, omits neglects or refuses to comply with, or who resists any of the provisions of this article, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects or refuses to comply with, or who resists any officer or order or special regulation of said department of health, where no other or different penalty is provided for, shall, upon conviction, be subject to a fine not exceeding two hundred dollars nor less than ten dollars for each offense.

### ARTICLE XIII.

#### GARBAGE CREMATORIES.

**914. Garbage crematories—location of—limit of cost.]** The mayor, commissioner of health and finance committee are empowered to make such arrangements as in their judgment they may deem best for the construction, maintenance and operation of one or more garbage crematories, under the direction and supervision of the commissioner of health, upon such public property of the city of Chicago—whether ends of streets abutting upon the river or otherwise—as the city comptroller may designate as proper therefor, or as the city council may direct, such garbage crematories to be of such design and with such furnaces, machinery and equipment, and according to such plans and specifications as the mayor and commissioner of health may approve and prescribe, for the purpose of consuming by fire the garbage in the city of Chicago, and said crematories and maintenance of same shall not exceed in cost the sum of seventy-five thousand dollars in the aggregate.

**915. Contracts authorized.]** The commissioner of health is authorized, on behalf of the city of Chicago, to enter into such contracts, to be approved by the mayor, as may be proper to carry out the provisions of the first section of this article; and the amounts to be paid therefor shall be paid by the city comptroller upon requisitions or vouchers of the commissioner of health.

**916. Contract with owners to consume, when.]** In case the mayor, the commissioner of health and the committee on finance of the city council shall find it more expedient to provide for and secure the consumption of garbage by fire under contract or contracts with the owner or owners of garbage crematories or crematory plants the commissioner of health may, with the consent of the city comptroller and the committee on finance, enter into contracts with such owner or owners of garbage crematories for the consumption of such garbage by fire on such terms as shall be deemed expedient by such officers.

**917. Delivery of garbage at.]** The commissioner of health shall provide and arrange for the delivery of garbage to and the consumption thereof in such crematories.

#### ARTICLE XIV.

##### HOSPITALS.

**918. Permit—location—treatment.]** It shall be unlawful for any person, firm, association or corporation, other than the regularly constituted authorities of the United States, the state of Illinois, the county of Cook or the city of Chicago, to open, conduct, manage or maintain any hospital as hereinafter defined within the corporate limits of the city of Chicago, without first obtaining a permit therefor, as hereinafter provided, upon the written application of such person, firm, association or corporation, which application shall state the location or proposed location of such hospital, the purpose for which it is to be opened, conducted or maintained, the accommodations or proposed accommodations for the inmates thereof, the nature and kind of treatment given or proposed to be given therein, and the name and address of the chief physician, surgeon or intended chief physician or surgeon attendant therein.

**919. Inquiry — license fee — construction.]** It shall be the duty of the said commissioner of health, upon the presentation of such application, to make or cause to be made, strict inquiry into the facts set out in such application, and if upon such inquiry he shall find that such hospital is or is intended to be so constructed as to afford proper accommodations for the care of the persons received or proposed to be received therein, and that the chief physician or surgeon, or intended chief physician or surgeon thereof gives or is under agreement thereafter to give such attendance therein as does or will render him responsible, professionally, for the medical or surgical treatment given

or to be given to any and all persons therein, and that such chief physician or surgeon is regularly authorized to act as such under the laws of the state of Illinois, then the said commissioner of health shall recommend to the mayor that a license or permit be issued in the name of the city of Chicago to such applicant to open, conduct, manage or maintain a hospital at the place, in the manner and for the purpose in such application set forth; said license or permit shall be issued by the city clerk on notice from the city collector that a license fee of ten dollars has been received from the applicant.

**920. Accommodations for patients.]** Proper accommodations for the care of the persons received are hereby defined to be that in every such hospital every room to be occupied by patients, other than surgical, lying-in or contagious disease patients, shall be of such dimensions as to give each such patient not less than fifteen hundred cubic feet of space; and for surgical, lying-in and contagious disease patients the dimensions shall be such as to give not less than twenty-five hundred cubic feet to each patient; every such room shall have at least one window connecting with the external air for every two beds, and shall be ventilated by such appliances as shall secure a complete change of the air of said room not less than twice an hour; each room and ward in said hospital shall have water furnished at one or more places therein, so that the same may be adequate and reasonably convenient for the use of the occupants thereof; the building shall have the floor of the cellar properly cemented, so as to be water tight, the halls of each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said hall, in a manner approved by the commissioner of buildings.

**921. Report each month.]** It shall be the duty of such person, firm, association or corporation permitted, as aforesaid, to open, conduct or maintain a hospital within the corporate limits of the city of Chicago, to make a report to said commissioner of health, on or before the fifth day of each calendar month, showing a complete record of such hospital during the preceding month, including the number of inmates received, discharged and died during the month, cause of death, and such other information as may be necessary to an intelligent sanitary supervision of the establishment; such record to be furnished on blanks prepared and supplied by the commissioner of health, verified by the affidavit or affirmation of the chief physician or surgeon or superintendent attendant therein.

**922. Inspection—revocation of license.]** Every hospital permitted as aforesaid shall at all times be open to the inspection of said commissioner of health, or his duly appointed assistants or inspectors. The commissioner of health of the city of Chicago is hereby authorized and empowered to inspect, or cause inspection to be made, wherever and as often as he may deem proper, of any hospital permitted as aforesaid within the corporate limits of the city of Chicago, and if, upon any such inspection, he shall find the same to be conducted,



managed or maintained in violation of the terms of the application for the permit under which the same was opened, conducted, managed or maintained, or in violation of any of the health or sanitary ordinances, rules or regulations of said city of Chicago, then and in that event he is hereby authorized and empowered to revoke any such license issued for the opening, conduct, management or maintenance of the same.

**923. Penalty.]** Any person or persons or corporation other than the regularly constituted authorities of the state of Illinois, county of Cook or city of Chicago, opening, conducting, managing or maintaining a hospital as hereinafter defined within the corporate limits of the city of Chicago, without first having obtained a permit therefor, as provided in this article, or after a revocation of such permit under the authority conferred by this article, or in violation of any of the provisions of this article, shall be and is hereby declared to be guilty of maintaining a nuisance, and upon conviction thereof shall be fined in a sum not less than fifty dollars, nor more than one hundred dollars.

**924. Hospital defined.]** For the purposes of this ordinance a hospital is hereby defined to mean any place used for the reception or care, temporary or continuous, of the sick, injured or dependent, including women awaiting confinement, or used for the treatment of mental or physical disease or bodily injury.

... Note: See section 265.

## ARTICLE XV.

### HORSE FLESH.

**925. Horse defined.]** For the purpose of this article, in every case wherever the word horse is herein used, the word shall be construed and taken as meaning and including any horse, mule, ass, donkey, burro, or any animal of any of the species thereof.

**926. Slaughtering horses for food prohibited.]** No person, firm, company or corporation shall, within the limits of the city of Chicago, engage in the business or occupation of killing or slaughtering horses, or maintain or keep any place for that purpose, and no person, firm or corporation shall, within the corporate limits of the city of Chicago, kill any horse for the purpose of selling or offering for sale any part or portion thereof for human food.

**927. Selling horse flesh prohibited.]** No person, firm, or corporation shall, within the corporate limits of the city of Chicago, sell, offer for sale, or give away any flesh of any horse for human food.

**928. Possession of horse flesh for food.]** No person, firm, or corporation shall, within the limits of the city of Chicago, have in his or its possession any horse flesh for the purpose of selling, offering for sale, or giving the same away for human food.

**929. Sausage made of horse flesh.]** No person, firm, or corporation shall, within the corporate limits of the city of Chicago, use

any horse flesh in the manufacture of sausage, or in the manufacture of any other article designed to be sold for human food.

**930. Food composed partly of horse flesh.]** No person, firm, or corporation shall, within the corporate limits of the city of Chicago, sell, offer for sale, give away, or have in his or its possession with the design to sell, any product or article designed to be used for human food, which is wholly or in part made of or derived from horse flesh.

**931. Persons aiding or assisting.]** No person, firm, or corporation shall, within the corporate limits of the city of Chicago, aid, abet, or assist in procuring any person to buy, or to use, any horse flesh, or any article of food containing the same, or any article in whole or in part derived therefrom, such person so buying or using being in ignorance of the character of the article so bought or used.

**932. Penalty.]** Every person, firm or corporation who shall violate any provision contained in any of the sections of this article shall be subject to a fine or penalty of not to exceed two hundred dollars for each and every offense.

## ARTICLE XVI.

### MILK AND FOOD.

**933. Milk and food division established.]** There is hereby established a division of the department of health of the city of Chicago to be known and designated as the milk and food division, which shall embrace the commissioner of health, the superintendent of milk and food and such other inspectors and employes as the council may, by ordinance, prescribe and establish.

**934. Superintendent of milk and food — appointment.]** There shall be appointed by the commissioner of health a superintendent and an assistant superintendent of the milk and food division. They shall be persons skilled in the sciences of analytical chemistry and bacteriology, and, before entering upon their duties, shall each execute a bond to the city of Chicago, in the sum of five thousand dollars, with good and sufficient sureties to be approved by the mayor, conditioned for the faithful performance of the duties of their respective offices.

**935. Duties of superintendents.]** The superintendent and assistant superintendent of the milk and food division shall be subject, at all times, to the control and supervision of said commissioner of health, and shall have charge of the milk and food division of the department of health and control, direct, regulate, supervise and manage its operations. It shall be their duty to make analyses and examinations of milk and cream, meat, water, foods, drugs and such medical diagnoses or other examinations as may be directed by the commissioner of health. A record shall be kept of every analysis or examination that may be made, and the superintendent shall make an annual report of the transactions of his division to the commissioner of health with all such data as may be of public interest.

**936. Assistants and employes—bond.]** There shall also be employed in the milk and food division of the department of health, hereby created, such assistants, employes and inspectors as shall be deemed necessary by the commissioner of health, and they shall be under the direction of the superintendent, and shall perform such duties as are in this article provided and as the said superintendent may additionally direct. The inspectors employed under this article shall give a good and sufficient bond to the city of Chicago in the sum of two thousand dollars, to be approved by the mayor, and conditioned for the faithful performance of their duties.

**937. Officers' defaults.]** Any officer or employe of the milk and food division, who wilfully connives at or assists in a violation of any of the provisions of this article shall, on conviction thereof, be fined not less than one hundred nor more than two hundred dollars and shall at once forfeit his office.

**938. Insignia of office — powers.]** The superintendent, assistant superintendent and the inspectors shall each, when on duty, wear a metallic star, inscribed with suitable words, which shall be supplied by and be the property of the city. They shall each have the power, on demand made therefor, to require the aid, assistance or presence of any police officer, in the performance of any duty enjoined by the provisions of this article, to arrest all persons found violating any of the terms or provisions of this article, and shall have full powers, and perform all the duties of a policeman, as are now provided by the laws and ordinances of the city.

**939. Inspection districts.]** The commissioner of health and said superintendent shall divide the city into inspection districts to be made of such size and in such manner as may be necessary. There shall be assigned to each district one or more inspectors, but no inspector shall serve in any one inspection district for a longer period than four consecutive weeks at any one time, and no inspector shall again serve in any district until he shall have served in at least two other districts.

**940. Milk vendor's license—license fees.]** No person or persons, firm or corporation, or driver of any milk wagon thereof, shall sell or offer for sale, expose for sale, dispose of, exchange or deliver or, with the intent so to do as aforesaid, have in his or their possession, care, custody or control, milk or cream for human food, without having been first licensed so to do. Every person or persons, firm or corporation selling or disposing of milk or cream at retail shall, annually on the first day of May, pay license fees as follows: Every milk or cream vendor selling, offering for sale, exposing for sale, exchange or delivery, or disposing of the same in or from any store, stand, booth, market place, milk depot, warehouse, dairy, cow stable or any building or establishment of any kind, or in or from any wagon, carriage or other vehicle, shall pay the sum of ten dollars; Provided, however, that this section shall not apply to private persons who own not more than two cows and who sell milk therefrom to their neighbors or cus-

tomers by peddling the same by hand. When more than one wagon, carriage or vehicle is used from which milk or cream is sold or offered for sale, there shall be paid at the same time and in like manner, as hereinbefore provided, for each such additional wagon, carriage or other vehicle the sum of ten dollars. If any person or persons, firm or corporation, commence or engage in the traffic or handling of milk or cream at periods other than those hereinbefore mentioned, he or they shall, before doing so, pay a proportionate part of the license fee and procure the license in their cases required, which license so issued, as well as other licenses and certificate herein required, shall be good for a period ending with the first day of May following the issuance and delivery thereof. Every person, firm or corporation violating this section, or any of its provisions, shall be deemed guilty of a misdemeanor and, on conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense. All licenses granted pursuant to this ordinance may at any time be revoked by the commissioner of health, for flagrant violations of the provisions hereof or for any other good and sufficient cause.

**941. License—application and issue of.]** Licenses shall be issued in the names of the applicants therefor. Before the issuance of the license every vendor of milk or cream shall make written application therefor on a printed form, provided for that purpose, on which shall be stated:

First — The name, residence and location of the business place or places of the applicant.

Second—The number of cows, if any, owned or controlled by the applicant.

Third — The number and description of each and every wagon, carriage or other vehicle, used by the applicant in the milk or cream business.

Fourth — If, after the issuance and delivery of the license, any change be made in the location of the place of business of such licensee, notice thereof must forthwith be given to the said superintendent. Any and all persons licensed under this article shall immediately cause to be and remain posted his or their license upon some conspicuous part of the room or office in which the business is carried on, under a penalty of not less than ten dollars for each day said license remains unposted as provided in this section.

**942. Vehicles, premises, etc.—cleanliness.]** All cans, vessels and receptacles used in the hauling of milk or cream, as well as all packages, refrigerators or compartments of stores or other places where milk or cream is kept, stored or hauled, shall be kept and maintained scrupulously neat and clean, and shall be kept free from the presence or vicinity of any article of any kind likely to contaminate or injuriously affect the sweetness, quality or condition of the milk or cream. Any person found violating this section shall be deemed guilty of a misdemeanor and, on conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars for each and every offense.

**943. Vehicle — sign.]** No milk or cream shall be sold, offered for sale, exposed for sale, exchanged, delivered, transported, conveyed or carried on any wagon, carriage or other vehicle unless the owner or owners thereof shall first obtain from the city clerk two painted metal plates eight inches long and four inches wide, on which shall be stamped the number corresponding to the license, and also the words "Chicago Milk Peddler," together with the year for which the license is issued, which plates the said licensed owner or owners shall cause to be securely fastened on the outside of each side of the box of his vehicle so licensed, or in a conspicuous place, so that the same can be easily seen.

Note. See section 16 concerning free badges and plates.

**944. Inspection—resisting.]** It shall be the duty of said superintendent (either in person or by one or more of the said inspectors) to visit, view and inspect all places and vehicles in which milk or cream may be sold, offered for sale, exposed for sale, stored, kept, exchanged, delivered or disposed of, as well as to inspect, view and examine all vessels, cans, receptacles, packages, refrigerators or compartments of store places or buildings, erections or establishments of any kind containing milk or cream, and ascertain or examine the condition thereof with reference to cleanliness and sanitation, and are authorized, directed and empowered to cause the removal and abatement of any unfit, unclean or injurious conditions attending the keeping, storing or possession, care, custody or control of milk or cream at and in all places. Any person, firm or corporation failing, neglecting, delaying or refusing to obey or conform to any reasonable order or direction under this section, made by the proper officer, shall be deemed guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars.

**945. Powers of entry.]** The commissioner of health, superintendent, inspector and police officer detailed, directed or instructed to act therein, shall have the right, and it shall be their duty to enter and have full access, egress and ingress to all places where milk or cream is stored or kept for sale, to all wagons, carriages or other vehicles, railroad cars or conveyances of any kind used for the conveyance, transportation or delivery of milk to any warehouse, place of business, factories, buildings, farms, stables, railroad depot, erections, establishments or places of any kind, to all vessels, cans, packages, refrigerators or receptacles of milk or cream and to take samples of milk and cream therefrom, not exceeding one quart, for the purpose of inspecting, testing or analyzing the same. Any person, firm or corporation failing, neglecting, delaying or refusing to obey or conform to any reasonable order or direction under this section, made by the proper officer, shall be deemed guilty of a misdemeanor, and fined not less than ten nor more than one hundred dollars, and whenever a sample or samples so found and taken as aforesaid shall not correspond with, or shall be in violation of, the requirements of this ordinance, the person or persons, firm or corporation in whose possession, care,

custody or control such milk or cream may be found, shall be deemed guilty of a misdemeanor and fined not less than ten dollars nor more than one hundred dollars for each and every offense.

**946. Samples — test.]** All samples of milk and cream or other food, liquids, and drugs, herein described, taken or brought to the office of the department of health by the officers thereof, or by any other person, shall be analyzed or otherwise satisfactorily tested and, wherever or whenever said milk or cream, or other food, liquids or drugs, so tested or analyzed shall be found violative of the provisions of this article, the necessary steps shall be taken for a prosecution for a violation thereof. The analysis or test herein required may be made with such instruments, apparatus, chemicals or other articles, and to such extent as may, by the commissioner of health or superintendent, be deemed necessary.

**947. Chemical and bacteriological laboratory.]** It shall be the duty of the department of health to establish and construct a chemical and bacteriological laboratory for the analysis and examination and testing of water, ice, drugs and all food products, and for the detection of all adulterations of any of the articles herein mentioned kept to be sold, vended, disposed of or offered for sale within the city of Chicago.

**948. Inspection of food products, ice, water and drugs.]** The inspection of food products, ice, water and drugs shall, so far as possible, be conducted in the same manner as provided in this chapter for the inspection and examination of milk, and all the provisions hereof, so far as applicable, shall be held to apply to the inspection and examination of food products, water, ice and drugs, and the commissioner of health shall make such other and further provisions for the regulation of said business as shall be necessary and desirable for the conduct of the same.

**949. Impure or adulterated ice, water, drugs or food.]** Any person, firm, company or corporation, or any agent or employe thereof, who shall keep for sale, offer for sale or exchange, or shall sell or deliver or expose for sale, any drugs not conforming to the rules and standards of the United States pharmacopoeia, or any water or other liquids or human food which shall be impure, unwholesome, adulterated, or to which any harmful or injurious foreign substance has been added, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and for a subsequent offense not less than fifty dollars nor more than two hundred dollars.

**950. Milk test.]** No milk shall be kept, sold or offered for sale, stored, exchanged, transported, conveyed, carried or delivered, or with such intent as aforesaid, be in the care, custody, control or possession of any one if it contains more than eighty-eight per centum of watery fluids or less than twelve per centum of total solids, of which total solids three of the per centum shall be butter fat. Offenders under this section shall be deemed guilty of a misdemeanor and, on conviction thereof, be punished by a fine of not less than

twenty-five nor more than one hundred dollars for each and every offense.

**951. Cream test.]** No cream shall be sold, offered for sale, exchanged, delivered or be transported or carried for purposes of sale, offering for sale, exchange or delivery that contains less than fifteen per centum of butter fat, or that is taken from any impure, diseased, unhealthy, unclean, adulterated or unwholesome milk, or milk to which any foreign or other substance of any kind has been added, or milk from cows fed on the refuse or slops from distilleries, breweries, vinegar factories or any similar slops, mash or refuse or food which has been subject to fermentations, or any other than good and wholesome food. Offenders under this section shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

**952. Skimmed milk — penalty.]** Any vendor of milk or cream, or any driver, servant or agent of such vendor, who shall in the city of Chicago sell or offer for sale any milk from which the cream or any part thereof shall have been taken, shall offer for sale and sell the same as skimmed milk and not otherwise, and no vendor of milk and no driver, servant or agent of such vendor shall offer for sale, or sell, or have in his custody, possession or control, with intent to sell or deliver the same, any such milk from which the cream or any part thereof shall have been taken, unless the can, vessel or package containing such milk shall have conspicuously attached thereto a steel or metallic tab on which shall be engrossed the words "Skimmed Milk," in large, plain, distinct letters; said steel or metallic tab shall be not less than three inches by five inches in size. Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

**953. Impure, diluted or adulterated milk.]** Whoever, by himself, or by his servant or agent, employe or milk wagon driver, or as the servant, agent, employe or milk wagon driver of any other person, firm or corporation, sells, offers for sale, exchanges, delivers or transports or carries for the purpose of sale, exchange or delivery, or has in his custody, possession, care or control, with intent to sell, offer for sale, exchange or deliver, or exposes or offers for sale, exchange, transportation or delivery, any milk or cream, for human food, which is unclean, diluted, impure, unhealthy, diseased, unwholesome, adulterated or not of the standard of good quality provided for by this article, or milk or cream to which water or any foreign substance has been added, or milk or cream produced from sick or diseased cows, or milk or cream produced from cows kept in an unclean, filthy or unhealthy condition, or milk or cream from cows fed on the refuse or slops from distilleries, breweries, vinegar factories or any similar slops, mash or refuse or food that has been subject to fermentation or on any other than good and wholesome food, or milk or cream that has been

exposed to or contaminated or affected by the emanations, discharges or exhalations from any human beings or animals sick with any contagious or infectious diseases by which the health or life of any person may be endangered, compromised or in any way affected, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall for a first offense be fined not less than twenty-five nor more than one hundred dollars; and for each subsequent offense be fined not less than fifty nor more than two hundred dollars.

**954. Adulteration or dilution.]** Any person who shall adulterate milk or cream or reduce or change it in any respect by the addition of water or any foreign or other substance or by the removal of cream therefrom, with a view of selling or offering the same for sale or exchange, shall be deemed guilty of a misdemeanor and, on conviction thereof, be fined not less than twenty-five dollars nor more than one hundred for each and every offense.

**955. Foreign substance contained.]** Any person, firm or corporation who shall sell, offer for sale, expose for sale, exchange, deliver, dispose of or transport, convey or carry or, with any such intent as aforesaid, have in his or their care, custody, control or possession, any milk or cream having therein or containing any foreign or other substance of any kind whatever, or coloring matter, or any adulteration or preservative, whether for the purpose of artificially increasing the quantity of the milk or cream or for preserving the condition or sweetness thereof, or for any purpose whatever, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

**956. Condensed or evaporated milk.]** No person shall manufacture, sell, or offer for sale any condensed or evaporated milk for domestic use, unless the same shall be put up in packages or cans upon which shall be distinctly labeled or stamped the name or brand by whom or under which the same is made. No condensed or evaporated milk shall be made, sold or offered for sale, exchanged or delivered for domestic use, unless the same is manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids and butter fat contained in the condensed or evaporated milk shall be in amount the equivalent of milk solids and butter fat as provided by this article. For any violation of this section, the offender shall be deemed guilty of a misdemeanor and fined not less than twenty-five nor more than one hundred dollars for each and every offense. Nothing herein shall be construed to prevent the addition of cane sugar in the manufacture of condensed or evaporated milk.

**957. Confiscation of impure milk.]** All milk and cream from sick and diseased cows, or cows fed on the refuse or slops from distilleries, breweries, vinegar factories or any similar slops, mash or refuse or food that has been subject to fermentation, or that is dangerous, or that may affect or be detrimental to life or health, shall, upon discov-



ery thereof be confiscated, forfeited and immediately destroyed by or under the direction of the commissioner of health or superintendent, who shall, if done in good faith, be held harmless in damages therefor, in any suit or demand made.

**958. Buttermilk.]** Nothing in this ordinance shall be so construed as to prohibit the use or sale of what is known as buttermilk, provided the same is produced from pure and wholesome milk. Should any such buttermilk, however, be sold, kept, offered or exposed for sale, exchanged or transported, conveyed or carried, or be in the care, custody, control or possession of any one, with the intent as aforesaid, which is not the product of pure and wholesome milk, the offender shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

**959. Hotel keeper, restaurant, etc.]** Every hotel keeper, restaurant keeper, or boarding house keeper, who furnishes milk or cream to his or their guests or boarders shall be in all respects subject and amenable to the provisions of this article, saving and excepting the obtaining of a license.

**960. Cow stables.]** All cow stables shall be washed out and thoroughly cleaned, at least once a week. For failure to do so the offender shall be deemed guilty of a misdemeanor and, on conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

**961. Sick or diseased cow—slaughter.]** If any cow be sick or diseased, the owner or person in charge thereof shall not sell, offer for sale, exchange, deliver or keep or expose for sale, exchange or delivery the milk or cream therefrom, but shall at once destroy the same. If, in the opinion of the commissioner of health, superintendent or any inspector, any cow is afflicted with a contagious or infectious disease, he shall direct the owner or person in charge thereof to forthwith remove said cow from the premises to a place where it may not spread or cause contagion or infection. A violation of this section shall be deemed a misdemeanor and, on conviction thereof, the offender shall be fined not less than twenty-five dollars nor more than one hundred dollars. If said cow is by the commissioner of health or superintendent deemed incurable and the owner or person in charge thereof does not consent to its being killed, said commissioner or superintendent shall notify the state board of live stock commissioners.

**962. Parturition of cow.]** No milk or cream shall be sold, kept, offered or exposed for sale, stored, transported, exchanged, carried, delivered or in any manner disposed of, drawn from cows within fifteen days before and twelve days after parturition, nor shall the same be mixed with any other milk or cream for such purposes. Any one so offending shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

**963. Dairy—refuse matter—offal.]** All persons, firms or corporations who own or keep a dairy in the city of Chicago shall maintain the premises thereof free from any accumulation of refuse matter or offal, which shall be removed frequently, so as not to endanger the public health.

**964. Slops or refuse.]** No person or persons, firm or corporation, shall keep or have in his or her possession any slops or refuse of any distillery, brewery or vinegar factory, or any similar slops, mash or refuse, or food that has been subject to fermentation, for the purpose of feeding the same to any milch cow or cows. Each day's failure to comply with this section shall subject the offender to a fine of not less than twenty-five dollars.

**965. Moneys collected—to treasury.]** All moneys collected under the provisions of this article shall be duly paid into the city treasury.

#### ICE.

**966. Test — bond — license — fee.]** Every person, firm or corporation desiring to engage in the business of retailing and selling any ice from house to house, or to hotels, restaurants, saloons or other places where such ice so sold and delivered may be used in contact with articles of food or drink (which use is hereinafter referred to as "domestic use") shall, before engaging in such business, file a written application with the commissioner of health for a license therefor, stating in such application the place or places where such ice is to be or has been cut or gathered, the means of delivery, the location of the depots or places in Chicago from which such ice is to be delivered, and the quality of the ice intended to be sold. Such application shall be verified by the oath of the applicant, or, if the applicant is a firm or corporation, by the oath of a member of the firm or some officer of the corporation; and the person so verifying shall state under oath that the matters stated in the application are true.

All ice to be sold or delivered within the city of Chicago for domestic use, as aforesaid, shall be pure and healthful ice, free from matter deleterious to health; and such ice is hereby defined to be ice which, upon chemical and bacteriological examination, shall be found to be free from nitrites and pathogenic bacteria, and to contain not more than nine thousandths of one part of free ammonia and nine thousandths of one part of albuminoid ammonia in one hundred thousand parts.

Said commissioner of health shall examine such application, and if it shall appear to him therefrom that the ice intended to be sold is such ice as may under this article be lawfully sold and delivered in the city of Chicago for domestic use as aforesaid, said commissioner shall take from the applicant a bond to the city of Chicago, with sufficient surety, in the sum of five thousand dollars, conditioned that the applicant shall comply with all the ordinances of the city of Chicago relating to the cutting, storing, selling and delivery of ice, and with all lawful rules and regulations of the commissioner of health touching the ice business and

touching the protection and care of articles of drink, food and food materials, and that the applicant will not sell nor give away in the city of Chicago any ice containing any substance deleterious to health during the period of the license hereinafter mentioned, except as hereinafter provided. Upon receiving such bond and application the commissioner of health shall keep the same safely in his office, and shall issue and deliver to the applicant a recommendation to the mayor, requesting him to direct the city clerk, upon receipt of notice from the city collector that the prescribed fee has been paid, to issue to the applicant a license to sell and deliver ice from house to house and from place to place within the city of Chicago in conformity with his application.

The fee for every such license shall be at the annual rate of ten dollars from each applicant operating or employing one vehicle for the delivery of ice in said city of Chicago, and at the same rate for any part of a year, except that no license shall be issued for a period less than three months; and from each applicant operating more than one vehicle, the fee shall be at the same annual and proportionate rates for each vehicle so employed; Provided, that the aggregate fees to be required from any one person, firm or corporation shall not exceed five hundred dollars annually.

**967. Impure ice.]** No person, firm or corporation shall sell or deliver in the city of Chicago any ice for domestic use as aforesaid, which shall have been taken or gathered from the Chicago or the Calumet rivers or any of their branches, or from any body of water within said city of Chicago which is stagnant or in which refuse, industrial wastes, garbage, sewage or any other material tending to destroy the purity of the water, according to the standard fixed by the last preceding section, has been pumped, placed, discharged or is in any manner to be found; and no ice from any of the waters above prohibited shall be sold or delivered in the city of Chicago for domestic use as aforesaid which shall have been taken from any lake, pond, river, stream or other body of water, wherever located, which is defiled by sewage, garbage, ashes, decaying vegetation, refuse or wastes from any industry, or by any other substance tending to make the water impure and unhealthful according to the standard fixed by this chapter.

**968. Duty of commissioner of health.]** It shall be the duty of the commissioner of health to examine, or cause to be examined, from time to time, the places where ice is gathered or is to be gathered, or has been gathered, for sale and delivery as aforesaid within the city of Chicago, and all places where such ice may be stored or kept, and every vehicle in which the same may be delivered on any part of its route from the place where it is gathered to the final customer; and to examine or cause to be examined, from time to time, ice so sold or delivered, or to be sold or delivered, so far as he may deem necessary or expedient, to ascertain whether such ice is pure and healthful and free from matter deleterious to health according to said standard; and if, from such examination, it shall be found that

any person or corporation has sold and distributed, or is selling and delivering, any ice for domestic use as aforesaid below the standard above fixed, or any ice contrary to the provisions of this ordinance, the said commissioner shall cause every such offender to be prosecuted.

**969. Rules and regulations.]** Said commissioner of health shall from time to time make such reasonable rules as to the storing and delivery and inspection of ice, to be sold or delivered in the city of Chicago for domestic use as aforesaid, as will prevent the distribution in said city, for domestic use as aforesaid, of any impure ice or ice containing deleterious substances according to said standard; and any refusal or neglect to obey any such lawful rule shall be punished as a violation of this ordinance.

**970. Ice for cooling purposes.]** This ordinance shall not be construed to prohibit the selling or delivering of impure ice to be used only for packing or cooling purposes, that is to say, for use in refrigerators, refrigerator cars, freezing machines, rooms and other places where it will not come in contact with articles of food or drink; Provided, that a permit be first obtained from the commissioner of health to sell, deliver or use impure ice for the purposes aforesaid and for no other purpose. Whenever any impure ice for packing or cooling purposes shall be sold or delivered from any wagon or other vehicle the driver or person in charge thereof shall carry a supply of printed cards, on which shall be printed in large legible letters the words, "Ice for packing or cooling purposes only; not for domestic use," and he shall hand with each delivery of such ice one such card to each customer thereof, or to the person who receives the same, and shall take at the same time a receipt, which shall be given him by such purchaser or recipient, on which receipt the said words shall be similarly printed. No ice for packing or cooling purposes shall be sold or delivered in the city of Chicago by any person, firm or corporation without such permit, or otherwise than in conformity with the provisions of this section.

**971. Vehicles marked.]** Dealers licensed under this act shall place in prominent view on each of the vehicles or wagons for distribution of ice the word, "Licensed," and shall give the number and date of the expiration of the license under which the said vehicles or wagons may respectively be operated.

**972. Penalty.]** Any person, firm or corporation violating any of the provisions of the last six preceding sections of this article shall be subject to a penalty of not less than twenty-five dollars nor more than one hundred dollars fine for each offense.

#### MEAT.

**973. Condemned meat.]** All meat condemned in the city of Chicago by government or state meat inspectors shall be destroyed under the supervision and subject to the directions of the city meat inspectors.

**974. Hours of slaughter—sanitary regulations.]** No owner of a slaughter house shall slaughter cattle, sheep or hogs between the hours of 7 o'clock p. m. and 4 o'clock a. m., or on Sundays, without first notifying the city meat inspectors. All emaciated cattle condemned in the city of Chicago shall be destroyed by and under the supervision and subject to the directions of the city meat inspectors. No carcasses of dead animals shall be brought within the precincts of any slaughter house in the city of Chicago.

**975. Penalty.]** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of the last two preceding sections of this article, or who refuses to comply with them, or who resists any officer or order acting or operating thereunder, shall, upon conviction, be deemed guilty of a misdemeanor and fined not less than fifty dollars nor more than two hundred dollars.

#### BUTCHERS.

**976. Refrigerators.]** No butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead or some proper substance so as to be water-tight, nor unless the same be provided with a pipe of lead, zinc or copper leading therefrom to the proper waste pipe.

**977. Market regulations.]** No person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious or offensive substance.

**978. Inspection of foods.]** Every butcher, grocer and milk dealer, and their agents, shall allow the meat and food inspectors and other duly authorized employes of the department of health to freely and fully inspect their cattle and milk, meats, fish and vegetables, held, offered or intended for sale, and shall answer all reasonable and proper questions asked by such officers relative to the condition thereof, and of the places where such articles may be.

**979. Offal—refuse.]** No offal or butcher's refuse shall be conveyed through any street or avenue of the city of Chicago between the hours of 10 o'clock a. m. and 10 o'clock p. m., and no offal or refuse shall be conveyed at any time unless the same be in tight boxes, barrels or vessels, from which no odor shall escape.

**980. Sanitary regulations.]** The keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowl shall be in that manner which is or is generally reputed or known to be best adapted to secure and continue their safety and wholesomeness as food. The slaughtering of cattle shall not be permitted or conducted at any place in the city of Chicago without a special permit from the city council.

**981. Market cleansed.]** Every butcher and every person owning, leasing or occupying any place, room or building where any cattle have been or are killed or dressed, and every person being the owner,

lessee or occupant of any room or stable where any cattle may be kept, or market public or private, and having power and authority so to do, shall cause such place, room, building, stall and market, and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or offensive matter to be therefrom removed at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to; and shall also at all times (unless some public authority prevents), keep all woodwork, save floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed.

**982. Penalty.]** Any person who shall violate any or either of the provisions of the last six preceding sections of this article, or who shall neglect or fail or refuse to comply with any or either of the requirements thereof, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

#### UNWHOLESOME FOOD.

**983. Food condemned—power of entry, etc.]** Every person being the owner, lessee or occupant of any room, stall, freight house, cold storage house or other place, not a private dwelling, where any meat, fish, poultry, game, vegetables, fruit, or other perishable article adapted or designed to be used for human food, shall be stored or be kept or be in transit from one place to another or otherwise, and every person having charge of, or being interested or engaged, whether as principal or agent, in the care of, or in respect to the custody or sale of any such article of food supply, shall put, preserve and keep such article of food supply in a clean and wholesome condition, and shall not allow the same, nor any part thereof, to become putrid, decayed, poisoned, infected, or in any other manner rendered or made unsafe or unwholesome for human food; and it shall be the duty of the meat and food inspectors and other duly authorized employes of the health department of the city of Chicago to enter any and all such premises above specified at any time during the period extending from one hour prior to sunrise to one hour after sunset of any day, and to forthwith seize, condemn and confiscate any such putrid, decayed, poisoned and infected food, the same not being then safe, fit and wholesome for human food, which any such inspector may find in and upon said premises.

**984. Unwholesome food—duty of individuals.]** It shall be the duty of every person knowing of any fish, meat, fowls, birds or vegetables being bought, sold or offered or held for sale as food for human beings, or being in any market public or private in said city, and not being sound, healthy or wholesome for such food, to forthwith report such facts and the particulars relating thereto, to the department of health or to one of its officers or inspectors.

**985. Same—confiscation.]** If any person shall expose for sale in any market house or elsewhere in said city, any emaciated, tainted

or putrid meat or provisions, which from these or other causes may be deemed unwholesome, such person shall on conviction be fined not less than five nor more than two hundred dollars for each and every offense, and it shall be the duty of the sanitary superintendent or health officer to forthwith seize and confiscate all such meat and provisions.

**986. Condition of meat in markets.]** No meat or dead animal above the size of a rabbit shall be taken to any public or private market for food until the same shall have fully cooled (and all blood shall have ceased dripping therefrom) after its killing, nor until the entrails, head (unless the same be skinned), hide, horns and feet shall have been removed; nor shall gut-fat, or any unwholesome or offensive matter or thing be brought to or near any such market.

**987. Unwholesome vegetables.]** No decayed or unwholesome vegetables shall be brought into said city, to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

**988. Boarding-houses, etc.]** No person, being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant or agent therein, shall therein offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious or unwholesome substance, nor allow anything therein to be done or to occur prejudicial to health.

**989. Prohibited meat and fowl.]** No cased, blown, plaited, raised, stuffed, putrid, impure or unhealthy or unwholesome meat or fish, bird or fowl shall be held, bought or sold or offered for sale for human food, or held or kept in any market, public or private, or any public place in said city.

**990. Misrepresentation.]** No meat, fish, vegetables or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labeled, or any representation made in respect thereof, under a false name or quality, or under any false representation whatever respecting its or their wholesomeness, soundness or safety for food or drink.

**991. Cleanliness of stall, etc.]** Every person being the owner, lessee, or occupant of any room, stall or place where any meat, fish or vegetables designed or held for human food shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall and place and its appurtenances in a clean and wholesome condition; every person having charge, or being interested, or engaged whether as principal or agent, in the care, or in respect to the custody or sale of any meat, fish, birds, fowl or vegetables designed for human food, shall put and preserve the same in a clean and wholesome condition, and shall not allow the same or any part thereof to be poisoned, infected or rendered unsafe or unwholesome for human food.

**992. Prohibited foods.]** No meat, fish, birds or fowl, or vegetables, nor any milk, not being then healthy, fresh, sound, wholesome and safe for human food, nor any meat or fish that died by disease or

accident, shall be brought within said city, or offered or held for sale in any public or private market as such food anywhere in said city.

**993. Immature calf, pig or lamb.]** No calf, pig or lamb, or the meat thereof, shall be brought, held or offered for sale as such food in said city which at the date of its death (being a calf) was less than four weeks old; or (being a pig) was when killed less than five weeks old; or (being a lamb) was when killed less than eight weeks old. Nor shall any meager, sickly or unwholesome fish, birds or fowl be brought, held, sold or offered for sale as such food in said city.

**994. Diseased cattle.]** No cattle shall be killed for human food while in an overheated, feverish or diseased condition; and all such diseased cattle in the city of Chicago, and the place where found and their disease, shall be at once reported to the commissioner of health by the owner or custodian thereof, that the proper order may be made relative thereto.

**995. Penalty.]** Every person, firm or corporation who shall refuse to permit entry into the premises aforesaid, or who shall interfere with the confiscation of poisoned, infected, putrid and decayed, unsafe or unwholesome articles of food as hereinbefore provided, or who shall violate any of the provisions of the last nine preceding sections of this article, where no other or different penalty is provided, shall, on conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

#### FRUITS, BERRIES AND VEGETABLES.

**996. Contents of packages to be uniform.]** No person, firm or corporation shall, within the corporate limits of the city of Chicago, sell or offer for sale, or have in his possession for the purpose of selling or offering for sale, any basket, box, barrel, bag or other package of fruit, berries or vegetables of any kind which is not of uniform quality and size throughout.

**997. Packages marked.]** Packages of peaches, apples, quinces, potatoes, pears, cherries, plums, beans, onions, peas and all kinds of berries and fruits except grapes and bananas, shall contain quarts, pecks or bushels, and multiples thereof, and the amount contained in each package shall be distinctly marked thereon; and no person, firm or corporation shall sell or offer for sale, or have in his possession for the purpose of selling, or offering for sale, any such package which is not so distinctly marked, showing the quantity in such package contained.

**998. Grapes.]** All grapes which shall be sold in any basket, box or other package or parcel containing a definite quantity, shall be sold in packages of one pound or multiples thereof, and the quantity in each any every package shall be distinctly marked upon such package, so that the same can be readily and easily read by the purchaser. No person, firm or corporation shall sell, offer for sale, or have in posses-



sion for the purpose of selling or offering for sale, any box, basket or other packet or parcel of grapes which is not so marked, as above provided.

**999. Penalty.]** Every person, firm or corporation who shall sell or offer for sale, or have in possession for the purpose of selling or offering for sale, any box, basket, bag or other parcel or package of any sort of fruit, vegetables, or berries of any kind, which shall not be of uniform quality throughout, or which shall not contain the full number of pounds or the full number of quarts, pecks or bushels thereon marked and indicated, as provided in the last three preceding sections of this article, shall, upon conviction, be fined not less than ten dollars nor more than twenty-five dollars for each offense.

**1000. Colored netting for covering.]** It shall be and is hereby made unlawful to cover any box, basket or any other package or parcel of fruit, berries, or vegetables of any kind with any colored netting, or any other material which has a tendency to conceal the true color or quality of any such goods which may be sold, offered for sale or had in possession for the purpose of being sold or offered for sale. Any person who shall violate the provisions of this section shall, upon conviction, be fined not less than ten dollars nor more than twenty-five dollars for each offense.

**1001. Sales in bulk.]** This ordinance shall not be construed as prohibiting sales by the piece or sales in bulk, either by the car load, by the bushel or otherwise, where such fruits or vegetables are not sold in boxes, bags or other packages or parcels.

**1002. Duty of health department.]** It shall be and is hereby made the duty of the health department to inspect parcels of fruits, vegetables and berries which may be offered for sale within the city, and to cause the arrest and punishment of any person, firm or corporation who shall in any way violate the provisions of this ordinance.

**1003. Detection of offenders.]** Any person having purchased any fruits, vegetables or berries sold in violation of the provisions of this ordinance, may produce the package or parcel containing the same at the office of the health department, and furnish therewith an affidavit duly subscribed and sworn to showing that said parcel was purchased within twenty-four hours from the time the same is so produced, and showing that the parcel as produced contains all of the fruit, berries or vegetables, and none other, which it contained at the time of its purchase; and if the health department shall find by measuring, weighing or inspecting the same that it is short in quantity or weight, or that the same is not of uniform quality, or was otherwise sold in violation of the provisions of this ordinance, it shall be and is hereby made the duty of the health department to report such violation to the city prosecuting attorney, who shall in all cases, and at once, cause the arrest of the person so violating this ordinance, or shall begin a suit against such vendor, to recover the penalty herein provided for such violation.

## ARTICLE XVII.

## NIGHT SCAVENGERS.

**1004. Defined.]** The mayor of the city of Chicago shall, from time to time, grant licenses to any person, company or corporation, to engage in the business of emptying, cleaning or removing the contents of privy vaults; and every person, company or corporation engaged in said business shall be deemed a night scavenger within the meaning of this article.

**1005. License.]** No person, company or corporation within the city of Chicago shall empty, clean or remove the contents of any privy vault, or in any manner engage in the business of night scavenger, without first having obtained a license so to do, under the penalty of not less than twenty-five dollars for each offense; Provided, that the owners, occupants or agents of premises having privy vaults connected therewith, desiring to clean and remove the contents thereof themselves without the aid of night scavengers, may be allowed to do so upon the written permission of the commissioner of health or his assistant, and then only in such manner as he in said permit shall direct.

**1006. License fee—bond.]** Every person, company or corporation applying for such license shall pay to the city collector the sum of five dollars for each any every wagon used by such person in scavenger work, and execute a bond to the city in the penal sum of five hundred dollars, with no less than two sureties, to be approved by the mayor, conditioned that said scavenger will comply with the provisions of this article, and every ordinance which may be hereafter passed by the city council touching their said employment, and will also comply with and obey the directions and regulations of the commissioner of health of the city made in pursuance of law.

**1007. Removal of night soil—permit.]** No licensed person, company or corporation within the city of Chicago shall remove or cause to be removed, the contents of any privy vault without a permit first obtained from the commissioner of health, under the penalty of not less than five nor more than fifty dollars for each offense.

**1008. Contents of permit.]** Every such permit shall give the name of the scavenger, describe the premises where the work is to be done, and state where the contents thereof shall be deposited.

**1009. Report to commissioner.]** Each scavenger shall make return to the commissioner of health of every permit issued to him, within five days after the work shall have been performed, certifying to the number of yards or loads removed from the vault or vaults therein described, and the place where the same was deposited, under the penalty of not less than ten nor more than fifty dollars for each offense.

**1010. Manner of removal.]** The cleaning, emptying and removing of the contents of privy vaults shall be done in an inoffensive manner, and any scavenger having begun any such scavenger work

shall, without any interruption or delay, finish the same, and shall in every instance leave the privy in as good condition upon the vault as when the work was undertaken.

**1011. Removed out of city.]** The contents of privy vaults so removed by any scavenger shall be conveyed beyond the city limits in air-tight tanks or vessels, and shall be disposed of in such a manner as to cause no offense. Said tanks or vessels shall be kept clean and inoffensive when not in actual use.

**1012. Sign on wagons.]** Scavengers who engage in the business of removing the contents of privy vaults at night shall cause to be painted upon the wagon box of their wagons, in letters and figures, their names and the number of their licenses, together with a lighted lamp with plain glass fronts and sides, with the number of the license of such wagon painted with black paint on the sides and front of each of said lamps, in distinct and legible figures at least two inches in size and so placed that said lamps may be distinctly seen, and said number easily read.

**1013. Hours of removal.]** No privy vault shall be opened, nor the contents thereof disturbed or removed between the hours of six o'clock a. m. and ten o'clock p. m. of any day, nor shall such contents be deposited or buried within the city, except upon the special permission of the commissioner of health of said city, and in such manner and places as shall be by him directed. And if any night scavenger shall not bury said contents, as above provided, and cover the same so as to prevent any smell arising therefrom, his license shall immediately be forfeited and annulled. Any person violating any provision of this section shall be subject to the penalty of not less than twenty-five nor more than fifty dollars for each offense.

**1014. Scavengers' compensation.]** Night scavengers shall be allowed to charge and receive for each load (of not less than twenty-seven cubic feet) by them so taken and removed, a sum not exceeding three dollars.

**1015. Notice to owner when vault offensive.]** Whenever, in the opinion of the commissioner of health or health officer, any privy vault shall be offensive and need cleaning, it shall be his duty to notify the owner, agent or occupant to cleanse the same within a period named in said notice, and unless the person so notified shall comply within the time mentioned, it shall be the duty of said officer to cause said vault to be cleaned by one or more of the city scavengers aforesaid, and such person so failing to comply with said notice shall, on conviction, be fined in a sum not less than twenty dollars nor more than one hundred dollars; Provided, that nothing in this section contained shall discharge the owner, agent or occupant of the premises from any liability, otherwise provided, to pay all the expenses of such cleaning.

**1016. Abatement of vault.]** In case no owner or agent can be found in the city, such officers shall cause such offensive vault to be

cleaned, and in either case the expense shall be collected as in other cases of the removal or abatement of nuisances.

**1017. Penalty.]** Any person without license as aforesaid, who shall engage in business as night scavenger, or who shall undertake to remove any contents of any privy vault within the city without license or permit, as aforesaid, shall, on conviction thereof, pay a fine of not less than ten dollars nor more than fifty dollars for each offense; and any night scavenger so as aforesaid licensed, or owner, agent or occupant so as aforesaid acting under permit as aforesaid, who shall fail to comply with any order, direction or regulation of the commissioner of health, or who shall violate any provision or section or clause of any provision or section of this article, where no other penalty is imposed, shall, on conviction thereof, pay a fine of not less than five dollars nor more than one hundred dollars, and shall, at the discretion of the mayor of the city of Chicago, forfeit his license.

#### ARTICLE XVIII.

##### NUISANCES.

**1018. Duty of commissioner of health.]** It shall be the duty of the commissioner of health to serve a notice, in writing, upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance, requiring them to abate the same in such manner as he shall prescribe, within a reasonable time; Provided, that it shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable so to do; and such notice may be given or served by any officer who may be directed or deputed to give or make the same; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, they shall be subject to a fine of not less than five dollars nor more than fifty dollars for every such violation, and it shall be the duty of the said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated; Provided, further, that whenever the owner, occupant or agent of premises, in or upon which any nuisance may be found, is unknown or cannot be found, the said commissioner shall proceed to abate the same without notice; and in either case the expense of such abatement shall be collected from the person or persons who may have created, continued and suffered such nuisance to exist.

**1019. Animal matter decaying.]** It shall be unlawful for any person, firm or corporation having the ownership or control of any animal matter which is unsound or in process of decay within the city of Chicago to permit the same to be and remain while in such condition within said city, or within one mile of the limits thereof, more than

twelve hours after such animal matter shall have become unsound, or after the process of decay shall have begun in the same, whether it be at an establishment for the rendering or changing the character thereof or not, and any person, firm or corporation guilty of a violation of any provision of this section shall be fined not less than fifty dollars and not exceeding two hundred dollars for every such violation, and every day such violation shall continue be deemed a separate and distinct offense, and shall subject the offender to an additional fine as above provided.

**1020. Prohibited acts concerning nuisance.]** It is hereby declared a nuisance for any person in conducting, prosecuting or carrying on any business or employment within the limits of the city, or within the distance of one mile therefrom, or upon the Chicago river or either of its branches, or within one hundred rods thereof:

1. To allow or suffer any blood, bones, offal, still slops or other offensive matter to run, fall or get into the Chicago river, or into either of the branches thereof, or any of the canals or slips connected therewith.

2. To place, cause, or permit to be placed, or permit or suffer to remain on his premises as aforesaid, any blood, bones, offal, filth, still slops or other offensive matter for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight hours during any other part of the year.

3. To refuse, fail or neglect to collect all such offensive matter mentioned in this section and place the same in tubs or vats constructed as the commissioner of health shall direct, and remove the same within the time above prescribed to a distance of at least forty rods from said river and its branches, and from Lake Michigan, and a like distance from any dwelling, or public street, or highway, in covered and tight boxes as the commissioner of health may direct, and so disposed of as not to be offensive or deleterious to the public health.

4. To refuse, fail or neglect to keep his premises in a clean, healthy and inoffensive condition at all times. Any person creating or permitting any nuisance to exist, declared such in this section, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each and every offense, and the license so granted to him, if any license shall have been granted, may be revoked at the discretion of the mayor.

**1021. River, lake, street—refuse matter.]** Any distiller, tanner, brewer, butcher, pork or beef packer, soap boiler, tallow chandler, dyer, livery stable keeper or other persons whatsoever who shall cause or suffer any offal, manure, rubbish, filth, still slops, or any refuse animal or vegetable matter, or any foul or nauseous liquid to be discharged out of or flow from any premises owned or occupied by him, or to be thrown into, deposited or left in the Chicago river or either of

its branches, or any of the slips or canals connected therewith, or into Lake Michigan, or into any slough within the jurisdiction of the city, or in or upon any street, alley, public square, vacant lot, wharf or dock, river bank or lake shore, and any person or persons creating or permitting such nuisance to exist, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars for every offense.

**1022. Matter decaying on premises.]** For any person to permit or suffer any substance of the nature mentioned in the preceding section, which is liable to become putrid or offensive or injurious to the public health, to remain on any premises owned or occupied by him for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight hours during any other part of the year, or neglect to remove the same within the time above designated, in the manner and according to the requisitions prescribed in like cases in section 1020 of this article, shall constitute and is hereby declared a nuisance. Any person who shall create or permit such nuisance to exist shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars for every offense, and a further penalty of twenty-five dollars for each day the same shall be allowed to remain after a conviction for the first offense.

**1023. Factory—nauseous or offensive.]** Any factory, building or structure of any kind, or tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, packing house, slaughter house, or rendering establishment which shall become nauseous, foul or offensive, is hereby declared a nuisance, and the person or persons owning, keeping or maintaining any such factory, shop, yard, house, building or structure aforesaid, shall be fined in a sum not less than twenty-five dollars and not exceeding one hundred dollars for each offense.

**1024. Premises offensive.]** Any store, house, factory or building or structure of any kind, or any grounds or premises kept, permitted or suffered to remain for twenty-four hours in such condition as to be offensive to the neighborhood, dangerous or prejudicial to the health or safety of the occupants or other persons, is hereby declared a nuisance, and the owner, proprietor, lessee or agent of such store, house, factory, building or structure of any kind, or grounds or premises, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars, and to a further penalty of twenty-five dollars for every day such nuisance shall continue after the first conviction.

**1025. Cellar, vault, drain—offensive.]** It shall constitute and is hereby declared a nuisance for any person to suffer or permit any cellar, vault, private drain, pool, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health. Any person who shall create, suffer

or permit such nuisance to exist shall be subject to a fine of not less than five dollars and not exceeding fifty dollars in every case, and to a further penalty of ten dollars for every day the same shall continue after notice to remove and abate such nuisance.

**1026. Abatement on notice.]** In all cases where a nuisance shall be found in any building or upon any ground or other premises within the jurisdiction of the city, twenty-four hours' notice may be given in writing, signed by the commissioner of health or by the acting health officer, to the owner or occupant of such building or other premises where he is known and can be found to remove such nuisance, and in case of his neglect or refusal to abate the same in accordance with such notice, he shall be chargeable with the expenses which may be incurred in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.

**1027. Summary abatement.]** Whenever any nuisance shall be found on any premises within the city contrary to this article, the commissioner of health is hereby authorized in his discretion to cause the same to be summarily abated in such manner as he may direct.

**1028. Nuisances—common law.]** In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated or prevented in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances may, in case the same exist within the city limits or within one mile thereof, be treated as such, and proceeded against as is in this article provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

**1029. Tanneries, etc.—permit.]** No person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise; and no establishment or place of business for tanning, skinning or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started or established in the city of Chicago without a permit from the city council. And every such establishment now existing shall be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive or prejudicial to life or health. Any violation of this section shall subject the offender to a penalty of not less than ten dollars nor more than one hundred dollars.

**1030. Individuals bringing nuisance into the city.]** No person shall bring into the city, or keep therein for sale or otherwise, either for food or for any other purpose or purposes whatever, any animal, dead or alive, matter, substance or things which shall be or which shall occasion a nuisance in said city, or which may or shall be dangerous or detrimental to health, under a penalty of not less than ten dollars nor more than one hundred dollars.

**1031. Duty of commissioner — police.]** For the purpose of carrying the foregoing provisions into effect, it shall be the duty

of the commissioner of health to cause to be detailed a sufficient number of the police force, by permission of the superintendent, to make from time to time and as often as may be requisite a thorough and systematic examination of the city, and to ascertain and report to the proper authority for prosecution all violations of this article; and for this purpose they shall be permitted at all times to visit and enter into or upon any building, lot or grounds within the jurisdiction of the city and to make examination thereof.

## ARTICLE XIX.

### QUARANTINE REGULATIONS.

**1032. Establishment of quarantine.]** Said commissioner, whenever, and at such times as by him it shall be deemed necessary, may, by proclamation (the approval of the city council being first had and obtained), require all boats, vessels, railroad cars or other public conveyances bound for this city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at any or either of the sites, places or boundaries selected and established for quarantine purposes and leave all such emigrants, travelers or persons, and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries shall be deemed proper, on account of the existence or general report of cholera, ship fever or any contagious disease.

**1033. Notice of quarantine.]** Whenever it shall be deemed necessary to issue such proclamation, it shall be the duty of the said commissioner to send the same, together with the substance of the regulations for quarantine, and the period for which the same shall be in force, unless sooner revoked, to New York, Buffalo, Detroit, Toledo, La Salle, St. Louis, Galena, Dubuque, Burlington, and such other cities and places as by him shall be deemed proper.

**1034. Quarantine inspectors.]** He shall also cause to be stationed at such quarantine sites, places and boundaries as he may deem advisable, one or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances, so as aforesaid required to touch or stop at said quarantines respectively, and then and there determine what emigrants, passengers or persons (if any) shall be permitted to come to the city, and what emigrants, passengers or persons (if any) shall stop at such quarantine; and it shall be the duty of all persons conducting or in charge of any such vessel, boat, car or public conveyance, to aid and assist any such physician or health officer in the exercise of his duties.

**1035. Medical attendance.]** Said physician or health officer shall attend to all sick persons who may be landed or placed in quarantine, and provide medicines and necessaries for their use, and shall



have general supervision of such quarantines, and compel persons therein to purify their bodies, clothes and baggage, and do all such acts and things as shall be proper in the premises, keeping correct accounts of all expenditures and wages, which shall be allowed and paid by order of the said commissioner.

**1036. Discharge.]** Whenever any physician or officer in charge of any quarantine station or place, as aforesaid, shall, upon examination, be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place, and such boat, vessel, car or conveyance shall have been thoroughly cleansed, and such persons as aforesaid landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit, signed by him, to enter the city, which shall be ample authority for the entry of said boat, vessel, car or conveyance, and the said officers, respectively, shall discharge all persons in quarantine by their certificate for that purpose, whenever they are satisfied that such persons are free of disease and their baggage and effects properly purified; Provided, however, that the commissioner in his discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever, or other contagious or fatal disease, forbid the admission of emigrants or others peculiarly liable thereto into any or all of said quarantines or stations, until, in his opinion, the health of the city will justify the same.

**1037. Police powers.]** It shall be the duty of the said commissioner, whenever by him it shall be deemed necessary, to keep at the quarantine station or stations a sufficient police force, whose duty it shall be to enforce all regulations by this chapter required, or by said commissioner to be established, and to arrest all persons violating said regulations or committing any breaches of the peace, and bring such persons before any court having jurisdiction, for trial, and to arrest and hold for trial all persons disobeying, or interfering with, or resisting any physician, health officer, or other person in authority at such quarantine site, place or station.

**1038. Violation of Quarantine.]** In case any boat, vessel, car or public conveyance shall leave any quarantine station, place or boundary, without a permit, as aforesaid, or shall fail to stop at the same, when so, as aforesaid, required by the issuing of the said proclamation, or whenever the person in charge thereof or any person under his command, shall fail or refuse to obey any regulation or command of the said commissioner of health, physician, or person in charge of any quarantine station or place, or of any provision or requirement of this chapter, the said commissioner shall have the power, and it is hereby made his duty, if in his opinion the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance, and cause the same, with the crew and passengers on board, to be landed, or stopped, or conveyed to the quarantine station or place, and there to remain until properly discharged by the permit aforesaid; and

the owner, master or the person in charge of any such boat, vessel, car or public conveyance shall be liable to the city for all expenses and costs incurred by reason thereof. If any emigrant, traveler or person, so placed in quarantine as aforesaid, shall leave the same without permission as aforesaid, he may be arrested and taken back to said quarantine, and there retained until such permission shall be given

**1039. Power to enforce regulations.]** The physician or health officer in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen or others employed by the city in and about said quarantine stations or places to carry out and obey the same.

**1040. Appointment of Physicians.]** The said commissioner, by and with the approval of the city council, may appoint one or more competent physicians as quarantine physicians, who shall be present at such quarantine stations as the said commissioner of health shall designate, and attend to all the duties imposed by this chapter or by the regulations of said commissioner; and who shall receive, each, for actual services rendered, and for such time as such services shall be actually required, not less than five dollars nor more than ten dollars per day, to be allowed by the said commissioner; also the said commissioner may employ such agents, servants, nurses or temporary medical assistants for the purpose of carrying into effect the objects and intent of this chapter, or of any regulation, as in his judgment shall from time to time be necessary, or authorize the employment thereof by the physicians or health officers in charge of any quarantine or station.

**1041. Expenditures.]** All the salaries, wages and expenses in this article contemplated are to be audited and allowed by the said commissioner, and when so allowed are to be paid out of the fund set apart for quarantine purposes, or, in case of necessity, out of the contingent fund of the city: Provided, that, when practicable, the persons taken in such quarantine or station and receiving the aid and care afforded thereby shall each pay a sum of money sufficient to meet all expenses, labor and care incurred in their behalf, which said money shall be faithfully kept, reported and accounted for by the physician, health officer, or other person in charge of said quarantine or station, to the said commissioner; and all other expenses incurred or to be incurred by reason of this chapter or of any regulation of said commissioner shall be paid out of the fund set apart for quarantine purposes, or, when necessary, out of the contingent fund of the city.

**1042. Contagious disease.]** No person, master, captain or conductor in charge of any boat, vessel, railroad car or public conveyance shall knowingly bring into this city any person or persons diseased of cholera, smallpox, ship fever, or contagious or communicable disease whatsoever; and no vessel, boat, railroad car or public conveyance, at any time covered by the said proclamation, shall pass by any quaran-

time station or place without stopping, nor shall leave the same without the permit aforesaid; and no person stopping in said quarantine, or so, as aforesaid, received therein, shall leave the same without first obtaining permission as aforesaid; nor shall any person aid or abet any master, conductor or person in charge of any boat, vessel, railroad car or public conveyance in violating, neglecting or evading any provision or requirement of this chapter; nor shall any person interfere with, resist, neglect, or refuse to obey the orders of any physician, health officer, policeman or other person in authority at any quarantine station or place of quarantine, so, as aforesaid, established; nor do any act or thing in violation of, or in disobedience to, any of the provisions, clauses or sections of this chapter; nor shall commit any breach of the peace, or do any act calculated in any way to defeat or interfere with the provisions or requirements of this chapter, or of any regulation of the said commissioner, physician or officer in charge of any quarantine.

**1043. Quarantine fund.]** The moneys appropriated to the quarantine fund shall be faithfully applied by the said commissioner to the true objects and purposes of its appropriation, and the said commissioner shall make reports of his doings and expenditures to the city council whenever requested so to do.

**1044. Penal Clause.]** Any master of a vessel, conductor, captain or person whatsoever, who shall violate any clause, provision, requirement, duty or regulation of this chapter, or any rule or regulation of the said commissioner, physician or health officer in charge of any quarantine, or who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with, or in any manner resist, any officer or agent of the city in the discharge of his duty as herein contemplated, or who shall commit any breach of the peace, or be guilty of any act or thing calculated to defeat or interrupt the carrying into effect of any part of this chapter, or any regulation of the said commissioner, shall, in cases where no other penalty is provided, on conviction, pay a fine of not less than twenty-five dollars nor more than two hundred dollars.

**1045. Stations—sites.]** The commissioner of health, by and with the approval of the city council, may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and, with the approval of said council, may erect, from time to time, such buildings and hospitals upon such sites and places, and so keep the same in repair, as in his judgment shall be deemed necessary.

## ARTICLE XX.

### SMOKE.

**1046. Dense smoke a nuisance.]** The emission of dense smoke from the smoke stack of any boat or locomotive, or from any chimney anywhere within the city, shall be deemed and is hereby de-

clared to be a public nuisance; Provided, that chimneys of buildings used exclusively for private residences shall not be deemed within the provisions of this ordinance.

**1047. Penal clause.]** The owner or owners of any boat or locomotive engine, and the person or persons employed as engineer or otherwise in the working of the engine or engines in said boat or in operating such locomotive, and the proprietor, lessee and occupant of any building who shall permit or allow dense smoke to issue or be emitted from the smoke stack of any such boat or locomotive or the chimney of any building within the corporate limits, shall be deemed and held guilty of creating a nuisance, and shall for every such offense be fined in a sum not less than five dollars nor more than fifty dollars.

**1048. Duty of commissioner.]** It shall be the duty of the commissioner of health and the superintendent of police to see that the provisions of this article are enforced, and to make complaint against and cause to be prosecuted all persons violating the same.

#### ARTICLE XXI.

##### STATISTICS.

**1049. Statistical reports.]** The commissioner of health shall annually during the first quarter of each and every fiscal year place full and detailed statistical reports of the work of the inspectors before the city council. The reports shall specify the following:

1. Number of males and females of all ages employed; also number of boys and girls under fifteen years of age employed.
2. The number of violations of this chapter and the number of abatements, with detailed accounts of improvements effected.
3. General and special sanitary condition of all people in labor or service in factories, workshops, stores, warehouses, elevators, yards, and domestic workrooms.
4. Number and kind of dangerous and unhealthy employments, and diseases of the several trades and occupations.
5. Statistics of labor, wages and cost of living in connection with the several trades and occupations specified in the reports of the factory and tenement house inspectors.

Such reports shall be printed as public documents, for the information of the public.

#### ARTICLE XXII.

##### SLAUGHTERING AND RENDERING.

**1050. License—application—fee.]** It shall be unlawful for any person or persons, company or corporation within the city of Chicago, or within one mile of the limits thereof, to engage in the business of slaughtering animals for food, packing them for market, or rendering the offal, fat, bones or scraps from such animals or any dead

carcass or any animal matter whatever, or to engage in the manufacture or production of fertilizers or glue, or the cleaning or rendering of intestines, unless he or they shall have obtained a license for such business. The mayor is hereby authorized to issue a license for such purpose to any person or persons applying to him in writing for the same. Such application shall specify the place and location and the character of the business for which license is desired, and the applicant shall pay into the city treasury as a license fee the sum of one hundred dollars per annum.

**1051. License revocable.]** Any license so granted may be revoked upon written notice by the mayor, whenever it shall appear to his satisfaction that the party so licensed shall have violated any provision of any ordinance of the city council, or any statute law of the state of Illinois, relating to said business of slaughtering, packing, rendering and manufacture of fertilizers or glue.

**1052. Rendering, etc—district.]** It shall be unlawful for any person, firm or corporation to carry on the business of slaughtering of animals, or rendering of any animal matter, or manufacturing the same into fertilizing material, or changing the form thereof in any manner by the use of heat, steam, fire, chemicals or otherwise at any place or in any establishment where such business is not now carried on within the city of Chicago, or within one mile of the limits of said city, except the same be done in that portion of said city which is bounded on the north by the Chicago river and the Illinois and Michigan canal, on the east by Stewart avenue, and on the west by Western avenue; Provided, that such business at all times, wherever carried on, shall be so conducted as to create no offense or nuisance, and in strict accordance with the laws of the state of Illinois and the ordinances of the city of Chicago, and under and subject to the condition of a license from said city, as is provided by this article.

**1053. Rendering—offensive odor.]** It shall constitute and is hereby declared a nuisance for any person to steam or boil, or in any way render any offal, tainted or damaged lard or tallow, or steam or render any animal substance in such a manner as to occasion any offensive smell, or which by undergoing such process so taints the air as to render it unwholesome or offensive to the smell, within the limits of the city or within the distance of one mile therefrom. Any person who shall create, suffer or permit such nuisance to exist shall be subject, for each offense, to a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

**1054. Inspection—right of entry.]** The commissioner of health, or any or all of his sanitary officers, shall be permitted free entrance at all hours of the day or night to all buildings used for the purposes specified in section 1052, and to free and unrestrained examination of all apparatus or utensils used in such manufacture, or in the disposition of gases generated in such manufacture.

**1055. Slaughtering on streets.]** No cattle shall be slaughtered or the meat or any part thereof, dressed or hung, wholly or

partly within any street, avenue or sidewalk or public alley or place; nor shall any blood or dirty water or other substance from such cattle, meat, or place of killing or the appurtenances thereof, be allowed to run, fall or to be in any such street, avenue, sidewalk, alley or place.

**1056. Slaughter-house — prohibited use.]** No building occupied wholly or partly as a slaughter-house or any part thereof, or any building on the same lot, shall, without a special permit from the commissioner of health, be occupied for a dwelling or lodging place; and every such building shall at all times be kept adequately and thoroughly ventilated; and no blood shall be allowed to remain therein over night; and adequate underground connections shall be made from every such building with a public sewer, and the door of such building on which the slaughtering is done, and the yard, shall be cemented and paved so as not to absorb blood, and so as to carry all liquid into the sewers.

**1057. New place—permit from council.]** Neither the business of slaughtering cattle, nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional place within the city of Chicago, except pursuant to a permit from the city council; nor shall any person or corporation keep any slaughter-house or yard, or any cattle therein hereafter without a permit from said council.

**1058. Rendering—manner of conducting.]** No fat, tallow or lard shall be melted or rendered except when fresh from the slaughtered animal, and taken directly from the place of slaughter, and in a condition free from sourness and taint, and all other cause of offense at the time of rendering, and that all melting and rendering are to be in steam tight vessels, the gases and odors therefrom to be destroyed by combustion or other means equally effective, and according to the best and most approved means and processes; and every thing preceding, following and in connection with such melting and rendering, and the premises where the same shall be conducted, must be free from all offensive odor, and other cause of detriment to the public health. No fat, lard, or tallow shall be brought into the city of Chicago to be rendered or melted, and none is to be rendered or melted that has come from any place outside of said city, except as part of the living animal.

**1059. Rendering—glue—permit from council.]** No person shall boil any offal, swill, bones or fat in said city, save in ordinary cooking; nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, fat boiling, gut cleaning, nor the skinning or making of glue from any dead animals or parts thereof, nor any other occupation that is dangerous or detrimental to life or health, be hereafter established or carried on within the limits of said city, or within one mile thereof, unless the same be allowed by a permit of the city council.

**1060. Rendering—special permit.]** No person shall boil any offal, swill or bones, nor any fat, tallow or lard (except upon the same being taken at once from the animal, and while the same is fresh and otherwise inoffensive); nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, gut cleaning, nor the skinning of or making of glue from any dead animal or part thereof, nor the storage or keeping of scrap fat or grease or offensive animal matter, be permitted or conducted at any place within the limits of the city, or within one mile thereof, without a special permit from the city council; nor shall the business of boiling or rendering the fresh lard fat, or tallow aforesaid, be conducted within said city, without a like special permit from said council; and such permit must be applied for in writing, specifying the nature and precise location of the proposed business, and such application shall not be acted upon until the second regular meeting, two weeks after such application.

**1061. Rendering — deodorizing.]** All persons engaged in the business of boiling or rendering of fat, lard or animal matter, shall cause the scrap or residuum to be so dried or otherwise prepared as effectually to deprive such material of all offensive odors, and to preserve the same entirely inoffensive immediately after the removal thereof from the receptacles in which the rendering process may be conducted.

**1062. Bone boiling, etc., prohibited.]** It shall be unlawful for any person or persons to carry on, establish, prosecute or continue within the city of Chicago the occupation or trade or business of bone boiling, bone burning, bone grinding or skinning of dead animals; and every such establishment or establishments or place of such business existing within the corporate limits or within one mile thereof is hereby declared a nuisance, and such trade, occupation or business shall be forthwith abated and discontinued; and any person carrying on or prosecuting such trade, occupation or business shall be subject to a fine of not less than fifty nor more than one hundred dollars for every violation thereof, and to a further penalty of twenty-five dollars for every day such nuisance shall continue after notice to abate the same.

**1063. Penalties.]** Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of the thirteen last preceding sections of this article, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects or refuses to comply with, or who resists any officer or order or special regulation of said department of health where no other or different penalty is provided, shall, upon conviction, be subject to a fine not exceeding two hundred dollars nor less than ten dollars for each offense.

## ARTICLE XXIII.

## TENEMENTS AND LODGING HOUSES.

**1064. Conform to requirements.]** No house hereafter erected shall be used as a tenement house or lodging house, and no house heretofore erected and not now used for such purposes shall be converted into, used or leased for a tenement or lodging house, unless in addition to the requirements hereinbefore contained it conforms to requirements contained in the following sections:

**1065. Construction and use--ventilation.]** It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging house, a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space exclusively belonging thereto, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging house on the back part of any lot, there shall be a clear, open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified in special cases by a permit from the department of health.

**1066. Lodging house--ventilation.]** Every house, building or portion thereof in the city of Chicago, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom window having an opening or area of three square feet over the door leading into and connected with the adjoining room if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area communicating with the entry or hall of the house, or where this is from the relative situation of the rooms impracticable, such last mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof at the top of the hall an adequate and proper ventilator, of a form approved by the commissioner of health.

**1067. Height of ceilings--windows.]** In every such house hereafter erected or converted, every habitable room except rooms in the attic shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceil-



ing throughout not less than one half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one at least of such windows shall not be less than seven feet and six inches above the floor, and the upper half at least shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air shaft extending to the roof, or otherwise, as the commissioner of health may prescribe.

**1068. Chimneys—water-cellar, etc.]** Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for stove, properly connected with one of said chimneys, for every family and set of apartments; it shall have proper conveniences and receptacles for ashes and rubbish; it shall have water furnished at one or more places in such house or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof; it shall have the floor of the cellar properly cemented so as to be water-tight; the halls of each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said hall in a manner approved by the commissioner of buildings.

**1069. Overcrowding.]** No owner, lessee or keeper of any tenement-house, lodging-house, boarding-house or manufactory shall cause or allow the same to be over-crowded, or cause or allow so great a number of persons to dwell, be or sleep in any such house or any portion thereof, as thereby to cause any danger or detriment to health.

**1070. Adequate water-closets—gases.]** Every person who shall be the owner, lessee or keeper or manager of any tenement-house, boarding-house, lodging-house or manufactory, shall provide or cause to be provided for the accommodation thereof and for the use of the tenants, lodgers, boarders and workers therein, adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive or be dangerous or detrimental to health. And no offensive smell or gases from or through any outlet or sewer, or through any such privy or water-closet, shall be allowed by any person aforesaid to pass into such house or any part thereof or into any other house or building.

**1071. Cleanliness—ventilation—temperature.]** Every owner, lessee and tenant, and manager of any boarding-house or manufactory, shall cause every part thereof and its appurtenances to be put,

and shall thereafter cause the same to be kept, in a clean and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep, dwell or work, to be adequately lighted and ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not, by any reason of the want thereof, or of anything about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the health of any person being properly therein.

**1072. Cellar or place unventilated.]** No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substance or otherwise.

**1073. Garbage--combustibles--cattle.]** Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matter. No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

**1074. Cleanliness--whitewash.]** Every tenement or lodging-house and every part thereof shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the commissioner of health, so often as shall be required by or in accordance with any regulation or order of said commissioner, and shall well and sufficiently, to the satisfaction of the said commissioner, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said commissioner shall otherwise direct.

**1075. Contagious disease--disinfection.]** The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house or part thereof shall whenever any person in such house is sick of fever or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the department of health or to some officer of the same, and thereupon said officer shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner in such manner as they may deem necessary and effectual; and they may also

cause the blankets, bedding and bed clothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, or in extreme cases to be destroyed.

**1076. Tenement-house defined.]** A tenement-house within the meaning of this article shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of more than three families living independently of one another and doing their cooking upon the premises; or by more than two families upon a floor so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies or some of them.

**1077. Lodging-house defined.]** A lodging-house shall be taken to mean and include any house or building or portion thereof in which persons are harbored or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week.

**1078. Cellar defined.]** A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

**1079. Penalties.]** Any person or persons violating, disobeying, neglecting or refusing to comply with, or resisting any of the provisions of this article, or who refuse to comply with any of the sanitary regulations of the department of health concerning any of the matters or things mentioned in this article shall, upon conviction, be subject to a penalty of not less than ten dollars nor exceeding two hundred dollars.

#### ARTICLE XXIV.

##### UNDERTAKERS.

**1080. License—fee—revocation.]** It shall be unlawful for any person, firm or corporation to pursue or exercise within this city the business of undertaking without a license therefor, to be granted by the mayor upon the recommendation of the commissioner of health. Applications for such license shall be made in writing, and every such applicant shall pay to the city collector, as a license fee, the sum of ten dollars, and said city collector shall issue his receipt therefor; said receipt delivered to the city clerk shall entitle the person, firm or corporation making the payment to receive a license as an undertaker for the current municipal year; Provided, however, said license may at any time after the issuance thereof be revoked by the mayor upon good and sufficient cause.

**1081. Burial permit.]** It shall be unlawful to issue any permit for burial to any undertaker who has not obtained a license in accordance with the provision of this article.

**1082. Undertaking defined.]** The business of undertaking is hereby defined to be the business or occupation of preparing dead bodies for burial, and managing funerals.

## ARTICLE XXV.

### VACCINATION.

**1083. Duty of persons controlling minors.]** Every person, being the parent or guardian, or having the care, custody, or control of any minor or other individual, shall (to the extent of any means, power and authority of said parent, guardian or other person, that could properly be used or exerted for such purpose) cause and procure such minor or individual to be so promptly, frequently and effectively vaccinated, that such minor or individual shall not take, or be liable to take, the small pox.

**1084. Prerequisite to admission to school.]** No principal of any public school, and no principal or teacher of any private, sectarian or other school, shall admit to any such school any child or minor who shall not have been vaccinated within seven years next preceding the admission or application for admission to any such school of such child or minor, nor shall any such principal or teacher retain in or permit to attend any such school any child or minor who shall not have been vaccinated as provided in this article.

**1085. Evidence of vaccination.]** The evidence of such vaccination to be presented to any such principal or teacher mentioned in the preceding section shall be a certificate signed by the commissioner of health or any physician duly licensed by the state board of health.

**1086. Inspection of schools.]** The commissioner of health is hereby empowered to visit any and all public and private schools in the city, and to make or cause to be made an examination of the children and minors in attendance therein, as often as he may deem necessary to secure compliance with the provisions hereof.

**1087. Penalty.]** Any principal of a public school, or principal or teacher of any private or other school, who shall violate any of the provisions of this article, or shall in any way prevent or attempt to prevent the commissioner of health from exercising the power conferred on him by this article, shall be fined for each offense not less than five dollars nor more than two hundred dollars.

## ARTICLE XXVI.

### WORKSHOPS.

**1088. Workshop described.]** Any house, room or other place in which the process of making, altering, repairing or finishing any so-called ready made coats, vests, trousers, overcoats, or any other sort or

description of wearing apparel intended for sale, shall be carried on, shall be deemed a workshop, and shall be governed by all ordinances now in force, or which may hereafter be passed, relating to workshops.

**1089. Condition -- inspection.]** Every such workshop shall be kept in a cleanly condition, and each and all of the garments made, altered, repaired or finished in any of such workshops shall be subject to inspection and examination by the department of health of the city of Chicago and the inspectors thereof.

**1090. Unclean, abated.]** Every such workshop which shall not be kept in a cleanly condition and free from vermin and every matter of an infectious or contagious nature is hereby declared to be a public nuisance and it shall be the duty of the commissioner of health to cause the same to be abated.

**1091. License required — fee — annual.]** No person or persons, firm or corporation, shall carry on, keep, maintain, or operate any such workshop in which any person shall be employed for hire without having been first licensed so to do by the city of Chicago. Every person or persons, firm or corporation, carrying on, keeping, maintaining or operating any such workshop, in which any person shall be employed for hire, shall annually, on the first day of May of each year, pay a license fee of one dollar per year for each workshop so maintained by him or them, which license shall be issued and be good for a period ending with the first day of May following the issuance and delivery thereof.

**1092. License, issue of — application.]** Licenses shall be issued in the names of the applicants therefor. Before the issuance of the license for any such workshop the person or persons, firm or corporation, applying therefor shall make written application on a printed form, provided for that purpose, on which shall be stated:

First—The name of the applicant and the location of the business place or places for which such license is desired.

Second—A description of the nature of the work proposed to be carried on in such workshop and the number of rooms therein.

Third—The maximum number of persons of either sex proposed to be employed in such workshop.

Fourth—Any other facts which the applicant may desire to state concerning the proposed workshop.

**1093. Application, filing of — inspection.]** Such application for license shall be filed with the city collector and, thereupon, the city collector shall send a copy of such application to the commissioner of health, whose duty it shall be, within ten days thereafter, to make an examination of the place where any such workshop is proposed to be located, and certify to the city collector whether the health of the city or of the persons proposed to be employed in such workshop, will be endangered by the maximum number of persons to be employed at the work and in the place named in such application. No such license shall be issued unless the

commissioner of health shall certify that the health of the city and of the persons proposed to be employed in such workshop will not be endangered by the carrying on of the business in the manner and at the place named in such application.

**1094. Revocation of license.]** It, at any time after the granting of any such license, the commissioner of health shall certify to the mayor that the health of the city or of the persons employed in any such workshop, is endangered by the maintenance of such workshop, it shall be the duty of the mayor to revoke the license therefor and, upon the revocation of any such license, the licensee shall not be entitled to the return of any portion of the license money paid.

**1095. License, posting.]** Every such license granted under the provisions of this ordinance shall be posted in a conspicuous place in the workshop for which such license is issued and such license may, at any time, be revoked for just cause.

**1096. Penalty.]** Any person or persons, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars for each and every offense; and each day during which any such workshop shall be maintained, kept, carried on or operated without a license, shall be construed as a separate and distinct offense.

#### MISCELLANEOUS PROVISIONS.

**1097. Ventilation of factories, workshops, etc.]** No person, being the owner, proprietor, lessee, manager or superintendent of any store, factory, workshop or other structure or place of employment where workmen and workwomen are employed for wages, shall cause, permit or allow the same or any portion or apartment of, or any room in said store, factory, workshop or other structure or place of employment, to be overcrowded or inadequate, faulty or insufficient in respect of ventilation and cleanliness; and in every such building or apartment, or room in any such building, where one or more persons are employed as aforesaid, at least five hundred cubic feet of air space shall be allowed to each and every person employed therein, and the air changed or renewed by ventilation at least once in every twenty minutes during the hours of employment.

**1098. Free from effluvia, gas, etc.]** All such places of employment or service shall be kept in a cleanly condition, free from the effluvia of a sewer, drain, privy, stable or other nuisance; also as far as practicable from all gases, vapors, dust or other impurities generated by manufacturing processes or otherwise and injurious to health. Sufficient and separate privies and urinals shall be provided for male and female employes and such privies shall be ventilated.

**1099. Inspection of stores, workshops, etc.]** The commissioner of health shall visit or cause to be visited by an officer, all such

places of employment or service within the city at least once a month, to see that the provisions of this article are complied with, and shall have such arrangements made as may be deemed necessary for the safety and health of the employes, pursuant to the terms of this article and such laws as may be in force concerning health and sanitary measures.

**1100. Penalty.]** Any person violating, disobeying, neglecting or refusing to comply with any of the provisions of the last three preceding sections of this article shall be subject, on conviction thereof, to a penalty of not less than ten nor more than one hundred dollars.

## ARTICLE XXVII.

### GENERAL REGULATIONS.

**1101. Seats for females.]** It shall be the duty of all employers of females in any mercantile or manufacturing business or occupation to provide and maintain seats for the use of such female employes, and to permit, to a reasonable extent, the use of such seats by such employes during the hours of their employment, for the preservation of their health. All mercantile and manufacturing occupations and establishments where females are employed shall be inspected by officers of the health department to ascertain if this section is complied with, and any employer found violating any of the provisions of this section shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

### ANIMALS.

**1102. Stables—cleanliness—infected animal.]** Every person shall cause every stable and place where any cows, horses or other animals may be, to be kept at all times in clean and wholesome condition, and shall not allow any animal to be therein while infected with any disease, contagious or pestilential among such animals, without a permit from the health commissioner.

**1103. Permit to yard animals.]** No cattle, swine, pigs or sheep, geese, goats or horses, shall be yarded within the city of Chicago, without the permit of said commissioner, or otherwise than according to the regulation of the department of health.

Note: See section 1126.

**1104. Past recovery or dead—removal]** Any person, having a dead animal or an animal past recovery and not killed for, and improper for use as meat, or in an offensive condition, or sick with an infectious or contagious disease on his premises in said city, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place, and when such place may be designated by the city council, to the place so designated.

**1105. Notice of dead animal.]** Every person having within his possession or control or upon any premises occupied or owned by him, any dead animal not proper for food and liable to become noxious and detrimental to health, shall at once give notice thereof to the officer in charge of the nearest police station, and such officer shall at once cause notice thereof to be given to the department of health.

**1106. Diseased or sickly animal.]** No diseased or sickly horse, cattle, swine, sheep, dog or cat or other animals, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the city of Chicago.

**1107. Disease of glanders or farcy.]** No person shall keep, retain or allow or employ to be kept or retained, at any place within the city, any horse, ass or colt, having the disease known as glanders or farcy.

**1108. Individual not to bury.]** No person shall leave in or throw into any place or street or public water, or offensively expose or bury the body (or any part thereof) of any dead or fatally sick or injured animal; nor shall any person keep any dead animal, or any offensive meat, bird, fowl or fish in a place where the same may be dangerous to the life, or detrimental to the health of any person.

**1109. Diseased or injured on street.]** Any animal, being in any street or public place within the city, and appearing in the estimation of any officer or inspector of the department of health (and of two discreet citizens, called by such officer or inspector to view the same in his presence) injured or diseased past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, or not having been removed to some private premises or to some place designated by such officer or inspector within one hour after being found or left in such condition, may be deprived of life by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner or proper person, be treated as any other animal found on a street or place.

No person other than the inspectors or officers of the department of health, or department of police, or persons thereto authorized by contract or otherwise, shall in any way interfere with such dead, sick or injured animal in any street or place, and no person shall skin or wound such animal in such street or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a policeman, or an inspector or officer of said department.

#### CABBAGE PLANT.

**1110. Uncovered cabbages.]** No cabbage head, cabbage stalk or other portion of any cabbage plant shall be allowed to remain upon any garden, field or open space within the city of Chicago between the fifteenth day of October, in any year, and the fifteenth day



of April next thereafter following, unless the same shall be covered under at least one foot of earth. Every owner, lessee or occupant of any field, garden or other open space who shall violate the provisions of this ordinance shall be liable to a fine of not less than five dollars nor more than two hundred dollars, and a further penalty of ten dollars for each day that such violation shall be permitted to continue upon any field, garden or other open space within the city of Chicago of which he or they may be owner, lessee or occupant.

#### DRINKING WATER.

**1111. Pollution.]** No person shall allow to run or pass into any water-pipe, any animal, vegetable, or mineral substance whatever; nor shall any person do or permit to be done (having right or power to prevent the same), any act or thing that will impair or imperil the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of said city.

**1112. Duty to preserve purity.]** It shall be the duty of every person, officer and department, having any authority and control in regard to any water designed for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water.

**1113. Interfering with hydrant.]** No person shall destroy, nor in anywise injure or impair any drinking-hydrant or part thereof in the said city; nor shall any person interfere with the use of or enjoyment of the water therein or therefrom, or interrupt the flow thereof, for or as a drink; nor shall any person put any dirty, poisonous, medicinal or any noxious substance into or near said water or hydrant whereby such water is made, or may be regarded, as dangerous or unwholesome as a drink.

#### PRIVY, VAULT, SINK, CESSPOOL.

**1114. Garbage or refuse in.]** No person shall throw into or deposit in any vault, sink, privy or cesspool any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle; nor shall any slops or kitchen waste be permitted to run into any privy or cesspool, except the same be connected with the sewer.

**1115. Not allowed to become offensive.]** The contents of any such tub, or of any receptacle, cesspool, privy, vault, sink or water-closet, cistern, or anything in any room, excavation, vat, building, premises or place, shall not be allowed to become a nuisance or offensive so as to be dangerous or prejudicial to health.

**1116. Construction of.]** No vault, privy, sink, cistern or cesspool shall hereafter be made or rebuilt in the city, except in accordance with the regulations of and by permit of the department of

health. The general privy accommodations of a tenement house or lodging-house shall not be permitted in the cellar, basement or under sidewalk.

**1117. Same subject.]** All cesspools and privy vaults shall be water tight, and when on lots adjacent to sewers shall be connected with the same in the manner required by the regulations of the department of public works.

**1118. Disinfection before removal.]** All putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults and cesspools, and all noxious substances in the said city shall, before their removal or exposure, be disinfected and rendered inoffensive by the person who removes or is about to remove the same.

**1119. Individuals not to move contents.]** The owner, tenant, or occupant of any building or premises in the city of Chicago, shall not employ, cause or permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control), to be removed, unless according to a permit or the regulations of the said department of health.

**1120. Drawing off contents.]** No person shall draw off, or allow to run off into any ground, street or place of said city, the contents (or any part thereof) of any vault, privy, cistern, cesspool or sink; nor shall any owner, tenant or occupant of any building to which any vault, sink, privy or cesspool shall appertain or be attached, permit the contents or any part thereof to flow therefrom, or to rise within two feet of any part of the top, or said contents to become offensive; nor shall any privy or other erection in this section mentioned be filled with or covered with dirt, until its filthy contents shall be emptied.

**1121. Penalties.]** Any person who violates, refuses to comply with or resists any of the provisions of the seven last preceding sections shall, upon conviction, be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense.

**1122. Location of privy vault.]** It shall be unlawful for any person, firm or corporation to maintain any privy vault or suffer the same to be and remain upon any premises abutting upon or adjoining any street, alley, court or public place, in which is located any public sewer. Any person, firm or corporation violating the provisions of this section shall be fined not exceeding two hundred dollars for each offense.

**1123. Construction—location.]** It shall constitute and is hereby declared a nuisance for any person to erect or maintain any privy as near as forty feet to any street, dwelling, shop or well, unless the same be furnished with a substantial vault six feet deep, and made tight, so that the contents cannot escape therefrom, and sufficiently secured and enclosed. Any person owning, erecting or maintaining such privy shall be subject to the penalty of ten dollars, and a like penalty for every week he shall continue the same after the first conviction.

**1124. Shall be abated when offensive.]** All privies, any part of the contents of which are above the surface, or within two feet of the surface of the earth, and all other privies that are foul, emitting

smells and odors prejudicial to the public health, are hereby declared nuisances, and the commissioner of health or any health officer or inspector shall have power to abate the same.

**1125. Contents removed in suitable vehicles.]** No part of the contents of any privy, vault, sink or cesspool (except substances other than excrements insoluble in water), or any accumulation of any offensive fluid, liquid or semi-liquid substance or material, being in any excavation, cellar or place within the limits of the city of Chicago, shall be removed therefrom, nor shall the same be transported through any of the streets or avenues of said city, unless and except the same shall be removed and transported by means of an air-tight apparatus, or in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom, and by a permit from the department of health. Any violation of this section shall subject the offender to a penalty of not less than ten nor more than one hundred dollars.

#### CATTLE AND SWINE.

**1126. Yarding.]** For any person or persons to keep or use any yard, pen, place or premises within the city of Chicago, in or upon which more than three head of cattle or swine shall be confined or kept at any one time, shall constitute and is hereby declared a nuisance; and any person or persons creating or permitting said nuisance to exist, having the right or power to abate the same, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars in every case, and to a further penalty of ten dollars for every day he or they shall neglect or refuse to abate such nuisance when notified by the mayor or commissioner of health to abate the same.

Note: See section 1103.

#### GAS MANUFACTORY.

**1127. Refuse in river, slip or sewer--odors.]** No person or company being a manufacturer of gas, or engaged about the manufacture thereof, shall throw or deposit or allow to run, or having the right or power to prevent the same shall permit to be thrown or deposited in any public waters, river, canal, slip, or into any sewer therewith connected, or into any street or public place, any gas-tar or any refuse matter of or from any gas-house, works or manufactory; nor shall any such person or company allow any substance or odor to escape from such house, works or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom, or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use the most approved or all reasonable means for preventing the escape of odors.

## FOUNDRY—MANUFACTORY.

**1128. Refuse and cinders removed.]** The owners, lessees, tenants and managers of every blacksmith or other shop, forge, coal-yard, foundry, manufactory and premises where like business is done, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive; nor shall any smoke, cinders, dust, gas or offensive odor be allowed to escape from any such building, place or premises, to the detriment or annoyance of any person not being therein or thereupon engaged.

## VARNISH, LAMPBLACK, TURPENTINE, ETC.

**1129. Offensive gas, etc.]** No person shall hereafter erect, start or establish in said city, without the consent of the city council, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine or tar, or for conducting any other business that will or does generate any unwholesome, offensive or deleterious gas, smoke, deposit or exhalation, or any business that is or would be dangerous to life or detrimental to health.

**1130. Penalties.]** Any person, firm or corporation violating or refusing to comply with any of the provisions of the last three preceding sections of this article shall be subject to a penalty of not less than ten dollars nor more than two hundred dollars.

## MISCELLANEOUS REGULATIONS.

**1131. Duty to disclose ownership to inspector.]** Every agent, or other person having charge, control or management, or who collects or receives the rents of any lands, premises or other property in the city, shall disclose the name or names of the owner or owners of such land, premises or property, or the name or names of the person or persons for whom such agent or other person is acting, upon application being made therefor by any inspector, agent or officer of the department of health.

**1132. Jail—prison—station.]** No keeper or other officer or person having control or authority in any city jail, prison, station or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the health of any such person by reason of too little or too much heat, or of a want of food, drink or ventilation, or from the want or neglect of any other reasonable care, protection or precaution.

**1133. Water from roofs.]** Where no sewer exists in the street, the yard or area shall be so graded that all water from the roof or otherwise, and all filth shall flow freely from it and all parts of

it into the street gutter, by a passage beneath the sidewalk which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

**1134. Dusts—feathers—noxious matters.]** No lime, ashes, coal, dry sand, hair, feathers or other substance that is in a similar manner liable to be blown by the wind, shall be sieved or agitated or exposed; nor shall any mat, carpet or cloth be shaken or beaten, nor any cloth, yarn, garment or material or substance be scoured, cleaned or hung, nor any business be conducted over or in any street or public place, or where particles therefrom set in motion thereby will pass into any such street or public place, or into any occupied premises; and no usual or reasonable precaution shall be omitted by any person to prevent fragments or other substances from falling, or dust and light material flying, into any street, place or building, from any building or erection while the same is being altered, repaired or demolished.

**1135. Street gutters.]** No person shall deposit upon any street or public place within the limits of the city of Chicago, or upon any paved street, any dirt or brick or other material or dirt taken from any ground therein in such manner as to obstruct the free flowage along any gutter.

**1136. Offensively saturated ground.]** No ground or material filled with offensive matter or substance that will emit or allow to arise through or from the same any offensive smell or deleterious exhalation, shall be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, except according to permit first therefor obtained from the city council.

**1137. Offensive liquids — vessels.]** Every tub or other necessary receptacle in any house, sink or privy (placed or allowed to stand therein by any owner, tenant or occupant of any building or premises), and used to contain any liquid or partially liquid substance, shall be sufficiently strong, perfectly tight, and adequately provided with a strong cover and with hoops and handles, and shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed (or its contents) to become offensive. And the provisions of this article relative to emptying cesspools, and to throwing any substance therein, shall apply to said tubs and receptacles as if here repeated and applied thereto.

Note: See sections 1114 and 1125.

**1138. Exposure of matter imperiling health.]** No person shall take, carry, expose, or place or induce any other person so to do, in or upon any street or public place any substance, animal or thing which shall imperil the health of any person who is or may properly be in such street or place.

**1139. Use of premises.]** No person owning or occupying any building or premises shall use the same, or permit the use of the same, or rent the same to be used for any business or employment, or

for any purpose of pleasure or recreation, if such use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or be dangerous or detrimental to health.

**1140. Hindering removal of filthy substances.]** No person shall obstruct, delay or interfere with the proper and free use, for the purposes for which they may be and should be set apart and devoted, any dock or wharf set apart for the use of any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animals, night-soil or other like substances, or with the proper performance of such contracts.

**1141. Duty of scavengers.]** It shall be the duty of every contractor, scavenger and person, his agents and employes, who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings, night-soil or other filthy, offensive or noxious substance, or is engaged about any such removal or in the loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and free from offense and with as little danger and prejudice to life and health as possible.

**1142. Street sweepings.]** No street sweepings or other noxious material shall be piled up or partially raked together, in any street or place before the removal thereof, more than a reasonable time, nor for more than four hours in the daytime, under any circumstances.

**1143. Matters and things detrimental to health.]** No building, vehicle, structure, receptacle or thing used or to be used for any purpose whatever, shall be made, used, kept, maintained or operated in the city, if the use, keeping, maintaining or operating of such building, vehicle, structure, receptacle or thing shall be the occasion of any nuisance, or dangerous or detrimental to health.

No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any permitted business, or be used therein, or to exist in connection therewith, or to be used in any work or labor carried on or to be carried on or prosecuted in the city, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor.

**1144. Penalty.]** Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this article or chapter, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects or refuses to comply with, or who resists any officer or order or special regulation of said department of health, shall, upon conviction, be subject to a fine not exceeding two hundred dollars nor less than ten dollars for each offense.

## CHAPTER XXXVI.

### HOUSE OF CORRECTION.

**1145. House occupied, or to be occupied.]** The buildings and enclosures erected and now standing, or that may hereafter be erected on that part of the east one-half of the southwest one-quarter of section twenty-five, township thirty-nine north, range thirteen, east of the third principal meridian, lying north of the west branch of the south branch of the Chicago river, being between Twenty-sixth street and the west branch of the south branch of the Chicago river, situate and lying within the city of Chicago, are constituted and established a house of correction for the said city; and any buildings and enclosures that may hereafter be erected on any lot or lands purchased, owned or leased by the city of Chicago for the purposes of a house of correction, whether within or without the limits of said city, shall be subject to the conditions and provisions of this article.

**1146. Superintendent to control.]** The superintendent of the house of correction shall have the custody, rule, charge and keeping of the house of correction, and of all persons committed thereto, under the supervision and direction of the board of inspectors; and he shall enforce such order and discipline as shall be directed by the board of inspectors.

**1147. Duties—day's labor, ten hours.]** It shall be the duty of the superintendent of the house of correction to receive into the said house of correction such persons as may be committed thereto by any court or magistrate in Cook county, authorized by the laws of the state or by any ordinance of the city, or any town or village in Cook county having a contract with the city of Chicago for the care of its prisoners, and to put each of said persons so committed as are able to labor to the work which they are respectively best able to do, not to exceed ten hours for each working day.

**1148. Daily credit of prisoners.]** Every person committed to the house of correction shall be allowed for each day's work, exclusive of his or her board, the sum of fifty cents, which shall be applied in payment and satisfaction of the fine and costs imposed upon such person.

**1149. County prisoners.]** From and after the date of the execution of an agreement to that effect between the city and the board of commissioners of Cook county, the superintendent shall also receive into said house of correction any person or persons who may be sentenced or committed thereto by any court or magistrate in and of Cook county, when such commitment is for a time not less than thirty days.

**1150. Violation of rules by inmates.]** Every person committed

to the house of correction shall obey the superintendent thereof in all his lawful commands, and shall not molest or hinder him in the discharge of his duty, and shall not escape or attempt to escape or assist others to escape or attempt to escape therefrom, or destroy or injure any property appertaining to the house of correction, and shall not transgress or violate the rules of discipline or any of them. Any person violating this section shall be fined not exceeding one hundred dollars.

**1151. Superintendent molested.]** It shall be lawful for the superintendent of the house of correction, and it is hereby made his duty, to arrest or cause to be arrested and taken before a justice of the peace every person who shall molest or in any manner interfere with the said superintendent (or with any person in his custody or charge as a prisoner), while in the discharge of his duty, either in the house of correction or elsewhere; and any person who shall so molest or interfere with the superintendent of the house of correction or person in his custody or charge, shall be fined in a sum not exceeding fifty dollars.

**1152. Mittimus with prisoner.]** It shall be the duty of all members of the police force of the city of Chicago delivering any person to the house of correction to deliver to the superintendent the mittimus or execution, and return immediately to the comptroller a duplicate thereof, by virtue of which said person was committed.

**1153. Release of prisoner.]** No person shall be released from the house of correction by the superintendent thereof, except upon the payment of the fine or on the certificate of the comptroller, as provided in section 59, or by an order of the mayor or some court of competent jurisdiction. He shall only release prisoners received by virtue of a contract with any county, village or town, by expiration of sentence, by order of the board of village trustees or by a court of competent jurisdiction.

**1154. Quarterly report.]** It shall be the duty of the superintendent of the house of correction to make out and deliver to the comptroller on the first day of each quarter a statement, duly sworn to, showing the names of all persons who have been confined in the house of correction during the quarter past, the number of days of their several confinements during said quarter, the date of their committal and the names of all persons discharged or released during said quarter, and by what authority they were discharged or released.

**1155. Board of inspectors to make rules.]** The board of inspectors shall have the right to make all proper rules and regulations for the purpose of carrying out the aforesaid provisions.

**1156. Report of county prisoners.]** The superintendent of the house of correction shall make out and deliver to the clerk of the county board of commissioners of Cook county on the first day of each quarter, a statement duly verified, showing the names of all persons who have been confined in the house of correction during the quarter past, under any provisions of the criminal code of this state, the amount



of fines and the number of days as shown by the executions or mittimus from the justice or inferior courts of this county of their several confinements during said quarter, the date of their committal, and the names of all persons discharged or released during said quarter, and by what authority they were discharged or released.

**1157. Prisoners from other counties.]** The board of inspectors of the house of correction are hereby authorized to make contracts with any county in the state, or with the trustees of any town or village in Cook county, for the care and custody of prisoners for any term of years, not less than two, nor more than ten years, at a price not less than twenty-five cents per day for each such prisoner. All contracts shall extend for the care of such prisoner until the expiration of his term of sentence; and the labor of every such prisoner shall be the property of and for the benefit of the city of Chicago.

**1158. City physician—medical assistance.]** Whenever the city physician shall be unable to attend any prisoner requiring medical aid, the said superintendent is hereby authorized to employ such other medical assistance as he may deem necessary.

**1159. Payment of fines.]** The said superintendent is also hereby authorized to accept the fine imposed upon any prisoner committed to the house of correction, whenever the same shall be tendered to him; and all fines so received by him shall be paid over to the city comptroller within twenty-four hours thereafter.

## CHAPTER XXXVII.

### LIBRARY.

**1160. Free library established.]** There is hereby established a free public library and reading room for the use of the inhabitants of the city of Chicago, which shall be called "The Chicago Public Library."

**1161. Site--memorial hall.]** The board of directors of the public library of the city of Chicago are hereby authorized and directed to take possession of the piece of ground now known as "Dearborn park," in that part of the city of Chicago, state of Illinois, known as the "Fort Dearborn addition to Chicago," and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, and on the west by the east line of an alley known as Dearborn place, and to erect thereon a public library building, under and in pursuance of the powers and authority conferred upon said board of directors by the statute entitled "An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms" (approved and in force March 7, 1872), and the various amendments thereto; Provided, that in erecting such building the said board of directors shall make provision for a memorial hall, for the use of such organizations of union soldiers and sailors of the late civil war as have their headquarters in Cook county, at a nominal rent, to be used by them for the purposes of their organization and for the preservation of relics and mementoes of the late civil war, for the period of fifty years and no longer.

**1162. Injury to books.]** Any person who shall wilfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, plate, picture, engraving or other thing of value belonging to the Chicago public library shall be fined not less than five dollars nor more than fifty dollars for every such offense.

**1163. Injury to furniture.]** Any person who shall wilfully or maliciously commit any injury upon the Chicago public library, or upon the grounds, building, furniture, fixtures or other property thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

**1164. Failure to return books.]** Any person who shall fail to return any book belonging to the Chicago public library, according to the requirements of the by-laws duly made and adopted by the directors of such library for the government thereof, shall be fined not less than one dollar nor more than ten dollars for each offense.

## CHAPTER XXXVIII.

### LICENSES.

**1165. Mayor to grant.]** All licenses shall be granted by the mayor from time to time, to such residents of the city of Chicago as he may deem proper.

**1166. How issued.]** Each and every license authorized and required by this ordinance, and granted by the mayor, shall be issued by the city clerk, on notice to him from the city collector that the license fee or tax has been paid, and not otherwise.

**1167. Subject to ordinances.]** All licenses shall be subject to the ordinances and regulations which may be in force at the time of issuing thereof, or which may subsequently be passed by the city council; and if any person so licensed shall violate any of the provisions thereof, he shall be liable to be proceeded against for any fine or penalty imposed thereby, and his license may be revoked in the discretion of the mayor.

**1168. Assignment prohibited—exception.]** No license granted under this ordinance shall be assignable or transferable without permission of the mayor, nor shall any such license authorize any person to do business or act under it but the person named therein, except as is in this ordinance otherwise provided.

**1169. Term of.]** No license shall be granted for a longer period than one year, and every license, except saloon licenses, shall expire on the last day of April next following. Every license shall be signed by the mayor and countersigned by the clerk under the corporate seal.

**1170. Mayor's discretion.]** In all cases where it is not otherwise expressly provided, the mayor shall have power to hear and grant applications for licenses upon the terms specified by this ordinance; and all licenses shall be issued to such person or persons as shall comply in all respects with the provisions of this ordinance, and as the mayor in his discretion shall deem suitable and proper persons to be licensed.

**1171. Collector's receipt.]** The city collector shall receipt for all moneys for any license that may be granted under the authority of said city upon any account whatever; his receipt 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 the license in due form as herein required.

**1172. Non-payment of fee.]** Whenever it shall appear from the license register kept by the clerk, or the books of the collector, that any person holding any license or permit of any kind or privilege granted by the city, has failed to pay the amount due thereon or other

kind of penalty, license, fine, debt or liability whatever, the clerk or collector, as the case may be, shall report the fact to the mayor, whose duty it shall be promptly to revoke said license, permit or privilege.

**1173. Transfer of license.]** Any person or persons to whom any license may have been issued under any ordinance of the city council, may with the permission of the mayor assign and transfer the same to any other person or persons, and the person or persons to whom such license is issued or the assignee or assignees of such license, may with the permission of the mayor surrender such license, and have a new license issued for the unexpired term of the old license, authorizing the person or persons so surrendering such license to carry on the same business or occupation at such place as may be named in such new license: Provided, that in all cases the party applying for such new license shall give a bond with sureties which shall conform as near as may be to the bond upon which such surrendered license was issued.

**1174. Rebate.]** When any saloon license is issued after the first day of July, or other license is issued after the first day of May in any year, the same shall be issued to the person applying therefor upon his paying therefor the number of twelfth parts of the sum fixed for a yearly license equal to the number of months which will elapse between the date of the application for the license and the day when under this article said license is made to expire: Provided, however, that in determining the price to be paid, the month in which the application is made shall be counted and included in the number of months to elapse: and provided, further, that no person shall be entitled to the benefit of this section who shall be engaged in the business for which he applies for a license at the time of his application.

## CHAPTER XXXIX.

### LIQUOR.

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#### ARTICLE I.

##### SALOONS.

**1175. License — application — bond.]** The mayor of the city of Chicago shall, from time to time, grant licenses for the keeping of dram shops within the city of Chicago to persons who shall apply to him in writing therefor, and shall furnish evidence satisfying him of their good character. Each applicant shall execute to the city of Chicago a bond, with at least two sureties, to be approved by the city clerk or city collector, in the sum of five hundred dollars, conditioned that the applicant shall faithfully observe and keep all ordinances in force at the time of the application or thereafter to be passed during the period of the license applied for, and will keep closed, on Sundays, all doors opening out upon any street from the bar or room where such dram shop is to be kept; and that all windows opening upon any street from such bar or room shall, on Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room. No application for a license shall be considered until such bond shall have been filed.

**1176. Contents of application.]** No license for the keeping of any dram shop or saloon in the city of Chicago shall be granted, unless the applicant for such license, in addition to complying with all the conditions now imposed by the laws of the state of Illinois and the ordinances of the said city, shall also, in his or her written application for such license, state and agree that during the term of such license he or she will not permit any spirituous, vinous or malt liquor to be sold or served in such dram shop or saloon by any female, unless such female be the applicant, or be the wife of the applicant, or be related to such applicant by consanguinity or affinity, and then and there residing with such applicant as part of his or her family, and further agreeing, in such application, that if the mayor of said city shall be satisfied that any such liquor is so sold or served there contrary to said statement and agreement that said mayor may and shall revoke said license, and the money paid for such license shall be forfeited to the said city, and the mayor shall, upon being satisfied that in any saloon hereafter licensed such liquor shall have been sold or served by any female, not above specifically excepted, revoke such license and declare forfeited to said city all money paid for such license,

and for the period of one year thereafter no license shall be granted to such applicant.

**1177. Fee.]** Every person, on compliance with the aforesaid requirements and the payment in advance to the city collector, at the rate of five hundred dollars per annum, shall receive a license under the corporate seal, signed by the mayor and countersigned by the clerk, which shall authorize the person or persons therein named to keep a dram shop, to sell, give away, or barter intoxicating liquors, in quantities less than one gallon, in the place designated in the license.

**1178. Periods of payment.]** The license year, from and after the passage of this ordinance, is hereby divided into three periods, as follows: From May first to August thirtieth, inclusive, shall be known as the first period; from August thirty-first to December thirtieth, inclusive, shall be known as the second period; from December thirty-first to April thirtieth, inclusive, shall be known as the third period. Licenses may be issued for the full license year or for the unexpired portion thereof, or for any period or the unexpired portion thereof; and the fee payable therefor shall be five hundred dollars in advance for the full license year, or \$166.67 in advance for each period: Provided, that if any license shall issue for the unexpired portion of the license year or for the unexpired portion of any period, the fee to be paid therefor shall bear the same ratio to the sum required for the whole year that the number of days in said unexpired portion bears to the whole number of days in the year; and provided, further, that no license shall extend beyond the thirtieth day of April next following its issuance.

**1179. Ill-governed places.]** Every common or ill-governed house, or house or other place kept by any person licensed as aforesaid, where any person is permitted or suffered to play any game of chance for money or other valuable thing, is hereby declared a public nuisance; and no person shall keep or maintain such public nuisance, under a penalty of not less than five dollars nor more than one hundred dollars for each offense.

**1180. Revocation of licenses.]** Any license granted under this chapter may be revoked upon written notice by the mayor, 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 intoxicating liquors, or any condition of the bond aforesaid. Upon complaint to the mayor by two or more persons, that any place licensed as a saloon is a resort of disreputable persons, the mayor shall at once cause an investigation to be made as to such complaint, and if found to be true, he shall forthwith revoke the license issued to any person or persons to keep such saloon. Upon report to the mayor by the police department, that any saloon is the resort of disreputable persons, the mayor shall at once revoke the license of the keeper of such saloon.

**1181. Post license--refusal.]** Any and all persons licensed under this chapter or any ordinance of the city for the sale of liquors, shall

immediately cause to be and remain posted upon some conspicuous part of the room or bar kept or used for such purpose, his or their license. Any person so licensed, who shall not cause such license to be posted and keep the same posted, as herein provided, or who, not being licensed, shall cause or permit any paper or document purporting to be a license to be or remain posted as aforesaid, shall, on conviction, be fined in a sum not exceeding twenty dollars.

**1182. Unlicensed sales—penalty.]** Any person who shall hereafter have or keep any saloon, tavern, grocery, ordinary, victualing or other house or place within the city of Chicago for selling, giving away, or in any manner dealing in intoxicating liquors in quantities less than one gallon, or who by himself, his agents, or servants shall sell, give away, or in any manner deal in intoxicating liquors in quantities less than one gallon, or who by himself, his agents, or servants, shall keep a dram shop for the sale of liquors in quantities less than one gallon without a license therefor, in pursuance of this chapter, and other ordinances of the city of Chicago, shall, upon conviction, be fined not less than twenty dollars nor more than one hundred dollars for each and every offense. (See chapter on druggists.)

**1183. Sale of liquors other than malt.]** Any person having a license to sell malt liquors only who shall by himself or another, either as principal or servant, directly or indirectly, sell or give away any intoxicating liquors, other than malt liquors, in less quantities than one gallon or in any quantity to be drank upon the premises or in or upon any adjacent room, building, yard, or place of public resort, shall, for each and every offense, be fined not less than twenty dollars nor more than one hundred dollars.

**1184. Place of sale limited.]** No person shall hereafter, by himself, his agent or servant, solicit, ask or take any order from any person or persons within said city, for the sale or delivery of any vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon, at any other place than that named in such person's license, or sell, offer for sale or deliver, any such vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon, at any other place than that named in his license, within the city of Chicago, under the penalty of not less than fifteen dollars nor more than one hundred dollars for each offense.

**1185. Prohibited hours of sale.]** No person shall keep open any saloon, bar-room or tippling house during the night time between the hours of twelve o'clock midnight and five o'clock a. m., under a penalty of not less than twenty dollars nor more than one hundred dollars for each offense.

**1186. Habitual drinkers—notice.]** Whenever the wife or any other relative of any person habitually addicted to the use of intoxicating drink, by notice in writing personally served, shall make a request to any liquor dealer not to sell, or in any manner give away liquor to such person, it shall thereafter be unlawful for such liquor dealer to sell or give away any liquor to such person. Any person violating

the provisions of this section shall be fined not less than twenty dollars nor more than one hundred dollars for each and every offense.

**1187. Minors.]** Every saloon, grocery, room or place where intoxicating liquors are sold, in which minors are permitted to drink intoxicating drinks of any kind, or play with dice, dominoes, cards, balls or other articles used in gaming, is hereby declared to be a disorderly house. Every proprietor or keeper of such saloon, grocery or place where such drinking, gaming or playing shall take place, as aforesaid, shall, for the first offense of keeping the disorderly house aforesaid, be subjected to a fine of not less than twenty dollars nor more than one hundred dollars.

**1188. Annexed territory.]** When any territory has heretofore or shall hereafter be annexed to the city of Chicago, and within such territory so annexed, or any part thereof, the issuing of dram-shop licenses was prohibited or regulated by ordinance of the city, village or incorporated town of which such territory was before such annexation a part, then in such case no license shall be issued by the mayor to keep a dram-shop within any portion of the territory so annexed wherein the issuing of dram-shop licenses was prohibited before such annexation by the corporate authorities of the municipality of which it was formerly a part; or if, within any such territory so annexed, licenses to keep dram-shops were prohibited unless a petition therefor was filed, signed by a majority of the legal voters residing within one-half mile of the proposed location, then in such case the mayor shall not issue a license to keep a dram-shop within such territory, unless a petition shall be filed with him signed by a majority of the legal voters residing within one-half mile of the location of the proposed dram-shop.

Note: See appendix for local option and prohibition districts.

## ARTICLE II.

### BREWERS AND DISTILLERS.

**1189. License — definition — weiss beer excepted.]** No person, firm or corporation shall carry on the business of a brewer or distiller within the city of Chicago, without having first obtained a license for such business, as hereinafter provided, for each brewery and each distillery conducted by such person, firm or corporation. The selling or delivering within said city of any product of a brewery or distillery, by or on behalf of the person, firm or corporation conducting or operating such brewery or distillery, shall be held to be carrying on the business of a brewer or of a distiller, as the case may be, within the meaning of this article, and to be covered by this article; Provided, that the provisions of this article shall not apply to the manufacture or sale of weiss beer.

**1190. Application — bond.]** Any person, firm or corporation desiring to carry on the business of brewer or distiller in said city shall



file with the city clerk or city collector an application containing the full name of the applicant, the business proposed to be carried on, and whether such business will include brewing or distilling within said city, or only disposing within said city of liquors brewed or distilled by the applicant elsewhere, the location of the place or places of business of the applicant, including the location of the brewery or distillery whose product is to be disposed of in said city under the license, and the name of each and every agent within said city representing any such applicant whose business may be carried on in said city through an agency. A separate application shall be made in respect to each brewery or distillery wherever located. The applicant shall file with the application in the office of the city clerk or city collector a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be approved by the city clerk or city collector, and conditioned to comply with the provisions of this article, and all bonds shall be filed with the city clerk after approval.

**1191. Fee.]** Upon compliance with the foregoing section and payment to the city collector of an annual license fee of five hundred dollars, or, if application be made after the month of May of any year, then upon payment of a sum bearing the same ratio to the sum required for the whole year as the remaining number of months of the term for which the license is granted (inclusive of the month in which application is made) bears to the whole number of months in the year, any such applicant shall be entitled to a license, signed by the mayor and attested by the city clerk, to carry on so much of the business of a brewer or distiller within said city as may be stated in the application therefor, and such license shall be limited to expire on the thirtieth day of April next following its issuance.

**1192. Vehicles marked.]** No malt liquors shall be sold or delivered from any wagon or other vehicle unless there shall be painted on both sides of such vehicle, in a conspicuous place, and in legible letters not less than five inches in height, the name of the vendor, the location by street and number of the place of business of such vendor in Chicago, and the number of the license held by such vendor.

**1193. Penalty.]** Any person, firm or corporation violating any of the provisions of this article shall be subject to a penalty of not less than one hundred dollars nor more than two hundred dollars for each offense, and a separate offense shall be regarded as committed for each day during which such person, firm or corporation shall continue any such violation.

### ARTICLE III.

#### WHOLESALE MALT LIQUOR DEALERS.

**1194. License—grocers and bottlers.]** No person, firm or corporation shall, within the city of Chicago, sell or offer for sale,

any malt liquor in quantities of one gallon or more at a time, without having first obtained, as hereinafter provided, a license so to do for each place of business where such malt liquors shall be so sold or offered for sale, or for all wagons run for the purpose of such selling or offering for sale without any fixed place of business therefor. But no brewer, who has taken out a license as such, and who sells only malt liquors of his own production at the place of manufacture, shall be required to obtain the license herein prescribed, on account of such sales. The selling or offering for sale within said city of any malt liquor in quantities as aforesaid by a grocer or bottler shall be held to be covered by this ordinance, and no grocer or bottler shall sell or offer for sale in said city any malt liquor in quantities as aforesaid without obtaining a license so to do under this article; Provided, however, the sale and manufacture of weiss beer is exempted under the provisions of this article. Selling or delivery wagons run by a grocer, bottler or other vendor in connection with any place of business where malt liquors shall be sold or offered or kept for sale in quantities as aforesaid shall be included in and covered by the license for such place of business, and wagons run by a vendor without a fixed place of business shall be covered by a license specifically therefor.

**1195. Application—bond.]** Any person, firm or corporation desiring to engage in the business of selling malt liquor, as aforesaid, shall file with the city clerk or city collector an application, containing the full name of the applicant, the business carried on or proposed to be carried on by the applicant, the location of the place of business for which a license is desired, and the number of selling or delivery wagons run in connection therewith; and the applicant shall also file with the application a bond in the penal sum of five hundred dollars, with two good and sufficient sureties, to be approved by the city clerk or city collector, and conditioned for compliance with the provisions of this article; upon the filing of said application and bond, and the payment of the license fee hereinafter prescribed, any such applicant shall be entitled to a license, signed by the mayor and attested by the city clerk, to carry on within the city of Chicago the business of wholesale malt liquor dealer, until and including the thirtieth day of April next following its issuance.

**1196. Fees.]** There shall be paid in advance to the city collector for each and every license hereunder the sum of fifty dollars per annum, and the further sum of twenty-five dollars per annum for each wagon or other vehicle, above one, employed or proposed to be employed in peddling or delivering any malt liquor under this article, the use of one such wagon or other vehicle being hereby permitted to each licensee without any extra fee per wagon; Provided, that if application be made after the first day of May in any year, the sum required to be paid shall bear the same ratio to the sum required for the full year that the number of months remaining (inclusive of the

month in which application is made) bears to the whole number of months in the year.

**1197. Bottling liquors.]** The bottling of malt liquors shall not be conducted except in the midst of clean and wholesome surroundings, and in all cases the building or apartment in which such bottling is conducted shall have a floor of cement or stone, or other suitable material impervious to moisture, and the same shall be kept at all times carefully cleansed.

**1198. Power of entry—sanitary condition.]** Any special officer detailed, directed or instructed by the commissioner of health to act as inspector shall have the right and it shall be his duty to enter and have full access to all places where such bottling of malt liquors is carried on, and he shall inspect, view and examine the premises, and all bottles and other receptacles therein with reference to their cleanliness and sanitary condition, and he is authorized, directed and empowered to remove or cause to be removed and abated any unfit, unclean or injurious conditions attending the bottling or keeping of such malt liquors. Any person, firm or corporation failing, neglecting, delaying or refusing to obey or conform to any reasonable order or direction made by the proper officer under this section, shall be deemed guilty of a violation of this article, for each case and each day of such failure, neglect, delay or refusal.

**1199. Notice of change of location.]** If after the issuance and delivery of a license hereunder any change be made in the location of the place of business covered thereby, notice thereof shall forthwith be given to the city collector.

**1200. Vehicles marked.]** No malt liquors shall be sold or delivered from any wagon or other vehicle, unless there shall be painted on both sides of such vehicle, in a conspicuous place and in legible letters not less than five inches in height, the name of the vendor, the number of the license held by such vendor, and the location by street and number of the place of business, if any, covered by such license.

**1201. Penalty.]** Any person, firm or corporation who shall violate any of the provisions of this article shall be subject to a penalty of not less than twenty-five dollars nor more than one hundred dollars for each offense, and a separate offense shall be regarded as committed for each day during which such person, firm or corporation shall continue any such violation.

#### ARTICLE IV.

##### WHOLESALE SPIRITUOUS LIQUOR DEALERS.

**1202. License.]** No person, firm or corporation shall sell or offer for sale any spirituous liquors in quantities of one gallon or more at a time, within the city of Chicago, without first having obtained, as hereinafter provided, a license so to do, for each place of business

where spirituous liquors are so sold or offered for sale. But no distiller, who has taken out a license as such, and who sells only distilled spirits of his own production at the place of manufacture, shall be required to pay the license herein prescribed, on account of such sales.

**1203. Application—bond.]** Any person, firm or corporation desiring to engage in the business of selling spirituous liquors, as aforesaid, shall file with the city clerk or city collector an application containing the full name, and the location of the place of business for which a license is desired, and shall file with such application, in the office of the city clerk or city collector, a bond in the penal sum of five hundred dollars, with two good and sufficient sureties, to be approved by the city clerk or city collector, and conditioned for compliance with the provisions of this article, and all such bonds shall be filed with the city clerk after approval.

**1204. Fee.]** Upon compliance with the foregoing section, and payment to the city collector of an annual license fee of one hundred dollars, or, if application be made after the first day of May of any year, then upon payment of a sum bearing the same ratio to the sum required for the whole year as the remaining number of months of the term for which the license is granted (inclusive of the month in which application is made) bears to the whole number of months in the year, any such applicant shall be entitled to a license signed by the mayor and attested by the city clerk, to sell and offer for sale within the city of Chicago, spirituous liquors in quantities of one gallon or more at a time, at the place of business specified in the application and not elsewhere; and such license shall be limited to expire on the thirtieth day of April next following its issuance.

**1205. Notice of change of location.]** If after issuance and delivery of a license hereunder any change be made in the location of the place of business covered thereby, notice thereof shall forthwith be given the city clerk and city collector.

**1206. Vehicle marked.]** No spirituous liquors shall be sold or delivered from any wagon or other vehicle unless there shall be painted on both sides of such vehicle, in a conspicuous place, and in legible letters not less than five inches in height, the name of the vendor, the number of the license held by such vendor, and the location, by street and number, of the place of business covered by such license.

**1207. Penalty.]** Any person, firm or corporation violating any of the provisions of this article shall be subject to a penalty of not less than fifty dollars, nor more than two hundred dollars, and a separate offense shall be regarded as committed for each day during which such person, firm or corporation shall continue any such violation.

## ARTICLE V.

### WHOLESALE VINOUS LIQUOR DEALERS.

**1208. License.]** No person, firm or corporation shall sell, or offer

for sale, any vinous liquors in quantities of one gallon or more at a time, within the city of Chicago, without first having obtained, as hereinafter provided, a license so to do for each place of business where vinous liquors are so sold or offered for sale.

**1209. Application--bond.]** Any person, firm or corporation desiring to engage in the business of selling vinous liquors, as aforesaid, shall file with the city clerk or city collector an application containing the full name, and the location of the place of business for which a license is desired, and shall file with such application, in the office of the city clerk or city collector, a bond in the penal sum of three hundred dollars, with two good and sufficient sureties, to be approved by the city clerk or city collector, and conditioned for compliance with the provisions of this article, and all bonds shall be filed with the city clerk after approval.

**1210. Fee.]** Upon compliance with the foregoing section, and payment to the city collector of an annual license fee of fifty dollars, or, if application be made after the first day of May of any year, then upon payment of a sum bearing the same ratio to the sum required for the whole year as the remaining number of months of the term for which the license is granted (inclusive of the month in which application is made) bears to the whole number of months in the year, any such applicant shall be entitled to a license signed by the mayor, and attested by the city clerk, to sell and offer for sale within the city of Chicago vinous liquors in quantities of one gallon or more at a time, at the place of business specified in the application and not elsewhere; and such license shall be limited to expire on the thirtieth day of April next following its issuance.

**1211. Notice of change of location.]** If, after issuance and delivery of a license hereunder, any change be made in the location of the place of business covered thereby, notice thereof shall forthwith be given to the city clerk and city collector.

**1212. Vehicles marked.]** No vinous liquors shall be sold or delivered from any wagon or other vehicle unless there shall be painted on both sides of such vehicle, in a conspicuous place, and in legible letters, not less than five inches in height, the name of the vendor, the number of the license held by such vendor, and the location, by street and number, of the place of business covered by such license.

**1213. Penalty.]** Any person, firm or corporation violating any of the provisions of this article shall be subject to a penalty of not less than fifty dollars nor more than two hundred dollars and a separate offense shall be regarded as committed for each day during which such person, firm or corporation shall continue any such violation.

## CHAPTER XL.

### LUMBER.

**1214. License.]** No person, firm, or corporation shall engage in the business of keeping or maintaining a lumber yard or other place where lumber is sold from yard, place, car or vessel, without first having obtained a license therefor as hereinafter provided.

**1215. Application--contents--fee.]** Any person, firm or corporation so desiring to carry on such business as aforesaid, shall file with the city collector an application in writing therefor, and upon payment to the city collector of an annual license fee of one hundred dollars, any such applicant shall be entitled to a license to carry on business as aforesaid.

**1216. Penalty.]** Any person, firm or corporation violating the provisions of this chapter shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars.

Note: For storage of lumber see section 668.

## CHAPTER XLI.

### MARKETS.

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#### ARTICLE I.

##### RANDOLPH STREET MARKET.

**1217. Market established—hours.]** From and after the passage of this ordinance the West Randolph street public market shall be conducted and regulated as follows: The roadway of West Randolph street from the west line of Desplaines street to the east line of Halsted street shall be set apart and used for market purposes, except the space of twenty feet nearest the curb-stone, as hereinafter designated, and except the space occupied by railway tracks, and the space of ten feet on each side of said tracks, on each and every day of the week except the Sabbath day, during the following hours, to wit: From November first to May first the market shall open at ten o'clock a. m. and close at two o'clock p. m., and from May first to November first the market shall open at four o'clock a. m., and close at ten o'clock a. m.; Provided, however, the said market shall not be occupied or used so as to obstruct public travel on said Randolph street.

**1218. Superintendent—appointment.]** There is hereby created the office of superintendent of markets, who shall hold his office for two years and until his successor shall be appointed and qualified. And such superintendent shall be appointed by the mayor, by and with the advice and consent of the city council, on the second Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter. He shall be subject to removal by the mayor in the same way and manner as are other officers of the city appointed by him. The salary of said superintendent of markets shall be nine hundred and forty-five dollars per annum, payable in monthly installments of seventy-eight dollars and sixty-six cents. The salary shall be paid out of the fees collected by the said superintendent of markets, but in no case shall the salary of such superintendent exceed the fees collected by him.

**1219. Bond.]** Said superintendent, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the penal sum of two thousand dollars, with such sureties as the city council shall approve, conditioned that he shall faithfully perform the duties of his office and account for and pay over all moneys and property received by him to the city of Chicago.

**1220. Record of moneys received.]** The said superintendent shall keep in a book provided for that purpose a full, accurate and

true account of all moneys received by him as such superintendent, and the number of wagons occupying or using said market place, and shall file a complete transcript thereof, made under oath, with the city comptroller at the end of each and every month, and shall pay over monthly into the city treasury all moneys received and collected by him as such superintendent.

**1221. Duties—power of arrest.]** It shall be lawful for the market superintendent, and it is hereby made his duty, to see that the ordinances regulating the sale of poultry, meat, fruit and vegetables, and also the ordinances regulating the market, be observed, and that all persons therein conduct themselves in a peaceable and orderly manner, and to arrest or cause to be arrested and taken before a police justice or other magistrate, every person who shall fail to observe or who shall violate the ordinances regulating the market, or who shall disobey the lawful directions of the market superintendent, or conduct himself in a disorderly manner in said market.

**1222. Character of produce.]** Said market shall be open for the sale of all kinds of meat, poultry, vegetables and fruit, grain and every article of farm and garden produce, except hay, and no other article whatever.

**1223. Wagons—location.]** No market wagon shall be permitted to occupy a place in said market in any other position or manner than the following: The front end of such wagon shall be placed upon the line designated as ten feet from the street car track; and every draft animal or all animals shall be detached from such wagon and removed from the market, and the shafts or pole of such wagon shall either be detached from the wagon or raised up and securely fastened, so as to offer no obstruction to traffic; and in no case shall any market wagon be placed upon said market at a distance of less than twenty feet from the curb wall nor within two feet of any street crossing.

**1224. Fees.]** There shall be paid to the market superintendent, for occupying positions in said market each day or any part thereof, for each double wagon the sum of fifteen cents, and for each single wagon the sum of ten cents; no wagon shall be permitted to stand in said market place until the fee or price herein specified be first paid.

**1225. Producers only to sell—exception.]** Peddlers' and purchasers' wagons shall be removed from the market as soon as those in charge of them have completed their purchases.

Peddlers and purchasers shall not be allowed to remain and sell any goods or produce whatever on said market, at the place aforesaid, and no persons but producers shall be allowed to sell produce on said market; Provided, however, small producers may be allowed to purchase produce from other producers and shall be allowed to sell such produce on said market.

**1226. Unwholesome food.]** No damaged or unwholesome meats, poultry or produce shall be brought into or offered for sale on said market.



**1227. Cleanliness.]** The market shall be kept clean and free from filth and dirt, and no person shall deposit or leave, or cause to be deposited or left, upon the street or market place, any decayed or decaying matter or vegetables, or any remnants, or refuse, or debris, or any part of the contents of his or her wagon.

**1228. Snow—removal.]** The said superintendent, under the direction and order of the superintendent of streets, shall keep the said market place as free from snow as is practicable, and the expense attending the same shall be paid out of the fund in the city treasury to the credit of said market, upon the order of the comptroller.

**1229. Penalty.]** Any person violating or refusing to comply with any of the provisions of this article shall be fined not less than two nor more than fifty dollars for each and every offense.

## ARTICLE II.

### BUTCHERS.

**1230. License required.]** No person shall sell, offer or expose for sale any fresh meat, excepting venison, poultry, fish or wild game, in any quantity in the city of Chicago, without having first obtained a license as provided in this ordinance, under a penalty of ten dollars for each offense: Provided, that nothing herein shall prohibit any person from selling beef or other fresh meat by the quarter, or any greater quantity, at any time or place in the said city.

**1231. Mayor to grant.]** The mayor shall from time to time grant licenses under his hand and the seal of said city, to exercise and carry on the business of butchers in such places as may be designated in such licenses, but not elsewhere.

**1232. Fee.]** For every license so granted, the sum of fifteen dollars shall be paid to the city collector by the party to whom it is granted, and before issuing the same.

**1233. Health officer may inspect.]** Every butcher or other person shall keep his cellar and stall neat and free from filth of all kinds under a penalty of five dollars; and members of the department of health shall at all times have free access thereto, under a penalty of five dollars, to be paid by the butcher or other person who shall refuse or prevent such access.

**1234. Refuse in streets.]** No butcher or other person shall sweep or deposit any dirt or filth of any description in or upon the public passage way or ways in such market or cellars, or in or upon the market grounds or streets adjacent to said market. Any person violating the provisions hereof shall, upon conviction, be subject to a fine of not more than fifty dollars.

**1235. Refuse, etc.—disposal.]** Any person who shall kill or dress any animal in or near any market, or who shall throw or permit any brine, bones, filth, slops, offal, water or other liquid or other sub-

stances to be thrown out of the doors or windows, or around or near any market house, or any licensed stall, except in places which may be provided for the purpose, shall be subject to a fine of not less than five dollars nor exceeding twenty dollars.

□1236. **Butcher defined.]** The word "butcher," in the sense used in this article, is hereby defined to mean a vendor of meats.

1237. **Prohibited parts of animals.]** No person shall, between the first day of May and the first day of November in any year, bring into or place or suffer or permit to be brought into or placed in any market or licensed stall, any untried fat, commonly called "gut fat," nor at any time or season the heads, shanks or feet of any animal unless the same be skinned or properly cleaned, nor any green hides or skins of any kind except the hides of calves, under a penalty of five dollars for each offense.

1238. **Meats sold by weight.]** All meats sold at the markets or licensed stalls, excepting shanks, offal, heads and plucks, poultry or wild game, shall be sold by weight and be weighed in a scale, by weights or a beam, properly sealed; and in case any fraud shall be committed in the weight of any meat, and in case any meat, excepting as aforesaid, shall be sold without being weighed as herein directed, the person selling the same shall be fined the sum of five dollars for each offense.

### ARTICLE III.

#### PRODUCE VENDORS.

1239. **License—exception.]** No person shall sell, offer for sale, barter or exchange, any car load, lot, or any less quantity of fruit, vegetables or farm produce, butter, chees, eggs, game or poultry, from any railroad car, railroad freight depot, or warehouse within the city of Chicago without first obtaining an annual license to engage in such business, under a penalty of not less than twenty-five nor more than one hundred dollars for each offense; Provided, however, the provisions of this section shall not apply to any farmer, gardener, fruit or vine grower engaged in selling the produce of his farm, garden, orchard or vineyard, nor to any commission merchant having a store-house and established place of business in said city.

1240. **License fee.]** Every person before engaging in the business or occupation mentioned in the preceding section shall pay to the city of Chicago an annual license fee of two hundred dollars in the manner provided by the ordinances of said city concerning licenses.

### ARTICLE IV.

#### HAY.

1241. **Hay scales—city weighers.]** No person, except a city weigher, duly appointed and qualified, shall erect or have any scale

or apparatus for weighing hay on any street, avenue or public place in the city of Chicago, under a penalty of not more than twenty-five dollars.

**1242. Weigher's duty—fees.]** It shall be the duty of the city weighers, severally, to provide themselves with proper scales, and well and truly to weigh any cart, wagon or sled load of hay when applied to by any person desiring the same, and to make such reduction from the weight of such hay as to them may seem reasonable and just by reason of said hay being damp, wet or not well cured, and deliver to the person so applying a certificate thereof, for which the said weighers may demand and receive the sum of ten cents from the person having the same weighed, for the use of said city.

**1243. Sold at stands.]** All hay which shall be offered for sale by the load in the city of Chicago shall stand on one of the hay stands designated by the city council, in such order and manner as the commissioner of public works shall direct, and no person shall offer for sale or sell any load of hay within the limits of the city of Chicago, without the same having first been weighed by a city weigher, and a certificate thereof in conformity herewith, given.

**1244. Offices of city weighers.]** City weighers of hay shall have and keep their offices and scales at or near the following places, to wit: One on Market square near Archer avenue; one at or near No. 984 West Lake street; one at or near Nos. 219 and 221 North avenue; and one at or near 334 Milwaukee avenue; and at such other places as the city council shall designate from time to time hereafter.

**1245. Sold at markets.]** No person shall sell or offer for sale by the load any hay within said city in any other place than upon a hay market established by the city council.

**1246. Weight marked on bale.]** All hay sold or offered for sale by the bale shall first be weighed by some city weigher, and the amount of the weight of said bale or bales shall be stamped or marked, with the name of the person so selling the same, on such bale; and if the exact gross or net weight of every such bale of hay so sold or offered for sale shall not be legibly or distinctly marked or stamped thereon, the person so selling or offering the same for sale shall be deemed guilty of violating this article.

**1247. Exhibit certificate.]** Previous to the sale of any load of hay, the seller shall exhibit to the proposed purchaser the weigher's certificate mentioned in section 1242, and upon the sale of each load the seller shall deliver to the purchaser the said certificate.

**1248. Re-weighing.]** At the request of any purchaser, every load or bale of hay so offered for sale shall be re-weighed, and the expense of re-weighing shall be paid by the purchaser if the weight be found correct, but if found incorrect the expense of weighing such load or bale of hay shall be paid by the seller.

**1249. Penalties.]** Any person who shall offend against or violate any of the provisions of this article, when no other or different

penalty is provided, shall be fined on conviction in any sum not exceeding one hundred dollars.

HAY MARKET ESTABLISHED.

**1250. North avenue market.]** North avenue, between the bridge and one hundred feet west of Clybourn avenue, is hereby designated as a hay market or stand: Provided, that the south side of said street only shall be used as said market, leaving at least twenty feet open on the north side of the street for the passage of vehicles.

## CHAPTER XLII.

### MISDEMEANORS.

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#### THEATER HATS.

**1251. Wearing hats in theaters prohibited.]** No person shall wear any hat or bonnet within any licensed theater in the city of Chicago, during the time of performance, or during the rendition of any program on the stage or platform; but every such hat or bonnet shall be removed from the head during the time of such program or performance: Provided, however, that the above inhibitions shall not be held to include skull-caps, lace coverings, or other small and closely fitting head dress which does not interfere with the view of the stage of persons in the rear of such wearer.

**1252. Unlawful to permit.]** It shall be and is hereby made unlawful for any person, firm or corporation owning or controlling any licensed theater, or for any manager thereof, to permit any person, during the progress of any performance, or during the rendition of any program on the stage or platform of such theater, to wear any hat or bonnet, contrary to the provisions of the preceding section.

**1253. Penalty against individual.]** Any person who shall during the progress of any performance, or during the rendition of any program upon the stage or platform of any such theater, wear any hat or bonnet, contrary to the provisions of the first section of this chapter, shall be subject to a fine of not less than three dollars nor more than five dollars for every such offense.

**1254. Person violating ejected.]** No person violating the foregoing provisions of this chapter shall be subject to arrest, or to be in any way interfered with or disturbed by any police officer during the progress of the performance, or during the rendition of any such program on the stage or platform, but such person may be removed and ejected by the proprietor or manager of such theater in case of persistent violation of said provisions; but it shall be and is hereby made the duty of the police officer who shall during the progress of any such performance witness any violation of the first section of this chapter, at the conclusion of such performance to place under arrest the person so offending, to be dealt with in the same manner as other persons found violating ordinances of the city of Chicago.

**1255. Method of avoiding arrest.]** Any person having been arrested for any violation, or alleged violation, of the preceding sections of this chapter may at his or her option have the privilege of depositing with the officer making such arrest the sum of three dollars

to secure the fine provided in this ordinance. Such officer shall give his receipt for such sum, which receipt shall state the number of his police star and shall be signed by him, and upon such deposit being made the persons arrested shall be immediately released from custody, and such officer shall, within twenty-four hours, deposit said sum with the clerk of the nearest police court and take his receipt therefor in duplicate, one of which duplicate receipts such officer shall at once forward to the city comptroller.

**1256. Deposit returned on acquittal.]** The charge against such alleged offender shall be entered upon the books and records of the police court, in the same way as though said person had been brought in personally in charge of the officer, and a certain time, not less than three days thereafter, shall be designated for the trial of such alleged offense, and at the time designated for trial such alleged offender may appear and said complaint shall be heard in the usual way as though such offender had been brought in personally by the officer at the time of such arrest, and if such alleged offender is acquitted of said charge, the said three dollars shall be at once returned to him or her by the clerk of the police court.

**1257. Refusal to deposit.]** Any person so arrested who shall not desire to or who shall neglect or refuse to make such deposit shall be taken to the police station, and said cause shall be proceeded with and be heard as in other cases of alleged violation of city ordinances.

**1258. Penalty against proprietor.]** Any proprietor or manager of such licensed theater who shall violate the provisions of the second section of this chapter shall be subject to a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

#### ANIMALS AND HORSES.

**1259. Speed regulated.]** No person shall ride or drive any horse or horses or other animals in the city of Chicago with greater speed than at the rate of six miles an hour, under a penalty of not more than ten dollars for each offense, to be recovered from the owner or driver thereof, severally and respectively.

**1260. Intersections and corners.]** No person, upon turning the corner of any street or crossing the intersection of any street in the city of Chicago, shall ride or drive any horse or horses or other animal with greater speed than at the rate of four miles an hour, under a penalty of not more than ten dollars for each offense.

**1261. Issuing from alley.]** No person shall ride or drive any horse or horses or other animal in or through any alley in the city of Chicago, or at the time of issuing from or quitting such alley, with a greater rate of speed than a walk, under a penalty of not more than ten dollars for each offense.

**1262. Not permitted to go loose.]** No horse shall be suffered or permitted to go loose or at large in any of the streets in the city of Chicago, under a penalty of not more than ten dollars for every

such offense, to be paid by the owner or person having the care, charge, or keeping thereof, severally and respectively.

**1263. Driving on sidewalk.]** No person shall suffer or permit to go, or lead or ride or drive, any horse upon any sidewalk in the city of Chicago, under a penalty of not more than five dollars for each offense, to be paid by the owner or person having the care, charge or keeping thereof, severally and respectively.

**1264. Racing.]** No person shall run or race any horse in any public street, road or avenue in the city of Chicago, nor shall consent to or suffer such racing, under a penalty of not more than ten dollars, to be recovered from the person or persons who shall so race, or suffer or permit such racing, and the owner, rider and the person having charge of any animal which shall so race and run, severally and respectively. This section shall be so construed as to prevent and punish the running, racing or trotting of any horse or horses for any trial of speed, or for the purpose of passing any other horse or horses, whether the same be founded upon any stake, bet or otherwise.

**1265. Auction sale on street.]** No person shall show or expose for sale at auction any horse or other animal in any street, alley or avenue in the city of Chicago, under a penalty of not more than five dollars for every such offense.

**1266. Sleigh—cutter—bells.]** No person shall drive any horse before a sleigh, cutter or similar vehicle through any of the public streets or avenues of this city, unless there shall be a sufficient number of bells attached to the harness of such horse and sleigh or sled, to warn persons of its approach, under a penalty of not more than ten dollars for each offense, to be paid by the driver, owner or person having the care, charge or keeping thereof, severally and respectively.

**1267. Speed on bridges.]** No person shall lead, ride or drive any horse or horses or other animal, over or upon any of the bridges in the city of Chicago at any other pace than a walk, under a penalty of not more than five dollars for each offense.

**1268. Unfastened.]** No person shall leave any horse, horses or other animal attached to any carriage, wagon, cart, sleigh, sled or other vehicle in any part of the streets, avenues, alleys or lanes of this city, without securely fastening such horse, horses or other animal, under a penalty for each offense of not less than two dollars nor more than ten dollars.

#### TUNNELS.

**1269. Speed through.]** No person shall ride, lead or drive any horse or other animal, nor any vehicle of any sort, through any street tunnel in the city of Chicago, or either of its approaches, at a greater speed than four miles an hour.

**1270. Driving of animals through.]** No person shall drive, or assist in driving, into or through any such tunnel or its approaches, any loose horse, horses or loose cattle, or any loose animals of any sort.

**1271. Vehicles—dimensions of load limited.]** No person shall

lead or drive into any such tunnel or into either of its approaches any cart or other vehicle loaded with loose hay or straw, or like bulky or combustible material, or any vehicle the dimensions of which including its load, shall exceed ten feet in height or eight feet in width.

**1272. Penalty.]** Any person violating any provision of either of the three preceding sections of this chapter shall on conviction pay a fine of not less than five dollars nor exceeding twenty-five dollars for each offense.

#### TREES.

**1273. Not to obstruct public lamps.]** If any trees shall be suffered by the owner or occupant of the premises to grow in such a manner as to obstruct the reflection of the public lamps, it shall be the duty of the commissioner of public works to notify the owner or occupant of the premises forthwith to trim the same in the manner to be specified in the notice. If any person shall refuse or neglect to comply with such notice, it shall be the duty of the said commissioner to cause such trees to be trimmed, and the person so refusing or neglecting shall be subject to a fine of one dollar for each tree he was so notified and refused or neglected to trim.

**1274. Injuring or destroying.]** No person, other than the owner of the abutting property, shall cut down, destroy, break or in any way injure any tree or shrub standing in any street or public place, except by permission of the city council or the commissioner of public works, under a penalty of not less than five dollars nor more than twenty dollars for each offense.

**1275. Height of lower limbs.]** All trees kept, maintained or cultivated in any of the streets or public places of the city shall have the boughs or branches cut or trimmed close to the trunk of the tree, at least ten feet above the ground; and it shall not be lawful to keep, maintain or cultivate trees in any of the streets or other public places in the city excepting in the manner provided in this section, under a penalty of one dollar for each offense.

#### MINORS.

**1276. Purchasing liquor.]** Any person being a minor, who shall be intoxicated, or in the habit of getting intoxicated, or who shall purchase or offer to purchase, or in any manner obtain for his or her personal use, any intoxicating liquor in any licensed saloon or grocery, shall, upon conviction, be fined in a sum not exceeding twenty-five dollars for the first offense, and in a sum not more than one hundred dollars for every subsequent offense.

**1277. Gambling in saloons.]** Any person being a minor, who shall play with dice, dominoes, cards, balls, or other articles used in gaming, in any saloon, grocery, room or place where intoxicating liquors are sold, shall, upon conviction, be subjected to a fine of not more than one hundred dollars for each offense.



**1278. False representations.]** Any person being a minor, who shall obtain from the proprietor of any saloon or grocery, or from his or her agent or servant, any intoxicating liquors under the false pretense of being then of age, shall, upon conviction, be fined for each offense in a sum of not more than fifty dollars.

**1279. "Flipping" cars.]** No minor under the age of eighteen years shall climb, jump upon, or cling to, or in any way attach himself or herself to any horse, cable, electric or other street car of any kind while the same is in motion, under a penalty of not less than five dollars nor more than ten dollars for each offense.

**1280. Materials impregnated with liquor.]** Any person or persons who shall sell or deliver to or procure for any minor below sixteen years of age, any cigarettes, whisky, drops or candy or other material saturated with or enclosing any spirituous, vinous or fermented liquor, shall be fined not less than twenty dollars nor more than one hundred dollars for each and every offense.

#### BARBED WIRE FENCE.

**1281. Prohibited.]** No fence or barrier consisting or made of what is called "barbed wire," or of which barbed wire is a part, shall be built, constructed or used within the city of Chicago, along the line of or in or upon or along any street, alley or public walk or drive; or through, along or around, any public park; or in and about or along any land or lots or parks owned or controlled by the city of Chicago.

**1282. Removal.]** Wherever in the city of Chicago, in, along or through any public street, alley or park, barbed wire is now in use in part or in whole for a fence or barrier, the same shall be removed; and any party or parties owning, controlling or building the same shall, upon written notice from the department of public works, remove such barbed wire within thirty days from the service of such notice upon the party or parties so owning building or controlling such barbed wire fence or barrier, and upon failure of such party or parties to comply with said notice, such party or parties shall be subject to a fine as provided in the following section.

**1283. Penalty.]** Any person or persons violating any of the provisions of the two foregoing sections shall be liable to a fine of not less than ten nor more than twenty-five dollars.

#### SPIKES IN RAILINGS AND FENCES.

**1284.** No person being the owner, lessee or agent of any building in this city, shall erect or maintain or permit to be erected or maintained on or about the stairway in or the entrance to such building, or on or about its exterior building line, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or protection of any kind, upon which said railing, fence, guard or other protection there shall be affixed or placed or in any manner attached

any spike, nail or other pointed instrument of any kind or description, under a penalty of not less than twenty-five nor more than fifty dollars for each offense; and each and every day any such person shall fail or neglect to remove from such railing, fence or other protection, any such spike, nail or other pointed instrument, after notice in writing from the commissioner of buildings so to do, shall constitute a new, separate and distinct offense.

#### CRUELTY TO ANIMALS.

**1285.** Whoever shall be guilty of cruelty to any animal in any of the ways mentioned in this section shall be fined not less than three dollars nor more than one hundred dollars for each offense, viz.:

1. By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowingly allowing the same to be done.

2. By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done.

3. By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink and shelter.

4. By abandoning any old, maimed, infirm, sick or disabled animal.

5. By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

6. By carrying, or causing to be carried, any animal bound or tied by its legs, or bound down by the neck, so that it cannot freely stand in an upright position while being transported.

#### ITINERANT MUSICIANS—BEATING DRUMS—BLOWING HORNS.

**1286.** No person shall, without a permit in writing from the mayor, beat any drum or other instrument, or blow any horn or other instrument for the purpose of attracting the attention of pedestrians in any street in the city of Chicago to any circus, menagerie or show or other thing in said city, tending to the collection of persons on the streets and sidewalks, to the obstruction of the same, under a penalty of not less than ten nor more than twenty-five dollars for each offense; nor shall any person use or perform with any hand organ or other musical or other instrument for pay or in expectation of payment, in any of the streets or public places in the city of Chicago, before nine o'clock a. m. or after nine o'clock p. m. of each day, under a penalty of not less than ten nor more than twenty-five dollars for each offense. The provisions of this section shall apply only to itinerant musicians and circuses, menageries and side shows, and shall not be construed so as to affect any band of music or organized musical society engaged in serenading, or any civic or military parade.

#### DISORDERLY CONDUCT.

**1287.** Any person who shall make, aid, countenance or assist in

making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, within the limits of the city of Chicago, and all persons who shall collect in bodies of 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 one hundred dollars.

## HOUSES OF ILL-FAME OR ASSIGNATION.

**1288.** No person shall keep or maintain a house of ill-fame or assignation, or place for the practice of prostitution or lewdness, under a penalty of not to exceed two hundred dollars for every twenty-four hours such house or place shall be kept or maintained for such purpose.

**1289.** No person shall patronize, frequent or be an inmate of any house of ill-fame or assignation, or place for the practice of prostitution or lewdness under a penalty of not exceeding two hundred dollars.

**1290.** Every house of ill-fame or house of assignation where men and women resort for the purpose of prostitution is hereby declared to be a nuisance.

**1291.** Every person found in any house of ill-fame or assignation shall be considered an inmate within the meaning of section 1289 of this article.

## NIGHT WALKERS.

**1292.** All prostitutes, solicitors to prostitution, and all persons of evil fame or report, plying their vocations upon the streets, alleys or public places in the city of Chicago, are hereby declared to be common nuisances and shall be fined not to exceed one hundred dollars.

## ILL-GOVERNED OR DISORDERLY HOUSES.

**1293.** Every common, ill-governed or disorderly house, room or other premises, kept for the encouragement of idleness, gaming, drinking, fornication or other misbehavior is hereby declared to be a public nuisance, and the keeper and all persons connected with the maintenance thereof, and all persons patronizing or frequenting the same shall, upon conviction, be fined not exceeding two hundred dollars.

## IMPURE LITERATURE RELATING TO DISEASES.

**1294.** No person or persons shall sell or offer to sell, give away or offer to give away, distribute or have in his or her possession with intent to give away, sell or distribute in or upon any street or sidewalk, or park or public property of the city of Chicago, any book, pamphlet, circular, handbill, advertisement or notice of any kind purporting to treat of or treating of diseases known as "venereal dis-

eases," describing or explaining or purporting to describe or explain the genital organs, giving or purporting to give the nature and remedies of diseases peculiar to females, uterine diseases, or the nature or causes of nervous debility, impotency, sterility or barrenness, gonorrhoea, gleet, stricture, syphilis, affection of the prostate gland or the remedies therefor, or the cause or remedies for abortion or miscarriage, or articles or means of preventing conception, under a penalty of not less than twenty dollars nor more than fifty dollars for each and every offense.

**1295.** No person or persons shall sell or offer to sell, give away or offer to give away, distribute or have in his or her possession with intent to give away, sell or distribute in or upon any street, sidewalk, park or public property in the city of Chicago, any book, pamphlet, circular, handbill, advertisement or notice of any kind giving or purporting to give information from whom or where medicine or anything whatever may be obtained for the cure, prevention or treatment of uterine diseases, or diseases peculiar to females, venereal disease, or diseases of the genital organs, or nervous debility, impotence, sterility, or barrenness, gonorrhoea, gleet, stricture, syphilis, affection of the prostate gland, abortion or miscarriage, or articles or means of preventing conception. Nor shall any person post or cause to be posted on any advertising wagon, or on or in any place within the limits of the city of Chicago, where the same can be seen from the streets, alleys or other public places in the city, any advertisement giving any such information, under a penalty of not less than twenty dollars nor more than fifty dollars for each and every offense.

#### INDECENT LITERATURE—IMMORAL EXHIBITIONS.

**1296.** No person shall exhibit, sell or offer to sell or circulate or distribute any indecent or lewd book, picture or other thing whatever of an immoral or scandalous nature, or shall exhibit or perform any indecent, immoral or lewd play or other representation, under a penalty of not less than twenty dollars nor exceeding one hundred dollars.

#### INDECENT EXPOSURE.

**1297.** If any person shall appear in a public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, he or she shall be subject to a fine of not less than twenty dollars nor exceeding one hundred dollars.

#### INDECENT, LEWD AND FILTHY ACTS.

**1298.** Any person who shall commit any indecent, lewd or filthy act in any place in the city, or shall utter any lewd or filthy words,

or use any threatening or abusive language in the hearing of other persons publicly, or shall make any obscene gesture to or about any other person publicly, shall be deemed a disorderly person, and upon conviction shall be fined not less than five dollars nor more than one hundred dollars.

#### INDECENT EXHIBITIONS OF ANIMALS.

**1299.** No person shall indecently exhibit any stud horse or bull, or let any such horse to any mare or mares, or any bull to any cow or cows within the limits of this city unless in some enclosed place out of public view, under a penalty of not less than five dollars nor more than one hundred dollars for each offense.

#### POISONOUS MEDICINE OR DECOCTION.

**1300.** No poisonous medicine, decoction or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use of the same; nor shall any bottle, box, parcel or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person who the party delivering the same has reason to think intends it for any illegal or improper use or purpose, under a penalty of not less than twenty-five nor more than one hundred dollars for each offense.

#### FRAUDULENT PRESCRIPTIONS.

**1301.** No doctor, druggist or other person shall make, sell, put up, prepare or administer any prescription, decoction or medicine under any deceptive or fraudulent name, direction or pretense, under a penalty of not less than one hundred nor more than two hundred dollars.

#### ADVERTISING QUACK NOSTRUMS.

**1302.** No person shall place or post, or cause to be placed or posted, in any street or other public place in the city of Chicago, any hand-bill or advertisement giving notice of any person having or professing to have skill in the treatment or curing of any disorder or disease, or giving notice of the sale or exposure for sale of any nostrum or medicine, under a penalty of not more than twenty-five dollars for each offense.

#### OPIUM SMOKING OR INHALING ROOMS.

**1303.** No person, within the corporate limits of the city, shall keep or maintain or become an inmate of, or in any way contribute to the support of any place, house or room for opium smoking, or where persons assemble for the purpose of inhaling opium, or inhaling the fumes thereof, under a penalty of not less than five dollars nor more

than fifty dollars for each and every offense by the aforesaid inmates, and of not less than seventy-five nor more than one hundred dollars for the proprietor or keeper thereof, together with the confiscation of all the articles and paraphernalia used for the said purpose of smoking or inhaling opium, or the fumes thereof.

#### BURGLAR'S TOOLS.

**1304.** It shall be unlawful for any person to have in his possession any nippers of the description known as burglar's nippers, pick lock, skeleton key, key to be used with a bit or bits, jimmy, or other burglar's instrument or tool of whatsoever kind or description, unless it be shown that such possession is innocent, or for a lawful purpose, under a penalty of not less than one hundred dollars nor more than two hundred dollars.

#### LOUNGERS AND LOAFERS.

**1305.** No person shall obstruct or encumber any street corner or other public place in the city by lounging in or about the same after being requested to move on by any police officer; any person violating the provisions of this section shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each offense.

#### VAGABONDS AND VAGRANTS.

**1306.** All persons who are idle and dissolute, and who go about begging; all persons who use any juggling or other unlawful games or plays; runaways; pilferers; confidence men; common drunkards; common night-walkers; lewd, wanton and lascivious persons, in speech or behavior; common railers and brawlers; persons who are habitually neglectful of their employment or their calling, and do not lawfully provide for themselves, or for the support of their families; and all persons who are idle or dissolute and who neglect all lawful business, and who habitually misspend their time by frequenting houses of ill-fame, gaming houses or tippling shops; all persons lodging in or found in the night-time in out-houses, sheds, barns or unoccupied buildings or lodging in the open air, and not giving a good account of themselves; and all persons who are known to be thieves, burglars or pickpockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or other crime against the laws of the state, punishable by imprisonment in the state prison, or in a house of correction of any city, and, having no lawful means of support, are habitually found prowling around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop or crowded thoroughfare, car or omnibus, or at any public gathering or assembly, or lounging about any court room, private dwelling houses or out-houses, or are found in any house of ill-fame, gambling house, or tippling shop, shall be deemed to be and they

are declared to be vagabonds, and upon conviction shall be fined not to exceed one hundred dollars.

#### CLAY HOLES AND EXCAVATIONS.

**1307.** The owners of any real estate within the city of Chicago upon which are located or situated any clay holes, or other similar excavations, are hereby required to cause such clay holes or excavations to be enclosed with tight wooden fences of not less than six feet in height. Any violation of this section shall subject the offender to a fine of not exceeding two hundred dollars for each offense.

#### DEFACING PUBLIC BUILDINGS, ETC.

**1308.** No person shall cut, injure, mark or deface any public building belonging to the city, or any station house or engine house, or any tree, grass or shrub or walk in any square or public park, or any sewer, water pipe or hydrant laid or placed by the city, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

#### DEFACING SIGNS, FENCES, ETC.

**1309.** No person shall wantonly mar, injure, deface or destroy any fence, guide post, sign board or awning in any street or public place in the city, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

#### CONSTRUCTION OF SCAFFOLDS.

**1310.** All scaffolds erected in this city for use in the erection of stone, brick or other buildings shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of persons working thereon or passing under or by the same, to prevent the falling thereof or of any materials that may be used, placed or deposited thereon; any scaffold which may be otherwise erected shall be deemed a nuisance; and any person who shall erect or use or cause to be erected or used any scaffold contrary to the provisions hereof shall be subject to a fine of not less than five dollars and not exceeding one hundred dollars, and to a further penalty of ten dollars for every day the same shall remain after notice to remove.

#### RULE OF THE ROAD.

**1311.** In all cases of persons meeting each other in vehicles in any highway or thoroughfare, or upon or near any bridge, each person so meeting shall in all cases turn off and go to the right side. Whoever shall violate this section shall be subject to a fine of not less than two dollars nor exceeding fifty dollars; Provided, this section shall not be construed to apply to any case unless some injury to persons or

property shall occur by the drivers of the carriage or wagon refusing or failing to turn to the right, nor to any case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right.

#### FLOWER POTS.

**1312.** It shall not be lawful for any person to place or keep on any window-sill, railing or balcony, top of porch or any other projection from any house or other building in the city of Chicago, any earthen flower-pots, wooden box or other article or thing whatever for the cultivation or retention of flowers, shrubs, vines or any other article or thing whatever, unless every such flower-pot, box or other article is securely and firmly fastened or protected by iron railings, so fastened as to render it impossible for any such pot, box or other article to fall into the street, under a penalty of not more than ten dollars for every offense.

#### BOARDING OR LEAVING CARS WHILE IN MOTION.

**1313.** No person shall get upon or off, or attempt to get upon or off any locomotive engine, tender, car or train of cars or any platform or step thereof, while the same or either of them are in motion, without first having obtained from the person or persons in charge thereof express permission so to do. Any violation hereof shall be punished by a fine of not less than two dollars nor more than fifty dollars for each offense.

#### BATHING IN CITY LIMITS.

**1314.** No person shall swim or bathe in the waters of Lake Michigan adjacent to the city, or in any river, canal or slip within the city limits unless such person be clothed in a suitable bathing dress, under a penalty of not less than five dollars nor more than twenty dollars for each offense.

#### DISTURBING ASSEMBLIES MET FOR WORSHIP.

**1315.** 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 fined not exceeding fifty dollars.

#### KILLING BIRDS IN CITY LIMITS.

**1316.** Every person who shall kill or wound, or attempt to kill or wound, by the use of fire-arms, bow and arrow, pelting with stones or otherwise, any bird, except English sparrows, within the city limits, or shoot an arrow or throw a stone or club, or other missile at any such bird within any private grounds or public parks, squares or grounds (such bird not being the property of the person so offending), or enter



upon any private enclosure or public ground belonging to the city for the purpose of doing any act prohibited in this section, shall be fined in a sum not less than five dollars nor more than ten dollars for each offense.

#### DISTRIBUTION OF HANDBILLS.

**1317.** No person or persons shall distribute, cast, throw or place in, upon or along any of the streets, alleys or public places of the city of Chicago, any handbills, pamphlets, circulars, books or advertisements for the purpose or with the intent of advertising or making known in a general or promiscuous manner, any business, occupation, profession, medical treatment, medicine, or anything whatsoever, under a penalty of not less than five dollars nor more than fifteen dollars for each and every offense.

#### EXPOSING DEFORMED OR MUTILATED LIMBS.

**1318.** Any person who is diseased, maimed, mutilated or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares or public places in this city, shall not therein or thereon expose himself or herself to public view, under the penalty of one dollar for each offense. On the conviction of any person for a violation of this section, if it shall seem proper and just, the fine provided for may be suspended, and such person detained at the police station, where he shall be well cared for, until he can be committed to the county poor house.

#### EXHIBITING WILD ANIMALS.

**1319.** No person shall permit any bear, or other noxious or dangerous animal to run at large, nor lead any such animal with a chain or rope or other appliance, whether such animal be muzzled or unmuzzled, in any street, avenue, lane, highway or public place within the corporate limits of this city, under a penalty of not more than ten dollars for each offense.

#### OBSTRUCTING GUTTERS, SEWERS OR PIPES.

**1320.** No person shall stop or obstruct the passage of water in any street, gutter or public sewer, culvert, water pipe or hydrant laid or placed by the city, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

#### CASTING RINDS AND PEELS ON SIDEWALK.

**1321.** No person shall throw, cast, lay or place on any sidewalk in the city of Chicago, the rind or peel of any orange, banana, apple or other fruit, under a penalty of not less than two dollars nor more than twenty dollars for each offense.

## DANGEROUS MATERIALS IN STREETS.

**1322.** No person shall throw, cast, place, drop or leave in or upon any street, alley, lane, public place or any unenclosed grounds in the city of Chicago, any stones, missiles, nails, tacks, ice, glass, iron or any other metallic substance, by which animals or the rubber tires of bicycles or other vehicles may be injured, under a penalty of not less than five dollars nor more than twenty-five dollars for each offense.

## REMOVING SOD OR EARTH FROM STREETS.

**1323.** No person shall dig, cut or remove any sod or earth from any street or other public place within the city without a permit from the commissioner of public works, or from any premises not his own without the consent of the owner, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

## GAMES AND PERFORMANCES IN STREETS.

**1324.** No person shall engage in any game, sport, amusement, or exhibit any machine, or show, or any animal, or indulge in any acrobatic feats in the streets or upon the sidewalks; nor shall any person carry on any performance or do anything whatsoever in the streets or upon the sidewalks, which shall collect any crowd of persons so as to interfere with the passage of teams or vehicles, or persons passing along the streets and sidewalks; and any person who shall do any of these things shall be fined not less than three dollars nor more than twenty-five dollars for each and every offense.

## THROWING LIQUID IN STREETS.

**1325.** No person shall throw or deposit any water or other liquid in any part of any street, alley, lane or public place, except in the side-gutter thereof, under a penalty of two dollars for every such offense.

## THROWING MISSILES.

**1326.** No person shall throw or cast any stone or other missile in, from or to any street, public place or enclosed ground, under a penalty of not more than five dollars for each offense.

## CLEANSING GOODS IN STREETS.

**1327.** No dyer or scourer, or any other person shall wash, rinse or cleanse or cause or procure to be washed, rinsed or cleansed any cloth, yarn or garment in any street in the city of Chicago, under a penalty of not more than ten dollars for each offense.

## FLYING KITES IN STREET.

1328. No person shall rise or fly or attempt to rise or fly any kite in any street or other public place in the city, under a penalty of five dollars for each offense.

## CHAPTER XLIII.

### OFFICERS.

**1329. Appointees of mayor—term.]** All officers appointed by the mayor, with the approval of the city council, whose term of office is not otherwise expressly provided for by law, shall hold their respective offices for the term of two years from the first Monday in May next succeeding the general election for mayor, and until their successors are appointed and qualified.

**1330. Official bonds—conditions.]** The bonds of all officers shall be executed with two or more sureties, conditioned as provided in this article and section 4 of article VI. of "An Act to provide for the incorporation of cities and villages," adopted by the city of Chicago, April 23d, 1875.

**1331. Sureties—justification.]** Such sureties shall justify separately on the back of the bond that they are respectively worth the sums stated in their respective justifications over and above all debts and liabilities by them owing or incurred, or for which their property is liable or incumbered at the time of justification, and over and above all exemptions by law of their property from execution. The sums stated in such justifications on the bond of any officer shall in the aggregate amount to the penalty of such bond.

**1332. Sureties—oath.]** In any and all cases where any officer of the city of Chicago shall be, by ordinance, required to take a bond, such officer shall examine the sureties on such bond touching their sufficiency, and require such examinations to be reduced to writing and signed and sworn to by such sureties.

**1333. Acknowledgment—approval.]** The execution of such bond shall be acknowledged by the officer and his sureties before some person authorized to take the acknowledgment of deeds, and a certificate of such acknowledgment made thereon; after the approval of the bond by the city council, the city clerk shall endorse thereon the date of its approval and file the same.

**1334. Salaries fixed annually.]** The salaries or compensation of all officers, clerks and employes of the city, except aldermen, shall be determined and fixed by the city council in the annual appropriation bill or by ordinance.

**1335. Salaries payable monthly.]** The salaries and pay of all officers and employes shall be monthly to each person entitled thereto, in the manner to be prescribed by the rules and regulations of the department of finance.

**1336. Fees established.]** Any city officer upon whom the duty

devolves is hereby authorized to demand and receive as fees for the use of the city (except where provision is herein made to the contrary):

For transferring each license, one dollar.

For taking bond on such transfer, one dollar.

For each deed for real estate issued by the city, two dollars.

For the use of the corporate seal on any attestation, acknowledgment or other certificate, fifty cents.

Administering oath and attesting the same, twenty-five cents.

For certified copies of any record, each one hundred words, twenty-five cents.

**1337. Reports—special.]** All officers of the city shall, in addition to the reports by this ordinance required to be made by them, report to the mayor in writing, when required, the condition of their respective offices and of the business and all matters therein touching the interests of the city.

**1338. Delivery of property to successor.]** Every person having been an officer of the city of Chicago shall within five days after notification and request deliver to his successor in office all property, books and effects of every description in his possession belonging to the city or appertaining to his said office, under a penalty of not less than fifty nor more than two hundred dollars.

**1339. Office hours.]** The offices of the respective city officers, except as hereinafter mentioned, shall be open every day except Sundays and such holidays as shall be observed by the general custom of the city, or by recommendation of public authority, from nine o'clock in the forenoon to five o'clock in the afternoon. The office of the mayor shall be open at such hours as he shall prescribe. The office of treasurer shall be open during banking hours of the city deposit banks.

**1340. Penalty.]** Any officer violating any provision of this chapter shall be deemed guilty of misconduct in office and be liable to removal from office therefor.

## CHAPTER XLIV.

### OFFICIAL NEWSPAPER.

**1341. Annual contracts for publication.]** The city comptroller shall annually on the first Monday of December advertise in such daily newspaper or newspapers published in the city of Chicago as he may select, inviting proposals for the following contracts:

1. For the publication in an English newspaper, being published at least six times a week, of those matters and things required by law or any ordinance of the city to be published in a newspaper.

2. For the printing and furnishing of all forms and blanks which may be required by the several departments and officers of the city government.

**1342. Letting contracts—bids—how [made.]** Such advertisement shall be published for ten consecutive days; and each contract shall be let to the lowest reliable and responsible bidder. Separate bids shall be made for each of said contracts; and all bids shall be sealed and directed to and deposited with the comptroller within twenty days after the date of the first publication of said advertisement.

**1343. Award of contract.]** Said bids shall be opened, at the hour and place mentioned in said advertisement, by the comptroller in the presence of the mayor and the chairman of the committee on finance, who shall constitute a board for such purpose, and it shall then and there be ascertained and determined by the majority of said board who is, if any one, the lowest reliable and responsible bidder for each of said contracts.

**1344. Two or more making same bid.]** If two or more persons make the same bid, which is the lowest bid, for either contract, and both or all are equally reliable and responsible persons in the opinion of a majority of said board, said comptroller shall re-advertise for proposals for such contract and such subsequent advertisement may be in the discretion of the comptroller for three instead of ten days as required herein. If one of said persons making the same bid, which is the lowest bid, is in the opinion of a majority of said board reliable and responsible, and the others are not, then such contract shall be awarded to such so adjudged reliable and responsible person.

**1345. Circulation considered—limitation.]** In determining who is the lowest reliable and responsible bidder for the first mentioned contract, said board may take into consideration the circulation of the bidder's newspaper within the limits of the city; Provided, however, no advertisement for any city printing whatsoever shall be given or let to any newspaper in the city of Chicago which in its columns has taught, or teaches, advocates or abets any measures, or any people, who have

for their object the overthrow, by force or illegal means, of the laws of the government, the state, or the city.

**1346. Approval of bids—letting contract.]** All bids received by the comptroller, and the action of said board thereon, shall be reported by said comptroller to the city council for its approval; and when approved by that body, the said several contracts shall be let by said comptroller to the person or persons to whom they were awarded by said board, for the period of one year and no longer.

**1347. Official journal—bond.]** The newspaper to which the first named contract may be awarded and let shall be the official journal of the city, and shall forthwith furnish a bond with two sureties, to be approved by the comptroller, in the sum of five thousand dollars for the faithful performance of the said contract.

**1348. Matter to be printed—approval by comptroller—exception—payment.]** All matters to be printed in the official journal, except such as emanate from the city council, shall first be delivered to the comptroller for his approval; and all payments for printing done by the official journal shall be made monthly.

**1349. Daily newspapers furnished and filed.]** One copy of each daily newspaper published in the city of Chicago shall be furnished to the respective offices of the mayor and the city clerk, which said newspapers shall be placed regularly on file as part of the public archives of the city.

**1350. Comptroller to obtain copies of blanks, etc.]** It shall be the duty of the comptroller to obtain from each of the city officers as far as practicable correct copies of all such blanks, forms and other matter to be printed, as may be required in the duties of their several offices; said copies shall be exposed in his office for examination and inspection by all persons who may desire to bid for said second contract during the time of the publication of said advertisement.

**1351. Bids for blanks—form of.]** The bids for said second contract shall be for the price per ream and page at which each and every size of the blanks, forms and other printed matter required in said contract will be furnished and printed by the party bidding.

**1352. Contract for blanks—bond.]** The person or persons to whom said last mentioned contract may be awarded and let shall forthwith furnish a good and sufficient bond, to be approved by the comptroller, in the sum of two thousand dollars, for the faithful performance of the contract.

## CHAPTER XLV.

### OILS.

**1353. Inspector—term of—salary—deputies—salaries.]** There is hereby created the office of inspector of oils, who shall hold his office for the term of two years and until his successor shall be appointed and qualified. He shall receive, as and for his salary and in full compensation for the discharge of all the duties of said office and in lieu of all fees and emoluments pertaining thereto, the sum of three hundred dollars per month. He may, subject to the approval of the mayor, appoint not exceeding three deputies, for whom he shall be accountable, which deputies are hereby empowered to perform such duties as may be assigned to them by said inspector. The said deputies shall, respectively, receive a salary of one hundred and fifty dollars, eighty dollars and seventy-five dollars per month, in full compensation for all official services performed by them. The salaries of said inspector and said deputies shall be payable at the end of each month, in like manner as the salaries of other city officers.

**1354. Appointment.]** Said inspector shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**1355. Qualification for office.]** Said inspector shall be a person having thorough knowledge of mineral oils and neither he nor his deputies shall be, directly or indirectly, interested in manufacturing, vending or selling, either as principal or agent, any article mentioned in this chapter.

**1356. Bond.]** Said inspector shall, before entering upon the duties of his office, execute a bond payable to the city of Chicago in the sum of ten thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful discharge of the duties of his office.

**1357. Test, apparatus, how procured—brand.]** Upon the application of any manufacturer, refiner or producer of or dealer in any coal oil, naphtha, gasoline, benzine, or other mineral oils or fluids, the product of petroleum, or of any officer or person to test any such articles, said inspector shall test the same with all reasonable dispatch by applying the fire test as indicated by John Tagliabue's pyrometer or some other instrument or means equally accurate, which he shall provide at his own expense. If the oils or fluids so tested will not ignite or explode at a temperature of less than one hundred and fifty degrees Fahrenheit, the inspector shall mark plainly and intelligibly on each cask, barrel or package, "Approved, fire test being ——;" but, if the said oils or fluids will ignite or explode at a temperature of less



than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark each cask, barrel or package, "Condemned for illuminating purposes, fire test being——."

**1358. Inspection fee—record of—receipt to payor, expenses.]** He shall require from each person, firm or corporation for whom he performs any official service payment in cash for such service at the rate of six cents for inspecting or examining and branding each package, cask or barrel. He shall, in a book to be kept by him for that purpose, keep a full, true and minute account in detail of all the fees, charges and emoluments of his office, designating in corresponding columns the amount of all fees, charges and emoluments earned and all payments received on account thereof and showing the name of each person for whom services are performed or paying any fees or charges and the date and amount of each payment. He shall give to each person for whom any official service is performed a receipt, for the amount of the fees or charges for such service, and shall make an entry upon a stub, in a receipt book to be kept by him for that purpose, of all the material matters contained on each receipt. The necessary expenses of the office, other than the salaries of said inspector and his deputies and the cost and maintenance of the necessary instruments and apparatus, shall be paid by the city comptroller monthly, upon a statement verified by the affidavit of said inspector, showing in detail the actual amount thereof.

**1359. Payment over of fees received.]** Said inspector of oils shall make to the comptroller, on or before the tenth day of each month, a report in writing, verified by his affidavit, showing in detail all the fees and charges collected by him by virtue of his office during the preceding month and, at the same time, shall pay in to the city treasury the full amount of all such fees and charges so collected by him. A failure by the said inspector of oils to make such report and pay over such fees and charges collected by him, within the time above limited, shall be considered as a resignation of such office and the mayor may, thereupon, declare the office vacant and appoint a successor.

**1360. Trading in oils unlawful.]** No inspector or deputy inspector, while in office, shall buy, sell, bargain or otherwise trade in any article which they are appointed to inspect; and for any violation of this chapter he or they shall be liable to the forfeiture of his or their bond.

**1361. Certificate of inspection—record.]** The inspector shall, within twenty-four hours after the inspection of any oils, furnish a true and accurate account thereof to the party employing him and shall make an entry of all oils inspected, in an intelligible manner, in a book prepared for that purpose, which shall be open to inspection by all parties.

#### STORAGE OF OILS.

**1362. Test—sale.]** It shall be unlawful for any person, persons

or corporation to store or keep for sale within the corporate limits of the city of Chicago, except in buildings constructed as provided in chapter seventeen, any crude petroleum, gasoline, naphtha, benzine, camphene, spirit gas, burning fluid or spirits of turpentine, exceeding a quantity of five barrels of fifty gallons each; and it shall be unlawful to keep for sale, or on storage, any refined carbon oil, kerosene or other products, for illuminating purposes, of coal, rock or earth oils, excepting such refined oils as will stand a fire test of one hundred and fifty degrees Fahrenheit, according to the method and directions of John Tagliabue; and it shall not be lawful to keep any quantity of said articles exceeding one barrel of fifty gallons in any part of a building, excepting a cellar, the floor of which shall be five feet below the grade of the adjacent streets; and no crude petroleum, gasoline, naphtha, benzine, carbon oil, camphene, spirit gas, burning fluid, or spirits of turpentine, shall be kept or stored in front of any building, or on any street, alley, wharf, lot or sidewalk for a longer time than is sufficient to receive in store or in delivering the same; Provided, such time shall not exceed six hours.

**1363. Permit.]** Any person, persons or corporation having within the city a fireproof warehouse detached and clear of other buildings, and at least fifty feet distant therefrom, and exclusively used for the storage of such articles as are named in this chapter, and properly ventilated for that purpose, having beneath its ground floor an open space or cellar three feet or more in depth below the surface of the adjacent ground, upon making application therefor, and upon procuring the written approval of the fire marshal, may obtain a permit to use said warehouse exclusively for said purpose, which permit may be issued by the commissioner of public works, with the consent of the mayor, and while the same remains in force said parties using said warehouse shall not be subject to the foregoing section of this chapter. The said commissioner may also grant permits, with the written approval of the fire marshal, for the holding of crude petroleum to be used for fuel purposes only, under such restrictions as said commissioner may impose, and he shall determine the amount to be held in such tank or well.

**1364. Penalty.]** Any person, persons or corporation who shall violate any of the provisions of this chapter, or who shall use or re-fill casks, barrels or packages having the inspector's brands thereon, for the purpose of fraudulently evading the conditions of this chapter; or shall mark the inspector's device, or any marks purporting to be marks of inspection, on any cask, barrel or package of any of the articles named in this chapter; or shall offer for sale within the city any of said oil that has not been examined by said inspector or his deputy; or shall keep or store within said city for more than twenty-four hours any of said oils which have not been inspected and branded by said inspector, or his deputy, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

## CHAPTER XLVI.

### ORDINANCES.

**1365. Two penalties—elective—one judgment.]** In all cases where the same offense may be made punishable or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

**1366. Minimum but no maximum fine—judgment may be \$200.]** Whenever in this or any ordinance hereafter passed, a minimum but no maximum fine or penalty is imposed, the court may in its discretion adjudge the offender or offenders to pay any sum of money exceeding the minimum fine or penalty so fixed, not exceeding the sum of two hundred dollars.

**1367. Repeal of repealing ordinance—non revivor.]** When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

**1368. Construction of words.]** Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate shall be deemed to be included: Provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

**1369. Where no fine or penalty expressed.]** Whenever in any ordinance the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three dollars nor more than one hundred dollars.

**1370. Revised ordinances—deposit and distribution.]** All the printed books containing the revised ordinances shall be deposited with the city comptroller. He shall deliver one copy thereof to each officer of the city and to such other persons as the city council may direct.

1371. **Revised ordinances--presentation of copies.]** The mayor shall have power to extend to or reciprocate courtesies of other cities, by presenting to them a copy of the revised ordinances bound at the expense of the city in such manner as to him may seem suitable.

## CHAPTER XLVII.

### PARKS AND PUBLIC GROUNDS.

**1372. Superintendence.]** It shall be the duty of the commissioner of public works to superintend all enclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed, and improve the same according to plans approved by the city council. He shall likewise cause printed or written copies of prohibitions of this chapter to be posted in the said grounds or parks.

**1373. Entrance and egress.]** No person shall enter or leave any of the public parks of the city of Chicago except by their gateways; no person shall climb or walk upon their walls or fences.

**1374. Animals prohibited.]** Neither cattle, horses, goats, swine nor other animals, except as herein provided, shall be turned into any one of the said parks by any person.

**1375. Firearms—missiles.]** All persons are forbidden to carry firearms or to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges or other construction or property within or upon any of the said parks.

**1376. Peddling and hawking prohibited.]** No person shall expose any article or thing for sale upon any of said parks, except such person shall have a permit so to do from the commissioner of public works, nor shall any hawking or peddling be allowed therein.

**1377. Indecent words—fortune telling.]** No threatening, abusive, insulting or indecent language shall be allowed in any part of either of the said parks whereby a breach of the peace may be occasioned; nor shall any person be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

**1378. Evacuation.]** In any case of emergency where life or property is endangered, all persons if required so to do by the superintendent or any of his assistants, shall remove from the portion of either of said parks specified by the superintendent or his assistants and remain off the same until permission is given to return.

**1379. Entrances closed.]** The commissioner of public works may direct that any of the entrances to the public parks be closed at any time.

**1380. Bathing—fishing.]** No person shall bathe or fish in, or go or send or ride any animal in any of the waters of either of the said public parks, nor disturb any of the fish, water fowl or other birds

in any of said parks, or any deer, sheep or other animal belonging to and preserved therein, nor throw or place any article or thing in the waters within either of said parks.

**1381. Bill posting prohibited.]** No person shall post or otherwise affix any bills, notice or other paper upon any structure or thing within either of said parks nor upon any of the gates or enclosures thereof.

**1382. Prohibited uses.]** No person shall, without the consent of the commissioner of public works, play upon any musical instrument, nor shall any person take into or carry or display in the said public parks any flag, banner, target or transparency. No military or target company shall be permitted to parade, drill or perform therein any military or other evolutions or movements. Nor shall any fire engine, hook and ladder truck, hose cart or other machine on wheels commonly used for the extinguishing of fires be allowed on any part of said parks without the previous consent of the commissioner of public works.

**1383. Bonfires.]** No person other than employes shall light, make or use any fire thereon.

**1384. Grass.]** No person shall go upon the grass, lawn or turf of the parks except when and where the word "common" is posted, indicating that persons are at liberty at that time and place to go on the grass.

**1385. Power of police.]** Any member of the city police shall have power to arrest any person who shall not desist from any violation hereof when directed, and cause him to be committed for examination.

**1386. Public squares.]** The foregoing section of this chapter, so far as applicable, shall apply to all the public squares of the city of Chicago.

**1387. Penalty.]** Any person who shall violate any or either of the provisions of this or any section or clause or any provision of any section of this chapter, or who shall neglect or fail or refuse to comply with any or either of the requirements thereof, shall on conviction pay a fine of not less than five dollars nor more than one hundred dollars.

## CHAPTER XLVIII.

### PAWNBROKERS.

**1388. License required.]** The mayor may from time to time grant licenses to such persons as shall produce to him satisfactory evidence of their good character to exercise or carry on the business of a pawnbroker, or of a loanbroker or keeper of a loan office; and no person shall exercise or carry on the business of a pawnbroker, loanbroker or keeper of a loan office without being duly licensed, under a penalty of one hundred dollars for each day he or she shall exercise or carry on said business without such license.

**1389. Pawnbroker defined.]** Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawner or pledger, shall be held and is hereby declared and defined to be a pawnbroker.

**1390. License fee.]** Every person receiving such license shall pay therefor the sum of three hundred dollars for the use of the city.

**1391. Bond.]** Every person so licensed shall at the time of receiving such license enter with two sufficient sureties into a joint and several bond to the city of Chicago in the penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the city council as may be passed or in force respecting pawnbrokers and loanbrokers or keepers of loan offices, at any time during the continuance of such license.

**1392. Record of loans and pledges.]** Every pawnbroker and loanbroker or keeper of a loan office shall keep a book in which shall be fairly written in ink at the time of each loan an accurate account and description in the English language of the goods, article or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing. No entry made in such book shall be erased, obliterated or defaced.

**1393. Memorandum to pledger.]** Every pawnbroker and loanbroker or keeper of a loan office shall at the time of each loan deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him or her containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker or loanbroker or keeper of a loan office for any such entry, memorandum or note.

**1394. Inspection of records.]** The said book, as well as every article or other thing of value pawned or pledged, shall at all reason-

able times be open to the inspection of the mayor or any member of the police force.

**1395. Purchases prohibited.]** No pawnbroker, loanbroker or keeper of a loan office shall under any pretence whatever purchase or buy any second-hand furniture, metals or clothes or any other article or thing whatever offered to him or her as a pawn or pledge.

**1396. Report to police.]** It shall be the duty of every licensed person aforesaid to make out and deliver to the superintendent of police every day before the hour of twelve o'clock a. m., a legible and correct copy from the book required in section 1392 hereof, of all personal property and other valuable things received on deposit or purchased during the preceding day, together with the time, meaning the hour when received or purchased, and a description of the person or persons by whom left in pledge or from whom the same were purchased.

**1397. Redemption of pledge—when prohibited.]** No personal property received on deposit, purchase or pledge by any such licensed person shall be sold or permitted to be redeemed or removed from the place of business of such licensed person for the space of twenty-four hours after the copy and statement required to be delivered to the superintendent shall have been delivered as required by the preceding section.

**1398. Hours of business.]** No person licensed as aforesaid shall receive on deposit or pledge any personal property or other valuable thing before the hour of six a. m., nor after the hour of eight p. m., during the months of January, February, March, April, October, November and December of each year; nor before the hour of five a. m. nor after the hour of nine p. m., during the months of May, June, July, August and September of each year.

**1399. Pledge from minor prohibited.]** No person licensed as aforesaid shall take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities, article or other valuable thing from any minor, or the ownership of which is in or which is claimed by any minor, or which may be in the possession or under the control of any minor.

**1400. Licensee's business limited.]** No person licensed as aforesaid shall carry on any other business or vocation directly or indirectly in the same building, or in any building adjoining the place or building in which he or she may be licensed to carry on the business of pawnbroker, loanbroker or keeper of a loan office.

**1401. Employees under sixteen prohibited.]** No person licensed as aforesaid shall employ any person under the age of sixteen years to take pledges in pawn.

**1402. Pledges from thief, etc., prohibited.]** No person so licensed shall take any article in pawn from any person appearing to be intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny or burglary.



**1403. Revocation of license on police report.]** It shall be the duty of the superintendent of police to report to the mayor any failure to comply with any provision of this article, and the mayor may revoke the license of such person.

**1404. Revocation of license on conviction of violation.]** The mayor may forthwith revoke the license of any person who shall have been convicted before any police justice, or justice of the peace, of any violation of any provision of this chapter, whether the judgment of such justice shall have been appealed from or not.

**1405. Penalty.]** Every pawnbroker, loanbroker or keeper of a loan office who shall violate or neglect or refuse to comply with any or either of the provisions of this chapter, when no other penalty is imposed, shall for every such offense be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars.

## CHAPTER XLIX.

### PEDDLERS.

**1406. Defined—license.]** Every person who shall sell or offer for sale, barter or exchange, at retail, any farm produce, butter, milk, poultry, fish or other goods, wares, merchandise, traveling from place to place, in, along and upon the streets of this city, or who shall sell and deliver from any wagon or other vehicle, going from place to place, whether to regular customers or not, any goods, wares or merchandise, or who shall go about from place to place, selling and delivering or soliciting orders for books, sewing machines, or other articles or things, shall be deemed a peddler and shall, before engaging in said business, obtain a license as a peddler, as hereinafter provided. No person shall engage in the business of a peddler, as above specified and defined, without a license, under a penalty of not less than twenty dollars nor more than fifty dollars for each offense.

**1407. License—application—fee.]** All applications for licenses under this chapter shall specify the number of wagons or other vehicles intended to be employed by the applicant in carrying on his said business and, upon the granting of the license, every such applicant shall pay to the city collector, as an annual license fee, the sum of twenty-five dollars. Every license shall authorize the employment of one wagon, or other vehicle, and no more; such number may be increased upon a further written application and the payment of twenty-five dollars for each and every additional vehicle so asked for. The said license fees may be paid in quarterly installments on the first days of May, August, November and February of each year.

Pack-peddlers shall pay an annual license fee of ten dollars, payable in semi-annual installments of five dollars each, on the first days of May and November in each year. Upon the presentation of a receipt from the city collector showing the payment of the fees as hereinbefore provided the city clerk shall issue a license for the period designated in said receipt.

**1408. Vehicle to be marked.]** Any peddler upon taking out a license as such peddler shall obtain from the city clerk two painted metal plates eight inches long and four inches wide, and of a different color or design for each license year, on which shall be stamped the number corresponding to the license, and also the words "Chicago—Peddler," together with the year for which the license is issued, which plates the said licensed peddler shall cause to be securely fastened on the outside of each side of the box of his wagon, cart or other vehicle so licensed, or in some other conspicuous place, so that the same can be easily seen. Every such wagon, cart or other vehicle shall

also be marked in a conspicuous manner with the name and place of business of the owner or owners.

Note: See section 16 concerning free badges and plates.

**1409. Badge.]** Any person having a peddler's license shall conspicuously wear a metal badge or shield one and three-fourths inches long, and one and one-eighth inches wide, and of a different design for each license year, on which shall appear the word "peddler," and the number of the license; such badge to be obtained from the city clerk of the city of Chicago.

**1410. Sunday traffic.]** No one having a peddler's license shall offer for sale or sell, in the city of Chicago, any kind of fruit, goods, wares, merchandise or any article or thing whatever on Sunday, under a penalty of not less than twenty dollars nor more than fifty dollars for each offense.

**1411. Vehicle assistant.]** There shall be allowed to each vehicle or wagon, licensed as aforesaid, but one helper or assistant to the driver of such wagon.

**1412. Fraud, misrepresentation, imposition.]** Any licensed peddler who shall be guilty of any fraud, cheat, misrepresentation or imposition, or who shall neglect or refuse to comply with any of the provisions of this article shall be fined not less than twenty dollars nor more than fifty dollars, and, in addition thereto, the license issued to such person or persons may be immediately revoked by the mayor.

**1413. Country produce—other exceptions.]** The provisions of this chapter shall not be construed to apply to any person or persons coming into the city from the country with any produce for the market, nor to any person selling vegetables, berries, or the produce of their own farms or premises, nor to women, nor to children under twelve years of age, nor to old, infirm and crippled persons, nor to the peddling of newspapers.

**1414. License without fee.]** The mayor may, in his discretion, grant permits to peddle fruit, cakes, candy, nuts or other commodities from a basket without any fee, subject, however, to all other provisions of this article: Provided, that a written application for said permit shall first be made, supported by the recommendation of two or more reputable persons.

## CHAPTER L.

### PLUMBERS AND PLUMBING.

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#### ARTICLE I.

##### PLUMBERS.

**1415. License—to whom issued—fee.]** Any person desiring to engage in or work at the business of plumbing in the city of Chicago, as a master plumber, shall first obtain a license so to do for each establishment or place of business to be maintained by him, and shall pay for such license a fee as hereinafter provided to the city collector, who shall account for such fee as for other receipts which come into his hands. No such license shall be issued to any person who shall not have attained the age of twenty-one years, and shall not have an established place of business within the limits of said city, and who shall not have first passed an examination, as hereinafter provided, as to his responsibility and skill in the business of plumbing. Every such license shall expire on the thirtieth day of April next after its issuance. The fee to be paid for each such license issued during the month of May of any year, which shall be considered a license for a year, shall be thirty dollars, and the fee to be paid for each such license issued after the last day of May in any year shall be the number of twelfth parts of the said sum fixed for a yearly license equal to the number of months which will elapse between the date of the issuance of the license and the date of the expiration of the license. The month in which the license is to be issued shall be counted and included in the number of months to elapse. If any delay shall occur in issuing the license, whereby the applicant shall be entitled, as above provided, to a license for a smaller payment, the excess shall be refunded by the city collector through the city comptroller at the time when the license is issued.

**1416. Application for license — bond.]** Every person desiring such license shall file with the city clerk an application in writing, giving his full name, and the name of any firm of which he may be a member, and the name of each member of such firm, and the location of his place of business to be covered by the license applied for. Every such person shall, with such application, file with the city clerk a bond, signed by two or more sureties, to be approved by the city clerk, in the sum of three thousand dollars, conditioned that the applicant shall indemnify and save harmless the city of Chicago from all accidents and damages which may be caused by any negligence, unskillfulness or

inadequacy in the execution or protection of any work he may do under and by virtue of his license, if issued, and that he will conform to all lawful requirements and regulations of the city pertaining to the business of plumbing in accordance with the ordinances of the city, and with the rules and regulations of the department of public works, and the department of health. The city clerk shall notify the commissioner of health of the filing of all such applications and bonds.

**1417. Appointment of examiners—examination, etc.]** From time to time the commissioner of health shall formulate rules and regulations for the examination of applicants for the license herein prescribed, and shall designate an examiner, if practicable from said department, to examine such applicants, and shall designate the times and places for examinations. Said examiner shall in all cases be a practical and experienced plumber, and shall examine all such applicants, except as hereinafter stated, as to their practical knowledge of plumbing, house drainage and plumbing ventilation. Every applicant shown by such examination to be qualified for working as a master plumber shall be recommended by the commissioner of health to the mayor for a license, and upon payment of the license fee shall be entitled to receive a license, which shall thereupon be issued by the city clerk upon the direction of the mayor. An applicant who has been once examined and recommended for a license shall not be required to submit to an examination for any new license in case he shall have been continuously engaged in business as a master plumber subsequent to such examination, but in such case the commissioner of health shall report and recommend such previously-examined applicant to the mayor and city clerk for a license, and such previously-examined applicant shall be entitled to a license in the same manner as if he had been examined specifically therefor. Any applicant not shown by examination as herein provided to be qualified for working as a master plumber shall be so reported to the city clerk and to the city collector by the commissioner of health, and the city clerk and city collector shall thereupon return to such applicant the fee and bond filed with his application. Such unsuccessful applicant shall not be entitled to another examination until at least one year shall have elapsed after his rejection.

**1418. License—change of name or location.]** Any change of the firm name or location of the business of the licensee must be promptly reported to the commissioner of health and the city clerk, and the license shall be posted in a conspicuous manner at the place of business of the licensee.

**1419. License to firm — license not transferable.]** When two or more persons are co-partners, licenses shall issue in the name of the firm or co-partnership and no license shall be transferable.

**1420. Licensee liable for employes.]** All licensed plumbers shall be held responsible for all acts of their agents or employes done by virtue of his or their said license.

**1421. Plumbing without license prohibited — penalty.]** No

person shall perform any plumbing work without having first obtained the license herein provided for, under penalty of a fine upon conviction of not less than fifty dollars nor more than one hundred dollars for each and every offense.

**1422. Permit for repairs, etc.]** No alteration or addition whatever, in or about any water meter, conduit, pipe, or water cock in connection with the water supply to any building or premises, shall be made or caused to be made by any plumber or any person whomsoever, without first obtaining a written permit so to do from the commissioner of public works.

**1423. Water meter to be tested.]** No water meter shall be connected with the water supply pipes of any building or premises, until such meter shall be tested and approved by the commissioner of public works, and a special permit granted therefor.

**1424. Change in work—permit corrected.]** Wherever any material change is to be made in the plumbing work, beyond that specified in the permit therefor, the plumber is hereby required to give previous notice to the commissioner of public works, presenting the original permit for correction and record.

**1425. Water shut off—permit to turn on—penalty.]** Any plumber or other person who shall turn on the supply of water to any building or premises from which the supply has been shut off by the commissioner of public works on account of non-payment of water rate or for any other cause, or shall cause the same to be done without having first obtained a written permit for so doing, shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars for each offense.

**1426. Permits to be returned—report.]** All permits issued for any work to be done under the authority of this chapter shall be returned to the commissioner of public works within twenty-four hours after the work shall be completed, and such permits shall contain a written statement of the facts and the time the water was turned on for use, which shall be signed by such plumber.

**1427. Forfeiture of license.]** Any plumber whose license shall be declared forfeited by the mayor for a violation of any provision of this chapter shall not again be entitled to do work under this chapter unless said declaration of forfeiture shall be revoked by the said mayor.

## ARTICLE II.

### PLUMBING.

**1428. Permit for use of water.]** All applications for permits for the introduction or use of water shall be made in writing upon the printed forms furnished by the department of public works, the blanks to be specifically and properly filled in and signed by the owner or duly authorized agent of the owner, and no work whatever shall

be done in the street, or outside a building, by any plumber or other person until after the issuance of such permit. This restriction shall not prevent licensed plumbers or other persons from rendering assistance in case of accident to service water pipes occurring at night, or at any time requiring immediate action: Provided, however, prompt report shall be made at the department of public works and a permit for the occasion secured.

**1429. Tapping street main.]** No person except the tappers employed by the department of public works will be permitted under any circumstances to tap the street main, or insert stop-cocks or ferrules therein; all service cocks or ferrules must be inserted at or near the top of the street main, and not in any case nearer than six inches from the bell of the pipe; the size of the cock to be inserted shall be that specified in the permit.

**1430. Excavations in street.]** In making excavations in streets, alleys or highways for the laying of service pipes or making repairs or for any other purpose, the paving material and earth removed must be kept separate and deposited in a manner that will occasion the least inconvenience to the public, with provision for the passage of water along the gutter and a safe passage way for foot travel.

**1431. Lead pipe—weight.]** No lead pipe shall be used in any work done under the authority of a license issued by the city of Chicago, except such as is known to the trade as "strong," and must weigh as follows:

Half-inch internal diameter.....	$1\frac{3}{4}$	pounds per lineal foot.
Five-eighths in. internal diameter....	$2\frac{1}{2}$	“ “
Three-fourths in. “ “.....	3	“ “
One inch “ “.....	4	“ “
One and one-fourth in. internal diam.	$4\frac{3}{4}$	“ “
One and one-half in. “ “	6	“ “
One and three-fourths in. “ “	$6\frac{1}{2}$	“ “
Two inches “ “	8	“ “

No pipe shall be used for the purpose of street service of a different material or size than herein specified except by special permit.

**1432. Service pipe—joints.]** All service pipes leading from the street mains to the building line shall as far as practicable be laid in the ground to a depth of not less than five feet, and said pipe shall be laid in such manner and be of such surplus length as to prevent breakage or rupture by settlement, and all joints in said pipes must be of the kind termed "plumber or wiped joints." The connections of pipe by the so-called "cup-joint" is prohibited.

**1433. Stop and waste cocks.]** Every service pipe must be provided with a stop and waste cock for each consumer, easily accessible, placed beyond damage by frost and so situated that the water can be conveniently shut off and drained from the pipes.

**1434. Stop-cock—location and cover.]** Said stop-cocks unless otherwise specially permitted shall be connected to service pipes

within the sidewalk at or near the curb line of the same, and be inclosed in and protected by a cast iron box with a cover having the letter "W" of suitable size cast thereon; said iron box must be of form and dimensions satisfactory to the commissioner of public works and must extend from service pipe to surface of sidewalk, and be of proper size to admit a stop key for operating the stop-cock.

**1435. Single tap for several buildings—cocks.]** Whenever two or more distinct buildings or premises are to be supplied by means of branch or sub-service pipes supplied by a single tap in the street main, each branch must be independently arranged with stop-cock and box on the curb line in the manner above prescribed. All cocks used at the sidewalks by licensed plumbers shall be of the kind known as "round water way."

**1436. Opening and repair of streets—permit.]** Before filling the trench the service cock in the street main must be covered with a suitable cast iron box furnished by the city, the earth must be well rammed under the main, to a level with the top thereof, from thence the trench must be filled in layers of not more than twelve inches in depth, and each layer thoroughly rammed or puddled to prevent settlement. This work together with the replacing of sidewalks, ballast and paving shall be done in all cases by the city. A sufficient amount must be deposited with the city before issuing the permit for opening the street to cover this expense. In all cases where the street to be opened has been recently paved with blocks, sufficient of the paving must be removed so that the foundation boards or planks (if any), can be taken up without cutting. No permit shall be granted for the opening of any paved street for the tapping of mains or laying of service pipes, when the ground is frozen to a depth of twelve inches or more, except when in the opinion of the commissioner of public works there is a sufficient emergency to justify it.

**1437. Steam boilers—supply tank.]** Plumbers are prohibited from connecting pipes whereby steam boilers may be supplied with the water direct with city pressure. All such boilers shall be provided with a tank or other receptacle of sufficient capacity to hold at least six hours' supply, in case of a pipe district being shut off to repair mains or make connections or extensions. In such cases the city of Chicago will not be responsible for a lack of water for steam boilers or for any other purpose.

**1438. Pipes and traps—exposure of.]** In all buildings hereafter erected in the city of Chicago, and in all other buildings, already built or erected, wherein the plumbing shall be repaired or changed, the drain, soil and waste pipes and traps must be exposed to view for ready inspection at all times and for convenience in repairing. When necessarily placed within partitions or in recesses they must be covered with woodwork so fastened as to be readily removed. In no case shall they be inaccessible unless placed so in accordance with a written permit from the commissioner of health.

**1439. Sewer connections.]** Where sewer connections are not



extended to the level of the floor line, foot connections of soil and waste pipes shall be made with one-quarter or one-eighth long iron bends and an iron sewer cap, such as is in general use, shall be used to finish the construction. When the sewer is extended to the floor line an iron sewer cap shall be used to complete the construction.

**1440. Soil and waste pipe.]** Every vertical soil and waste pipe must be of iron, and it must extend above the roof at least twelve inches, and have a diameter of at least one inch greater than that of the pipe proper. But in no case shall it be less than four inches in diameter through and above the roof. The increaser must be placed at least one foot below the roof. No cap or cowl shall be affixed to the top of such ventilation pipe.

**1441. Soil, waste and vent pipes in extension.]** Soil, waste and vent pipes in an extension must be carried above the roof of the main building when otherwise they would open within twenty feet of the windows, doors or ventilators of the main or adjoining buildings.

**1442. Prohibited pipes.]** Horizontal soil, waste and vent pipes are prohibited. Where rows of fixtures are placed in line, angle fittings must be used on vent pipes to prevent the same filling with rust or condensation. Trapped vents are strictly prohibited. No ventilation pipe from the house side of any trap shall connect with any re-ventilation pipe, or with any sewer, soil or waste pipe. Branches on main vertical vent pipes, where there is more than one fixture, must be taken out above the top of highest fixture.

**1443. Waste or soil pipes—diameter.]** No soil pipe less than four inches in diameter shall be used. A vertical waste pipe into which a line of kitchen sinks discharge must be at least three inches in diameter, if receiving the waste of five or more floors, and shall have two-inch branches.

**1444. Waste or soil pipes—traps.]** There shall be no traps at the foot of soil or waste pipes.

**1445. Iron pipes—quality.]** All iron pipes (cast) must be sound, free from holes or cracks, and of the grade known in commerce as extra heavy. The following weights per lineal foot will be accepted as complying with this ordinance:

- 2 inches, 5½ pounds per lineal foot.
- 3 inches, 9½ pounds per lineal foot.
- 4 inches, 13 pounds per lineal foot.
- 5 inches, 17 pounds per lineal foot.
- 6 inches, 20 pounds per lineal foot.
- 7 inches, 27 pounds per lineal foot.
- 8 inches, 33½ pounds per lineal foot.
- 10 inches, 45 pounds per lineal foot.
- 12 inches, 54 pounds per lineal foot.

**1446. Iron pipe and fittings.]** All fittings used in connection with such pipe shall correspond with it in weight and quality. Tar or asbestos coated pipes shall be used.

**1447. Pipe joints, filling of.]** All joints on (cast iron) soil, waste and drain pipes must be so filled with oakum and lead and hand calked as to make them air tight.

**1448. Lead pipe connections.]** All connections of lead waste or vent pipes shall be made by means of wiped joints and brass solder nipples or combination ferrules. Wrought or cast iron nipples or ferrules shall not be used.

**1449. Trap protection.]** All traps must be protected from siphonage by special vent pipe. The vertical air pipe for traps of water closets in buildings more than four stories in height must be at least three inches in diameter, with two-inch branch for each water closet trap. This rule shall apply to all other fixtures, except that branches may be the same size as the trap, and the pipe may be reduced to two inches for the two lower stories. Vent pipes for water closets in residences must be two inches, with same size branches, and for other fixtures not less than one and one-half inches, with branches the same size as the trap. All re-vents may be connected with increaser just below roof.

**1450. Trap vent.]** No trap vent shall be used as a waste or soil pipe.

**1451. Safes under fixtures.]** All lead or other safes under fixtures shall be drained by special pipe and shall discharge into a sink or on the cellar floor; in no case shall the safe waste be connected with any waste, soil or drain pipe or sewer. The end of safe wastes shall be covered by flap-valves.

**1452. Overflow pipes.]** Overflow pipes from fixtures must be in each case connected on the inlet side of the trap.

**1453. Refrigerator drain pipe.]** The drain pipe from a refrigerator shall not be directly connected with any soil or waste pipe, nor with the drain or sewer, nor discharge upon the ground; it must discharge into an open or water supplied sink. Such drain pipe must be so arranged as to admit of frequent flushing, and must be as short as possible and disconnected from the refrigerator. The outlet must be covered by means of a metal flap-valve.

**1454. Boiler sediment pipe.]** The sediment pipe from a boiler must be connected on the inlet side of the sink trap.

**1455. Exhaust pipe.]** No steam, exhaust, blow-off, or drip pipe shall connect with the sewer or with any house drain, soil or waste pipe. Such pipes shall be discharged into a tank or condenser, from which a suitable outlet to the house drain shall be provided.

**1456. Water closets.]** Water closets shall not be placed in an unventilated room or compartment. In every case the room or compartment must be open to the outer air or be ventilated by means of an air duct or shaft. Interior water closets shall not be supplied from the city supply pipes direct. All water closets within the house shall be supplied from special tanks or cisterns, the water of which is not used for any other purpose. A group of water closets may be supplied

from one tank, but water closets on different floors shall not be supplied from one tank. In tenement houses there shall be a separate cistern for each water closet, excepting that in a cellar or unfinished basement the cistern may be dispensed with. One water closet shall be provided for each two families.

**1457. Water closet overflow.]** The overflow pipes from water closet cisterns may discharge into an open sink or where its discharge will attract attention and indicate that waste of water is occurring; but not directly into the soil, waste, drain, vent or sewer pipe. When the city pressure is not sufficient to supply these cisterns, adequate pumps must be provided.

**1458. Waste from fixtures.]** In no case shall a waste from any fixture be connected with any water closet trap or re-vent connection for the same.

**1459. Water closets outside of building.]** Where water closets are placed outside of buildings the chief inspector must be notified before work is started. Water closets, when placed in the yard, must be separately trapped and so arranged as to be conveniently and adequately flushed, and their water supply pipes and traps must be protected from freezing. The compartment for such water closets must be ventilated by means of slatted openings in the doors and roof.

**1460. Closets, sinks, etc.—trapping.]** Every water closet, urinal, sink, basin, bath-tub and every set of wash trays, tub, or set of tubs must be effectively and separately trapped. When floor washes are connected it must be by means of a deep seal trap. Traps on bath-tubs must be placed in such a manner that the clean-out will be in plain view and above the floor.

**1461. Traps—location of.]** Traps must be placed as near the fixture as possible, and in no case shall a trap be more than two feet from said fixture.

**1462. Re-vent dispensed with, when.]** Where a single water closet or other plumbing fixture is located in a building and has an independent soil or waste pipe of undiminished size, from ground (in building) to roof, the re-vent may be dispensed with: Provided, the trap of said fixture is located not more than five feet from the said soil or waste pipe, and that no other fixture on the floors above or below is connected or will be connected into any pipe from the said single fixture; Provided, further, that a non-siphoning trap, tested and approved by the chief inspector, shall be used for such work.

**1463. Re-vent branched to soil pipe, when.]** Where two or more plumbing fixtures having an independent soil or waste pipe of undiminished size from ground in building to roof, are located on one floor, the re-vent pipe from the said fixtures may be branched into the soil or waste pipe, three feet above the floor on which the fixtures are located; Provided, that no fixture or fixtures on the floors above or below are connected or will be connected into the soil, waste, vent or re-vent of the said fixtures; Provided, further, that no fixture re-

vented under this rule shall be more than eight feet from the main soil or waste pipe.

**1464. Pipes—quality and location.]** In all plumbing hereafter constructed, vent and re-vent pipes shall be cast iron or heavy seamless wrought iron pipe, galvanized inside and out. Soil, waste, rain and other pipes located within the building, and connected or to be connected to sewer, drain or catch basin, shall be carried to a point not less than two feet outside of the building. Hand holes shall be placed at each change of direction.

**1465. Pan closet.]** Pan closets will not be allowed in any building.

**1466. Ventilators.]** No brick, sheet metal, earthenware or chimney flue shall be used for a sewer ventilator, or to ventilate any trap, soil or waste pipe.

**1467. Cistern valves.]** The valves of cisterns shall be so fitted and adjusted as to prevent waste of water.

**1468. Yards and areas, drains.]** Yards and areas shall be properly graded, cemented, flagged or well paved, and properly drained. When the area drains are connected to the house drain they must be effectively trapped and protected by means of back water valves.

**1469. Tanks for drinking water.]** Tanks for drinking water, if indispensable, must not be lined with zinc or galvanized iron. They shall be constructed of wood or iron or may be lined with planished copper. The overflow pipes shall discharge upon the roof or be trapped and discharge into an open sink; but never into any soil, waste pipe, water closet trap, drain or sewer. Discharge pipes from such tanks shall not be so constructed as to discharge into any sewer, connected soil or waste pipe.

**1470. Rain water leaders.]** Rain water leaders shall not be used as soil, waste or vent pipes; nor shall any soil or vent pipe be used for a rain pipe. Where the leader opens near windows or light shaft it must be properly trapped far enough below the surface to prevent freezing. The joint between leader and roof shall be air-tight. Sheet metal or slip joints shall not be allowed inside of any building.

**1471. Wash trays--sinks.]** Wooden wash trays and sinks shall not be permitted inside of any building; they shall be of non-absorbent material.

**1472. Catch basin.]** No catch basin shall be allowed in any building.

**1473. Test of work -- defects corrected.]** When required by the commissioner of health all plumbing work must be tested by such test as the department of health decides upon and in the presence of the inspector. Defective pipes must be removed and all defective work made good and to conform to the provisions of this chapter, and no further permit shall be issued to the person, firm or corporation in default until this section shall have been fully complied with.

**1474. Special permit.]** Special permits shall be issued by the

chief inspector only. Where a special permit is used the location must be inspected before work is commenced.

**1475. Inspection notice.]** The commissioner of health shall be notified in writing when work is ready for inspection.

**1476. Penalty — revocation of license.]** Any person or persons or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine of not exceeding two hundred dollars, nor less than twenty-five dollars, for each offense, and a further penalty of twenty-five dollars for each day such violation shall be allowed or suffered to continue. And after the first fine shall have been imposed upon any person or persons having a plumber's license from the city of Chicago for any violation of any of the provisions of this chapter, the mayor may revoke the license of any such person or persons.

## CHAPTER LI.

### POLICE.

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#### ARTICLE I.

##### SUPERINTENDENT OF POLICE.

**1477. Department created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of police, and shall embrace the superintendent of police, an assistant superintendent of police, a secretary of the department of police, a secretary to said superintendent, one inspector of police for each police division, one captain of police for each police district, and such number of lieutenants, sergeants, detective sergeants, sergeants of detectives, desk sergeants, patrolmen, clerks, photographers, telegraphers, and veterinary surgeons as has been, or may be, prescribed by ordinance.

**1478. Superintendent—term of office.]** There is hereby created the office of superintendent of police, who shall be the head of said department of police, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**1479. Appointment.]** Said superintendent of police shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**1480. Bond.]** He shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of twenty-five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**1481. Management of department—appointment of members.]** The superintendent shall have the management and control of all matters relating to the department, its officers and members; and with the consent of the mayor, he shall appoint all officers and members of said department; Provided, that all captains shall be appointed from members of the police serving as lieutenants, all lieutenants from members serving as sergeants, and all sergeants from members serving as patrolmen.

**1482. Removal and reduction of members.]** Said superintendent shall have power to remove from the police force any police patrolman; and, with the concurrence of the mayor, he may remove, or reduce in rank any officer or member of said department.

**1483. Custody of property.]** Said superintendent shall have the custody, care and control of the public property, subject to the direction of the city comptroller, and of all fire arms and military equipments, books and records belonging to said department.

**1484. Duty to preserve peace, etc.]** He shall devote his whole time to the municipal affairs of the city of Chicago, to preserve the peace, order, safety and cleanliness thereof, and to this end he shall execute and enforce all ordinances and orders of the city council, and the orders of the mayor.

**1485. Duty to protect persons and property.]** He shall be charged with the duty of protecting the rights of persons and property, providing a proper police force at every fire, protecting strangers and travelers at steamboat landings and railway stations, and causing to be enforced all ordinances of the city.

**1486. Duty to abate nuisances, etc.]** He shall take notice of all nuisances, impediments, obstructions and defects in the streets, avenues, alleys and public places of the city, and shall remove the same, or cause immediate notice thereof to be given to the proper officer whose duty it may be to take measures in relation thereto, according to the ordinances of the city.

**1487. Divisions, districts, etc. — rules and regulations.]** Said superintendent shall, from time to time, divide the city into police divisions, districts, and precincts, and assign inspectors, captains and lieutenants of police respectively to such divisions, districts and precincts, and he may establish a station or sub-station in any precinct for the accommodation of the police force on duty therein. All regulations and orders of the department of police shall be promulgated through the superintendent.

**1488. Rules and regulations—penalties.]** All subordinate officers and members of said department shall be subject to such rules and regulations as shall be prescribed from time to time by said superintendent. A reasonable forfeiture of pay may be imposed by the rules and regulations for any neglect of duty or misconduct on the part of any member of said department.

**1489. Special patrolmen.]** The superintendent may, in times of peril, danger, riot, or pestilence, or apprehension thereof, or with the written consent of the mayor, during any public election or celebration, appoint for a specified time as many special patrolmen from among the citizens of Chicago as he may deem necessary, and during the term of service such special patrolmen shall possess all the powers and privileges and perform all the duties of patrolmen of the standing police force of the city.

**1490. City employes—special policemen.]** He may appoint persons of suitable character, who may be in the employment of the city in other branches of the city government, as special policemen; but such persons so appointed shall receive no additional pay for their services as such special policemen. Such policemen shall possess

the same powers as the regular police patrolmen, and shall be subject to all the rules and regulations governing the police force.

**1491. Special patrolmen for special duty.]** He shall have power, on the application of any person or persons showing the necessity therefor, to appoint and swear in any additional number of special patrolmen to do special duty at any fixed place within the city, at the charge and expense of the person or persons by whom the application is made, and shall keep a correct list of all persons so appointed. He shall issue a special certificate of appointment to each of said special patrolmen and shall, upon receiving a deposit sufficient to cover the cost thereof, provide them with suitable badges which shall be worn by them while on duty, and be returned to said superintendent upon the termination of their appointment.

**1492. Special patrolmen—duties and powers.]** Persons so appointed shall conform to and be subject to all rules and regulations governing the police force of the city, and to such special rules and regulations as the superintendent may make concerning such police patrolmen. They shall possess all the powers, privileges and duties of the regular police patrolmen, at the places for which they are respectively appointed, and may be removed or discharged from service at any time by the superintendent, without assigning any cause therefor.

**1493. Custodian of stolen property.]** The superintendent shall designate some member of the police force as custodian of the property seized or taken by the police, who shall keep a record of the same as therein provided, and may sell the same at public auction, after due notice, under and pursuant to such general orders and regulations as the superintendent of police shall prescribe. The proceeds of such sales, after deducting the cost of storage, advertising, selling, and, in cases of animals, their keeping, shall be paid over to the superintendent, to be by him paid into the city treasury.

**1494. Bonds of subordinates.]** Said superintendent shall require good and sufficient bonds to be given by all subordinate officers and employes in said department who shall receive or have the care, custody or handling of any moneys or property belonging to the city of Chicago; which said bonds shall be approved by the mayor.

**1495. Uniforms and badges.]** The superintendent shall make suitable regulations, under which the officers and men of the department shall be required to wear any appropriate uniform and badge, by which, at all times, the authority and relations of such officers and men in said department may be known, as the exigency of their duties may require.

**1496. Charges preferred—reduction—discharge.]** The superintendent, when charges of incompetency, lack of energy or judgment, are preferred and proven against any police officer holding any position above the grade of patrolman, may, in his discretion, reduce such officer to any lower position upon the police force which he may deem



the said police officer competent to fill; but otherwise, when either of said charges are proven against such officer, he shall be discharged from the police force.

**1497. Trial and discipline of officers, etc.]** The superintendent of police shall hear and determine all cases for the violation of any rule, regulation or order of said department, or other breach of discipline, and shall have power to punish the offending party by reprimand, forfeiture, and withholding pay for a specified time, or dismissal from the force; but no more than ten days' pay shall be forfeited and withheld for any offense.

**1498. Violation of rules--complaint.]** The superintendent of police may prefer written charges, without oath, for any violation of the police rules, regulations or orders, against any police officer or patrolman upon the regular police force, upon his own knowledge, or upon written information communicated to him by any member of the police department.

**1499. Suspension pending charges.]** During the pending of charges against any police officer or patrolman upon the police force, the superintendent may suspend from duty any such officer or patrolman until such charges can be examined.

**1500. Records of department.]** The superintendent shall cause to be kept books of record of the police force, of persons arrested for offenses, of complaints against policemen, and the judgment of the superintendent thereupon; of time lost by patrolmen; of accounts of moneys received and expended, and for what purposes expended; of suspected persons and places, and of all property placed in his charge; and such other books and records as shall be required by the business of the department.

**1501. Annual estimate.]** The superintendent shall prepare and submit to the comptroller, on or before the first day of February of each year, an estimate of the whole cost and expense of providing for and maintaining the department of police of the city during the current fiscal year, which estimate shall be in detail, and shall be laid by the comptroller, with his (the comptroller's) views thereon, before the city council, at the same time with the comptroller's annual estimate.

**1502. Quarterly report.]** The superintendent shall make quarterly reports to the city council, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the improvement of the police force, its discipline and government. He shall make like reports to the mayor and comptroller whenever requested.

**1503. Police fund--payments from.]** All moneys hereafter to be paid to any person or persons out of the police fund shall be certified by the superintendent to the comptroller, and if the said comptroller shall approve of the same, he shall draw his warrant on the treasurer therefor.

**1504. Enforcement of department orders.]** It shall be the

duty of the superintendent of police to cause to be executed all orders of the commissioner of health, so far as they may relate to the preservation of the health of the city. He shall also execute all orders of the commissioner of public works for the protection of the streets, alleys, sidewalks, bridges and viaducts of the city; and shall, upon such order, arrest any and all persons, not in the employ of the city, who may be found obstructing or interfering with the same without a written permit from said commissioner.

**1505. Office clerks.]** He may detail not exceeding two of the police force to act as clerks in his office, and such clerks shall be allowed such extra compensation as he and the comptroller may agree upon.

**1506. Rules and regulations.]** He shall furnish each member of the police department with a copy of the rules and regulations prescribed by him for the government of the department.

## ARTICLE II.

### SECRETARY OF THE DEPARTMENT.

**1507. Secretary's duty.]** There shall be in the office of the department of police a person to be denominated secretary of the department of police, whose duty it shall be to preserve and keep all books and papers belonging to said department, or which are required by law to be filed therein. He shall deliver to the city council, and to the respective departments, all communications in writing from the said superintendent, and shall attend in the office of said department during the usual office hours, and do and perform such other services as may be required by said superintendent, or the ordinances of the city.

## ARTICLE III.

### DEPARTMENT OF POLICE.

**1508. Police duties.]** The several members of the police force of the city of Chicago when on duty shall devote their time and attention to the discharge of the duties of their stations according to the laws and ordinances of the city and the rules and regulations of the department of police; and it shall be their duty to the best of their ability to preserve order, peace and quiet and enforce the laws and ordinances throughout the city.

**1509. Power of arrest.]** They shall have power to arrest all persons in the city found in the act of violating any law or ordinance or aiding and abetting in any such violation, and shall arrest all persons found under suspicious circumstances, and shall take all such persons so arrested to the place designated by such ordinances, rules and regulations.

**1510. Service of process.]** They shall have power and authority, and it shall be their duty, in the city, to serve and execute warrants and other process for the apprehension and commitment of persons charged with a violation of any city ordinance, or any crime, or misdemeanor, or offense against the laws of the city or state, or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any law or ordinance of the city; and they shall also have power and authority, and it shall be their duty to serve and execute any civil process issued by any police court or justice of the peace in any case in which the city is a party; and while serving or executing or assisting in the service or execution of any such warrant or process, they shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of this state.

**1511. Police to aid firemen.]** It shall be the duty of members of the department of police to aid the fire department by giving alarms in case of fire, and in clearing the streets or grounds in the immediate vicinity of the fire, so that the members of the fire department shall not be hindered or obstructed in the performance of their duties.

**1512. Property seized—delivery and report.]** It shall be the duty of every officer of police, and every policeman and detective, to report to his superior officer, and deliver to him, all property seized or found by them, immediately after the same shall have come into their possession, and said officer shall report the same to the superintendent; which property, with the date of delivery and description of the same, and the name of the officer, detective or policeman depositing the same, shall be entered in a book kept for that purpose, by the custodian having the custody of such property, who shall be held responsible for the same.

**1513. Excavations in streets.]** It shall be the duty of all officers and all policemen of the department on observing or being informed of the opening of or excavating in any street or avenue to require the person making such opening or excavation to exhibit the authority or permission for such opening; and, if none has been given by the proper officer, or if the exhibition thereof be refused, said officers or policemen shall without delay report the same to the commissioner of public works.

**1514. Badge.]** Every member of the department of police shall wear a suitable badge to be furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it, and whenever any member shall leave the department, he shall immediately deliver his badge to the superintendent.

**1515. Misconduct—penalty.]** Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city or the rules and regulations of the department of police, or who shall in the discharge of his official duties be guilty of any fraud, extortion, oppression, favoritism or wilful wrong or

injustice, shall forfeit and pay a penalty not exceeding one hundred dollars for each offense.

**1516. Disabled policemen—salary.]** Any member of the police department receiving injury or becoming disabled while in the discharge of his duties, so as to prevent him from attending to his duties as such member, shall, for the space of twelve months, provided his disability shall last that time, receive his usual salary. The fact of such disability, and its duration, shall be certified by the city physician, or such other evidence as the superintendent may require.

**1517. Rewards prohibited.]** No member of the department of police shall, for his own benefit, share in any present, fee, gift or emolument, for police services, additional to his regular salary or compensation.

**1518. Rewards — when allowed.]** The superintendent, for meritorious service rendered by any member of the police force in the due discharge of his duty, may permit such member to retain for his own benefit, any reward or present tendered him therefor; and it shall be cause of removal for any member of the force to receive any such reward or present, without notice thereof to the superintendent.

**1519. Unexplained absence — resignation.]** Unexplained absence, without leave, of any member of the department for five days, shall, at the option of the superintendent, be deemed and held to be a resignation by such member, and accepted as such.

**1520. Removal—no re-appointment—resignation.]** No person who has ever been removed from the police force shall be again appointed to any position upon such force, and no person shall resign any position on the police force, except upon one week's notice, in writing, given to the superintendent. Any person withdrawing without leave from said police force shall forfeit all back pay, and shall be ineligible thereafter to any position upon said force.

#### ARTICLE IV.

##### SPECIAL PROVISIONS.

**1521. Impersonating an officer.]** Every person who shall falsely assume or pretend to be a policeman or a member of the department of police of this city, or who shall, without being a member of the department of police of this city, wear in public the uniform adopted as the police uniform, shall be fined not less than ten dollars nor more than one hundred dollars.

**1522. Counterfeiting badge, etc.]** Every person who shall knowingly and wilfully counterfeit or imitate or cause to be counterfeited or imitated, or who shall use any badge, sign, signal or device, adopted and used by the department of police, with intent to deceive or defraud, shall be fined not less than ten dollars nor more than one hundred dollars.

**1523. Resisting policeman--rescue.]** Every person who shall resist any member of the police force in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty as such member or shall offer or endeavor to do so, and whoever shall in any manner assist any person in custody of any member of the police force to escape or attempt to escape from such custody, or attempt to rescue any person in custody shall be fined not less than ten dollars nor more than one hundred dollars.

**1524. Control of cabs, etc.]** Hackmen, cabmen, omnibus drivers, draymen, porters, runners and other persons when at or about any railroad depot or station, or steamboat or canal boat landing, or other public place in the city, shall obey the commands and directions of the police officer or officers who may be stationed or doing duty on or about such depots or stations or landings or other places, for the preservation of order and enforcing the ordinances. Whoever shall refuse to obey the commands and directions of a police officer as aforesaid shall be fined not exceeding twenty dollars.

**1525. Railway passes for ununiformed police.]** Each street railway company operating or conducting a horse railway, cable railway, electric railway or elevated railway in the city of Chicago, shall furnish on the first day of each and every year hereafter, to the superintendent of police, for the use of each and every member not in uniform of the police department, a pass or ticket book for the free carriage of the holder thereof over and on its lines.

**1526. Regulations for passes.]** Said passes or ticket books shall be numbered to correspond with the number on the star or badge of the member of said police department to whom such pass or ticket book is issued, and shall be countersigned by the superintendent of police and also by the inspector of the division to which the said member holding and using said pass or ticket book is stationed or assigned.

## ARTICLE V.

### MAYOR'S POLICE.

**1527. Duties of mayor's police.]** The mayor is hereby authorized and empowered to appoint not to exceed four men, who are qualified by law to act as police officers, to be known as the mayor's police, whose duty shall be to look after and to prosecute any person or persons who shall vend or dispose of any article or thing of any kind whatsoever without first having obtained legal permission so to do, or who shall in any manner violate the ordinances of the city of Chicago; and to discharge such other duties as the mayor may direct.

**1528. Compensation.]** The person or persons so appointed shall receive the same compensation as is paid to patrolmen, to be paid out of the contingent fund of said city, and may be dismissed by the mayor.

**1529. Report of appointment.]** It shall be the duty of the mayor to report the appointments made in accordance with the provisions of the preceding section of this article to the superintendent of police, who shall legally empower the person or persons so appointed to discharge the duties of a police officer.

## ARTICLE VI.

### MATRONS.

**1530. Matrons — appointment — removal.]** The mayor shall appoint one matron to each of the several division police stations of the city, and he may remove said matrons, or either of them, at his pleasure, unless otherwise provided by law, and shall appoint others in their stead, and shall fill all vacancies that may occur.

**1531. Salary—how fixed and paid.]** The salary to be paid to each matron shall be fixed annually by the city council, and shall be paid out of moneys appropriated for the maintenance of the police department of the city.

**1532. Duties.]** Said matrons shall have charge of all female prisoners in their respective station houses, under the supervision of the captain of police, and, in the transaction of their duties, may call to their aid the officer in charge of the station in which they are respectively employed. The matron in charge at any station may assign to separate cells or dormitories, subject to the direction of the captain of police, such female prisoners as are first offenders and those whom she may believe to be worthy of separation from those who are frequent offenders or are vicious or disorderly. She shall examine into the antecedents and cause of arrest of all such prisoners so separated, and if, in her opinion, it is best in any case that the prisoner be restored to her family or to the care of her friends, or be transferred to a hospital or other public or private institution for the care or reformation of females, she shall make a statement in writing of the facts in such case, and recommend to the police justice such action as she may deem proper; but in all such cases the officer who has made the arrest shall be heard in answer to such statement.

**1533. Prohibited communication.]** Matrons are hereby prohibited from carrying messages or doing any business for any prisoner, other than is necessary for their temporal welfare, without the consent of the captain of police in each case, nor shall they converse with such prisoners as are detained upon the charge of felony, only so far as necessary for their personal comfort or necessities, without the consent of said captain of police. Said matrons are prohibited from conversing with prisoners for the purpose of assisting in the discovery of crime or the arrest of criminals.

**1534. Matron's record and report.]** Each matron shall keep a record of the cases she reports to the police justice, giving the name

and age of the prisoner, the offense for which the prisoner was arrested, the reasons for asking clemency from the court, and the action of the police justice in the case, and shall make a weekly report thereof to the superintendent of police, giving a transcript from such record of all such cases.

**1535. Rules and regulations.]** The superintendent of police shall, from time to time, make such rules, regulations and orders as he may deem necessary to successfully carrying out the purposes of this article, and said matrons shall be governed by the same.

## ARTICLE VII.

### HUMANE SOCIETY—SPECIAL POLICE.

**1536. Appointment, removal.]** The superintendent of police shall have power, upon the application in writing of the Illinois Humane Society, to appoint and swear in not to exceed twenty-five special policemen, whose names and addresses shall be set forth in such application; Provided, the persons so to be appointed shall be recommended by the president of said Illinois Humane Society. The superintendent of police shall keep a correct list of all persons so appointed by him, and he may remove or discharge any of the persons so appointed, at any time, without assigning any cause therefor, and he may appoint other persons, upon similar application and recommendation, to take the place of the person or persons so removed or discharged.

**1537. Duties—powers.]** The special policemen so appointed shall be particularly charged with the duty of enforcing the ordinances of the city of Chicago relating to cruelty to children and other persons and cruelty to animals. They shall comply with and be subject to all the rules and regulations prescribed by the superintendent of police for the government, control and duties of such special policemen. They shall also perform such other special and temporary police duties as may, in emergency cases, be required by the superintendent of police, or other police officer, or as may be required by the rules and regulations so prescribed. They shall, in the performance of such duties, have all the powers and privileges of patrolmen of the standing police force of the city.

**1538. Compensation.]** The power hereby conferred upon the superintendent of police to appoint such special policemen, and the appointment of such special policemen, shall be upon the condition that the city of Chicago shall not be liable in any way for the compensation of any of such special policemen, and on condition that such compensation shall be provided by said Illinois Humane Society.

## CHAPTER LII.

### POLICE COURTS.

**1539. Establishment of.]** Hereafter the city council may establish as many police courts as shall from time to time be required.

**1540. Names of courts.]** The several police courts already established shall be known and designated as follows, viz.:

The courts now held at the Harrison street police station, as Police Court No. 1 of the first district, and Police Court No. 2 of the first district.

The courts now held at the Maxwell street police station, as Police Court No. 1 of the second district, and Police Court No. 2 of the second district.

The courts now held at the Desplaines street police station, as Police Court No. 1 of the third district, and Police Court No. 2 of the third district.

The courts now held at the West Chicago avenue police station, as Police Court No. 1 of the fourth district, and Police Court No. 2 of the fourth district.

The court now held at the East Chicago avenue police station, as the Police Court of the fifth district.

The courts now held at the police station at the corner of Thirty-fifth and Halsted streets, as Police Court No. 1 of the sixth district and Police Court No. 2 of the sixth district.

**1541. Appointment of officials.]** The mayor, by and with the consent of the city council, shall, on the first day of May, 1897 (or as soon thereafter as may be), and biennially thereafter, designate as many justices, police court clerks and police bailiffs as shall be necessary to allow to each police court established one justice, one clerk and one bailiff.

**1542. Qualification of justices, sessions of court.]** The justices so designated shall be justices of the peace in the city of Chicago; and when so designated and qualified, shall hold two sessions of court daily, Sunday excepted, one in the morning and one in the afternoon; and one of said courts in each of the three divisions of the city shall be in continuous session.

**1543. Docket of causes heard.]** Each of the several justices of the peace who may be designated to act at the different police courts of the city shall keep a daily list of all cases tried or disposed of before him upon blank forms to be furnished by the city comptroller (independent of a similar list kept by the clerk), and shall note upon said list what disposition was made or steps taken in each and every case, and shall append his official signature thereto; the justice to keep said list in his custody until disposed of as hereinafter provided.



**1544. Daily report to comptroller.]** Each of the said justices shall, at the close of each day's business of court, carefully enclose the said list of cases in an envelope to be provided by the city comptroller, and shall properly seal the same, and sign his name across the sealed face of the envelope with an endorsement thereon of the contents of such envelope, which said envelope shall at once be delivered to the police officer in charge of the police station at or nearest to which such session of the court may be held, and such officer shall cause such envelope to be delivered to the city comptroller within one day after such officer may have received the same, and if delivered by messenger, such messenger shall be a police officer, and an endorsement shall be made upon said envelope of the name of the messenger, and such messenger shall give a receipt to the officer in charge of the said police station for such envelope and shall return to the officer in charge of such station a receipt from the city comptroller for such envelope.

**1545. Compensation of officers—fees paid to city.]** The said justices, clerks and bailiffs shall be compensated by salary, to be fixed by the city council, for doing the business of said police court, in lieu of any and all other compensation or fees whatever accruing from the business to be disposed of, and they shall not enter upon the performance of their duties unless they first sign and execute an express relinquishment in writing, in favor of the city, of all fees, emoluments or compensation whatever, other than what may be provided by a salary, to be fixed, as aforesaid, by the city council, and such relinquishment shall be filed in the comptroller's office; said justices so appointed as police magistrates shall have no other office or place of business, and shall devote their whole time to their duties as such magistrates, and shall not hear or in any way entertain any civil suit or procedure or any business whatever, except such as shall regularly come before them as such magistrate. Said justices so appointed, as aforesaid, shall account for and turn over to the city of Chicago all moneys received by them for the issuing of all writs and processes, the making of all orders and the approval of all bonds, and all moneys received by them for any duty or act performed by them as such police magistrates shall be paid into the city treasury. For a failure to pay over such fees, costs and moneys so received, the mayor shall remove such justice from office as police court magistrate.

**1546. Clerks' bond.]** The police court clerks of the several districts of the city shall give bonds to the city of Chicago with one or more sureties, to be approved by the mayor and city comptroller. Said bonds shall be for such amounts as shall be deemed necessary by the mayor and comptroller, and be conditioned for the faithful discharge of their duties as police court clerks, and for the payment to the city treasurer of all moneys received and collected as such clerks.

**1547. Deputy clerks and bailiffs — appointment and re-**

**moval—bond.]** Deputy police court clerks and deputy police court bailiffs may be appointed by the city comptroller when necessary, in which case the said deputies shall each give a bond to the city in the sum of three thousand dollars, with one or more sureties, to be approved by the mayor and comptroller, for the faithful discharge of the duties of the office. Such deputy clerks and deputy bailiffs may be removed at any time by the comptroller.

**1548. Absence of clerk—filling vacancy.]** In case of the temporary inability or absence of the clerk, or in case of a vacancy in said office, and when there is no deputy, the police court justice may appoint some competent person to discharge the duties of the office until the vacancy is filled.

**1549. Clerk's docket.]** It shall be the duty of each police court clerk to keep a full and complete docket of all cases brought before the justice for such court, showing how each case has been tried or disposed of, and the amount of all forfeitures, penalties and fines assessed or punishments fixed, with the fees and costs therein.

**1550. Clerk's daily list — reports.]** The clerk shall also keep a daily list of all cases tried or disposed of in court, upon blanks to be furnished by the city comptroller (such blanks to be properly numbered and to correspond with the blank kept by the justice), and shall note upon said list the disposition made in each case, and the amount of money received or steps taken to enforce satisfaction of the judgment, whether by the issuance of an execution to the bailiff or otherwise; said clerk shall make oath to the correctness of said daily list, and shall deliver the same to the city comptroller at the close of each day's business, or as soon thereafter as practicable, and not later than the following day.

**1551. Clerk to collect fines, etc.— pay over daily.]** It shall also be the duty of the clerk to collect and receive payment of all fines, fees, penalties and forfeitures and of all judgments, and to collect and receive all moneys accruing from all cases tried or disposed of in court, of whatever nature, and to pay the same over within one day in full to the city treasurer, and to pay over all costs or fees paid in cases appealed from, except the fees paid for the clerk of the criminal court; and he shall take a receipt and duplicate receipt and file said duplicate with the city comptroller.

**1552. Witness fees taxed.]** Witness fees in all cases in the police court in which the city is party shall be taxed and collected only when demanded or claimed by the witness at the time of the trial; and no witness shall be allowed more than one fee for any one day's attendance, nor shall any witness fee be taxed in any case in favor of any member of the police force. All witness fees when collected shall be paid into the city treasury for the benefit of such witnesses. It shall be the duty of the clerk to deliver to each witness who is entitled to receive from the city any witness fee a certificate thereof, showing the name of such witness, the suit in which he testified, and the amount to which he is entitled.

**1553. Witness fees — payment.]** The comptroller shall draw his warrant on the treasury, on presentation of said certificate, in favor of the party entitled to such fee; Provided, the same be presented within one week after the filing of the daily report referring to said certificate, herein required from the clerk of said court.

**1554. Clerk's failure to pay or report.]** In case of the failure of any police court clerk to make his report to the city comptroller or pay over said moneys as herein required a notice shall be served on him by the comptroller allowing him not more than three days to make such returns and pay over all moneys received; and in case of the failure of said clerk to comply with said notice to the satisfaction of the comptroller, the comptroller shall immediately suspend him from office and appoint a substitute, and in case said clerk shall fail to comply with the orders and directions of the comptroller within ten days, then such suspension shall be reported to the mayor, who shall remove such clerk and immediately appoint a successor to fill the unexpired term by and with the advice and consent of the city council.

**1555. Bailiffs sworn in as policemen—duties.]** Said police court bailiffs shall be sworn in as policemen, and shall possess all the power and authority of constables at common law and under the statutes of this state. Said bailiffs shall, besides doing ordinary court duty, take charge of all executions issued to them by the justices presiding at their several police courts and justices of the peace in their respective districts, and shall see to the collection of the same. In all cases where a defendant is present at the police justice's court and a fine imposed and an execution issued to the bailiff by the clerk of such justice's court held at the police station, said bailiff shall be responsible to the city of Chicago for the amount of said fine and the costs thereon, and shall pay the same in full, except in such cases where it may appear that judgment and execution has been otherwise lawfully canceled or appealed from, or the defendant is sent to the house of correction.

**1556. Bailiff's bond.]** The police court bailiffs shall give bonds to the city of Chicago, with one or more sureties to be approved by the mayor and comptroller. Said bonds shall be for such amounts as shall be deemed necessary by the mayor and comptroller, and be conditioned for the faithful performance of their duties as police court bailiffs, and for the payment to the city treasurer of all moneys received and collected by them, and for the payment of all moneys for which they are made responsible by the provisions of the ordinances of the city of Chicago.

**1557. Bailiff's misconduct—suspension—removal.]** For any misconduct or neglect of duty, or for the failure to comply with the requirements of any provision of the city ordinances concerning court bailiffs, the said bailiffs shall be subject to removal from office by the mayor, and in case of the failure of any bailiff to comply with the provisions of this chapter, or of any ordinance of the city concerning such bailiffs, the city comptroller shall immediately suspend said bailiff from office, and designate a fit and competent

police officer to temporarily discharge the duties of bailiff; and in case such bailiff does not comply with the provisions of this chapter, or any ordinance of the city concerning such bailiffs, within ten days after such suspension, then the mayor shall remove such bailiff from office and appoint a successor by and with the advice and consent of the city council.

**1558. Clerk or bailiff — suspension and removal for other derelictions.]** The comptroller may at any time suspend from office any police court bailiff or clerk for a failure to comply with any ordinance relating to the duty of such clerk or bailiff in other cases than those herein specially provided for, and in case such clerk or bailiff, so suspended, does not comply with the orders and directions of the comptroller within ten days after such suspension, then the comptroller shall report such suspension to the mayor, and the mayor shall thereupon remove such clerk or bailiff and appoint a successor by and with the advice and consent of the city council.

**1559. Salary ceases on suspension.]** When a clerk, deputy clerk, bailiff or deputy bailiff has been suspended from office, his salary shall cease from the date of such suspension, unless after proper investigation he be reinstated, in which latter case he shall receive such compensation (not to exceed the amount of his salary for the time of his suspension) as to the comptroller may appear just.

**1560. Take receipt for refunded fine.]** When a fine or judgment has been paid to the clerk or bailiff and is subsequently refunded by order of the court or other proper authority, said clerk or bailiff shall take a receipt and duplicate receipt for the money from the person receiving the same, in a book provided for that purpose, and shall return the duplicate receipt to the comptroller.

**1561. Discrepancy in report—comptroller's duty.]** It shall be the duty of the comptroller to have the clerk's reports and bailiff's reports properly checked and compared with the justice's reports not later than thirty days from the date thereof; and if any discrepancy, error or unexplained alteration appears in any of the said reports, the same shall immediately be reported to the clerk or bailiff who seems primarily responsible for the same, and in case he cannot or does not correct or explain the said discrepancy, error or alteration to the satisfaction of the comptroller, the comptroller shall then suspend such clerk or bailiff from office, as provided by the ordinances of the city.

It shall be the duty of the comptroller to have the justice's sheets, clerk's reports and bailiff's reports properly bound and kept on file at his office.

The comptroller, when necessary, may call upon the law department for such advice and assistance as he may require in checking up the said police court reports and accounts.

**1562. Bailiff's record of executions, etc.]** The several police bailiffs shall keep in books to be furnished by the city comptroller, a full and accurate account and docket of all executions and procedendos

which may come into their hands, showing the names of defendants, date and number of executions and procedendos, amount of fines or penalties imposed, and what disposition, if any, has been made of the same.

**1563. Bailiff's weekly report.]** Said police bailiffs shall make a written report to the city comptroller every Monday of each week of all executions placed in their hands for collection during the preceding week (save and except those sent to the House of Correction), with the name of party, number of execution, amount of fine, penalty and costs, together with the reason why said person was not sent to the House of Correction.

**1564. Bailiff's monthly report.]** The police bailiffs shall, at the close of each and every month, make a written report to the city comptroller of all moneys collected by them, and of all cases and executions in their hands that were collected and disposed of during the month, with the name of party, number of execution and amount of fines, fees and forfeitures collected or otherwise disposed of, and shall make said report and statement under oath before some competent officer that such statement is a fair and correct report of the dispositions of such cases, and of the moneys received and collected by them during the month.

**1565. Special bail—amount—condition.]** Any person, or persons, arrested for the violation of any city ordinance, shall have the right to release himself or herself from such arrest by giving special bail in double the amount of the highest fine which can be imposed for the claimed violation, conditioned for his or her personal appearance at the next regular session of the police court to be held in the district where the arrest was made.

**1566. Surety must be householder—form of bond.]** No person shall be taken as surety on a special bail bond for any person arrested for the violation of a city ordinance who shall not be a householder within the city of Chicago, and the said surety shall stipulate in said bond that he may be held by the city of Chicago to answer, pay and discharge any judgment which may be rendered against the principal on said bond in case the said principal fails to satisfy the same.

**1567. Approval of bond—qualification of surety—forfeiture.]** No special bail bond shall be taken, accepted or approved except by a justice of the peace, and the principal and surety on said bond shall in all cases personally appear before said justice, and sign the said bond in his presence; and when so signed, and before the approval of said bond by the justice, the surety thereon shall in all cases qualify under oath, according to law and the requirements as set forth upon said bond, which said bond shall be furnished by the city comptroller to each of the police courts in the city of Chicago, and no other form of bond shall be used in any of the said police courts, in cases where the city of Chicago is plaintiff. And it shall be the duty of the police justice, when a case is called in which one of said

bonds was given for the appearance of the defendant, and in which such defendant fails to appear, to immediately forfeit said bond and endorse the forfeiture thereon in the blank thereon printed. And it shall be the duty of the justice each day to turn over to the clerk of his court all bonds forfeited by him, which bonds shall be given to the comptroller by the clerk of the police court not later than the day following the day they are received by him, the said police court clerk at the same time attaching to his daily report memoranda of all forfeited bail bonds received by him that day from the justice and turned over by him to the comptroller.

**1568. Cash substitute for bail.]** If any person shall be arrested without process for the violation of a city ordinance, he or she may deposit with the captain or lieutenant as cash bail such a sum of money as will be sufficient in the judgment of said captain or lieutenant to cover and pay any fine and costs which may be imposed against the said party so arrested, and which said sum of money so deposited with the captain or lieutenant, shall be held by him, not only as security for the appearance of the person arrested, but also for the payment of any fine and costs which may be assessed against him or her on said charge, whether he or she be present in court or not.

**1569. Cash deposit—record—forfeiture.]** It shall be the duty of the captain or lieutenant taking such cash bail or deposit to enter the same in a book to be furnished by the city comptroller for that purpose; and in case said party fails to appear at the next session of the court, such deposit shall be forfeited to the city, and if a fine be imposed by the court against the party arrested, the captain or lieutenant shall retain from said cash bail or deposit the amount of said fine and costs in full, and shall return the balance of said cash deposit to the depositor thereof, and take a receipt for the same in a deposit receipt-book to be furnished by the comptroller for that purpose; and said captain or lieutenant shall pay the said forfeited sum or said fine and costs to the clerk of the court, who shall sign a receipt for the same upon a form to be furnished for that purpose by the city comptroller; and it shall be the duty of said captain or lieutenant to preserve the said receipts so signed by the clerk of the court, and turn them over to the city comptroller on the first day of each and every month, said receipts to be safely kept by the city comptroller and be used by him in checking up the accounts of the clerks of the said courts.

**1570. Notice of forfeited bonds—sureties not again competent—collection.]** The comptroller shall, on the first day of each and every month, send to each and every police justice a list of all forfeited bail bonds unpaid, and upon such notification the police justice shall refuse to accept any persons appearing upon said list as a bondsman, in any other case, until the said forfeited bonds have been paid or settled.

If any justice, after receiving such notification, accepts any such

person or persons upon any bail bond, the said justice shall be removed from his office by the mayor.

The comptroller shall, on the first day of each and every month, send all defaulted and forfeited bail bonds received by him during the preceding month, to the city prosecuting attorney, for collection by suit or otherwise.

#### JUSTICES OF THE PEACE.

**1571. Dockets.]** The several justices of the peace of the city of Chicago shall keep a full and complete docket of all city cases commenced, tried and disposed of before them, as well as all city cases which may come before them by change of venue from police courts or otherwise, and note upon said docket so kept what disposition was made as to fines and forfeitures, or steps taken in each and every case.

**1572. Monthly reports.]** The said several justices of the peace shall make upon blanks to be furnished to them reports to the city comptroller at the close of each and every month, of all cases, fines and forfeitures for the violation of ordinances imposed, collected and paid to them, or execution issued during said month, with the name of the defendant, number of the execution, amount of the fine, fees and forfeitures collected, or otherwise disposed of.

**1573. Monthly settlement.]** The said several justices of the peace at the close of each and every month, at the date of making their said report to the city comptroller, as directed, shall pay into the city treasury all fines and forfeitures for the violation of city ordinances when collected, and all other moneys collected by them for the use of the city, save and except their proper costs and charges.

## CHAPTER LIII.

### POUNDS AND POUNDMASTERS.

**1574. Pound limits.]** No cows, horses, swine, sheep, goats or geese shall be permitted to run at large, nor cattle of any kind to run at large within that portion of the city of Chicago bounded as follows: Commencing at the intersection of Lake Michigan and the city limits on the north; thence southwest and west along the city limits to two hundred feet west of Ridge avenue; thence southerly on said line to Devon avenue, and west on Devon avenue to North Western avenue; thence south on North Western avenue to the north branch of the Chicago river; thence following the said river in a northwesterly direction to its intersection with Devon avenue or city limits; thence following the city limits west, north, south and east to West Sixteenth street; thence east on West Sixteenth street to Lawndale avenue; thence south on Lawndale avenue to Ogden avenue; thence southwest on Ogden avenue to South Forty-fourth avenue; thence south on South Forty-fourth avenue to West Twenty-sixth street; thence east on West Twenty-sixth street to Hamlin avenue; thence south on Hamlin avenue to West Twenty-ninth street; thence east on West Twenty-ninth street to St. Louis avenue; thence north on St. Louis avenue to West Twenty-sixth street; thence east on West Twenty-sixth street to South Kedzie avenue; thence north on South Kedzie avenue to West Sixteenth street; thence east on West Sixteenth street to the south branch of the Chicago river; thence following the river in a southwesterly direction to its intersection with South Western avenue; thence south on South Western avenue to West Thirty-ninth street; thence east on West Thirty-ninth street to South Halsted street; thence south on South Halsted street to West Seventy-first street; thence east on West Seventy-first street to State street; thence north on State street to Sixty-seventh street; thence east on Sixty-seventh street to Cottage Grove avenue; thence south on Cottage Grove avenue to Eighty-seventh street; thence east on Eighty-seventh street to Stony Island avenue; thence north on Stony Island avenue to Sixty-seventh street, and thence east on Sixty-seventh street to Lake Michigan, and following the shore of Lake Michigan to the place of beginning.

Also commencing at the intersection of Lake Michigan and Seventy-first street; thence west on Seventy-first street to Yates avenue; thence south on Yates avenue to Eighty-seventh street; thence west on Eighty-seventh street to Stony Island avenue; thence south on Stony Island avenue to Ninety-fifth street; thence east on Ninety-fifth street to Colfax or Hoxie avenue; thence south on Colfax or Hoxie avenue to One Hundred and Tenth street; thence east on One Hundred and



Tenth street to the Calumet river; thence along the Calumet river to Lake Michigan, and following the shore of Lake Michigan to the place of beginning at Seventy-first street.

Also commencing at the intersection of Stony Island avenue and Ninety-fifth street; thence west on Ninety-fifth street to the tracks of the Illinois Central railroad; thence following said railroad in a southerly direction to One Hundred and Third street; thence west on One Hundred and Third street to State street; thence south on State street to One Hundred and Nineteenth street; thence east on One Hundred and Nineteenth street to the west shore of Lake Calumet; thence northeasterly along said lake, and north on Stony Island avenue to the place of beginning.

Also commencing at the intersection of Ninetieth street and Stewart avenue; thence west on Ninetieth street to Halsted street; thence south on Halsted street to Ninety-fifth street; thence west on Ninety-fifth street to Western avenue; thence south on Western avenue to One Hundred and Seventh street; thence east on One Hundred and Seventh street to Halsted street; thence north on Halsted street to One Hundred and Third street; thence east on One Hundred and Third street to Stewart avenue, and thence north on Stewart avenue to Ninetieth street, or place of beginning, under the penalty of three dollars for each animal so permitted to run at large or herded, together with the costs of impounding and the expense of sustenance for such animal or animals when impounded, as hereinafter provided, to be paid by the owner or person having charge, care or keeping thereof, severally and respectively.

**1575. Districts.]** The pound limits heretofore described and defined shall be divided into seven districts, as follows:

District No. 1: Commencing at the intersection of Lake Michigan and the northern city limits, thence southwest and west on said line to its intersection with a line two hundred feet west of Ridge avenue or the boundary line of the former village of Rogers Park, and following said line in a southerly direction to Devon avenue, thence west on Devon avenue to the intersection of center of North Western avenue, or the east boundary line of the Twenty-seventh ward; thence south on center of North Western avenue to the north branch of the Chicago river; thence following said river to its junction with the main branch of said river, and thence to Lake Michigan; thence following the shore of Lake Michigan from the mouth of the Chicago river to the north city limits, or place of beginning.

District No. 2: All of the Fifteenth ward and that part of the Twenty-seventh ward west of the north branch of the Chicago river and the center line of West North avenue shall constitute the south boundary line of said district.

District No. 3: All that territory bounded as follows: On the north by the center line of West North avenue; on the east by the north and south branches of the Chicago river; on the west by the present west

city limits; on the south as follows: Commencing at the intersection of the west city limits and West Sixteenth street; thence east on West Sixteenth street to Lawndale avenue; thence south on Lawndale avenue to Ogden avenue; thence southwest on Ogden avenue to South Forty-fourth avenue; thence south on South Forty-fourth avenue to West Twenty-sixth street; thence east on West Twenty-sixth street to Hamlin avenue; thence south on Hamlin avenue to West Twenty-ninth street; thence east on West Twenty-ninth street to St. Louis avenue; thence north on St. Louis avenue to West Twenty-sixth street; thence east on West Twenty-sixth street to South Kedzie avenue; thence north on South Kedzie avenue to West Sixteenth street; thence east on West Sixteenth street to the south branch of the Chicago river.

District No. 4: Commencing at the intersection of Lake Michigan and the mouth of the Chicago river; thence following the river west and southwesterly to the intersection of South Western avenue, thence south on center line of South Western avenue to center line of Thirty-ninth street; thence east on center line of Thirty-ninth street to the lake shore; thence along the lake shore to the mouth of the Chicago river or place of beginning.

District No. 5: Commencing at the intersection of the lake shore and the center of Thirty-ninth street; thence westerly on center line of Thirty-ninth street to center line of State street; thence south on the center line of State street to the center line of Sixty-seventh street; thence east on center line of Sixty-seventh street to center line of Cottage Grove avenue; thence south on center line of Cottage Grove avenue to center line of Eighty-seventh street; thence east on center line of Eighty-seventh street to center line of Stony Island avenue; thence north on center of Stony Island avenue to Fifty-fifth street; thence east on Fifty-fifth street to the lake shore, and thence following the lake shore northerly to place of beginning. Also commencing at the intersection of the center line of Stony Island avenue and center line of Ninety-fifth street; thence west on center of Ninety-fifth street to the tracks of the Illinois Central railroad, thence southwest along the tracks of said railroad to the center line of One Hundred and Third street; thence west on the center line of One Hundred and Third street to the center line of State street; thence south on center of State street to One Hundred and Nineteenth street; thence east on center of One Hundred and Nineteenth street to Lake Calumet; thence northeasterly along the shore of said lake to the center of Stony Island avenue, and thence north on center of Stony Island avenue to Ninety-fifth street or place of beginning.

District No. 6: Commencing at the intersection of the shore of Lake Michigan and the center line of Seventy-first street, thence east on center line of Seventy-first street to the center line of Yates avenue; thence south on center of Yates avenue to Eighty-seventh street; thence west on center of Eighty-seventh street to the center of Stony Island avenue; thence south on center of Stony Island avenue to the

center of Ninety-fifth street; thence east on center of Ninety-fifth street to center of Colfax or Hoxie avenue; thence south on center of Colfax or Hoxie avenue to center of One Hundred and Tenth street; thence east on center of One Hundred and Tenth street to the Calumet river, thence following the said river to Lake Michigan, and northwesterly along the shore of said lake to Seventy-first street or place of beginning.

Also commencing at the intersection of Lake Michigan and the center of Fifty-fifth street, and thence west along the center of Fifty-fifth street to the center of Stony Island avenue; thence south along the center of Stony Island avenue to the center of Sixty-seventh street; thence east on the center of Sixty-seventh street to Lake Michigan, and thence following the shore of said lake in a northwesterly direction to Fifty-fifth street or place of beginning.

District No. 7: Commencing at the intersection of the center lines of State street and Thirty-Ninth street; thence west on center of Thirty-ninth street to center of Halsted street; thence south on the center of Halsted street to center of Seventy-first street; thence east on center of Seventy-first street to center of State street; thence north along the center of State street to center of Thirty-ninth street or place of beginning.

Also commencing at the intersection of center lines of Stewart avenue and West Ninetieth street; thence west along the center of Ninetieth street to center of Halsted street; thence south along the center of Halsted street to center of West Ninety-fifth street; thence west along center of West Ninety-fifth street to center of South Western avenue; thence south along the center of South Western avenue to center of West One Hundred and Seventh street; thence east along center of West One Hundred and Seventh street to center of South Halsted street; thence north along center of South Halsted street to center of West One Hundred and Third street; thence east along center of West One Hundred and Third street to center of Stewart avenue; and thence north along the center of Stewart avenue to the center of West Ninetieth street or place of beginning.

**1576. Appointment of poundmasters.]** The mayor shall, by and with the consent of the city council, appoint a poundmaster for each of the several districts named and designated in the preceding section, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter, and each such poundmaster shall have exclusive power and authority over the district to which he is assigned.

**1577. Location of pounds.]** The city comptroller is hereby directed to designate in each district above described one good and suitable pound, to be placed under the care and direction of a poundkeeper for said district to be appointed as herein provided.

**1578. Bonds.]** Each poundkeeper shall before entering upon his duties execute a bond with sureties to be approved by the comp-

troller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

**1579. Duties.]** It shall be the duty of each and every pound-keeper in said city to take up and impound any such animal or animals known to him to be running at large within the aforesaid pound limits of the district of said city in which the pound kept by him is situated; and for each neglect or refusal to do so he shall forfeit and pay a penalty of five dollars.

**1580. Who may impound—fee.]** It shall be lawful for any person over eighteen years of age to take up any such animal or animals running at large contrary to the provisions of section 1574 of this chapter and take the same to the pound in the district of said city where such animal or animals may be taken up, and for so doing he shall receive from the treasurer of said city, when collected, an impounding fee of fifty cents for each animal so taken up and impounded by him. And it shall be the duty of the pound-keeper to enter upon his books forthwith the name and residence of the person so taking any such animal to the pound.

**1581. Fees—sustenance of animal.]** There shall be charged for each animal impounded an impounding fee of fifty cents, and also fifty cents for each day or part of a day for providing sustenance for each animal impounded.

**1582. Redemption.]** At any time before the sale of any animal or animals impounded, the owner or owners thereof may redeem the same by paying to the pound-keeper the penalty prescribed in section 1574 of this chapter, together with the impounding fee and costs of sustenance as prescribed in the said section; and in case proceedings shall have been instituted before a judicial officer, the cost of such proceedings and the amount of the judgment, if judgment shall have been recovered under this chapter, together with subsequently accrued costs of sustenance, shall be the redemption money to be paid.

**1583. Proceeding as to impounded animal.]** When any animal or animals shall be impounded as aforesaid, it shall be the duty of the keeper of the pound where the same is impounded forthwith to make complaint before some justice of the peace of the said city against the owner or owners of such animals if known, and thereupon a warrant shall be issued, and upon the return thereof executed, or the defendant having appeared, it shall be the duty of the justice to inquire whether the defendant has been guilty of a violation of this chapter; and, if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee, and cost of sustenance herein prescribed and the costs of suit, and an order shall be entered that the animal or animals shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal or animals, and state the time and place of impounding

**1584. Proceedings—owner unknown.]** When the owner of any animal impounded shall be unknown, it shall be the duty of the

pound-keeper when the same shall be impounded to make complaint as provided in the last section, against the unknown owner of such animal, describing the same, and thereupon the officer before whom such complaint shall be made shall issue a notice in substance as follows, to wit:

POUND NOTICE.

Whereas, complaint has this day been made before me, that the unknown owner of the following described animals, to-wit:———impounded at———on the———day of———A. D. 18—, has permitted the same to run at large, contrary to the provisions of the ordinance of the city of Chicago prohibiting the running at large of certain animals therein mentioned, within the limits therein named.

Now, therefore, notice is hereby given, that a trial will be had upon the said complaint, at my office, in the city of Chicago, on the———day of———A. D. 18—, at the hour of — m., when and where the unknown owner may appear and defend, if he see fit so to do. Witness my hand and official seal, this——day of ——, A. D. 18—.

———J. P. [L. S.]

The day named in said notice for trial shall not be less than five nor more than ten days from the time of issuing the same, and it shall be the duty of the pound-keeper making the complaint forthwith to post three copies of said notice, one at the pound where the animal is impounded, one at the office of the justice or police magistrate issuing the same, and one on a board provided for that purpose within the hall of the court house in said city, and to return the said notice, with the time and manner of said posting.

**1585. Docket entry.]** The justice or police magistrate issuing said notice shall enter the cause upon his docket, as follows, to wit: The City of Chicago vs. The Unknown Owner of (here specify the animals). And upon the return of the notice prescribed in the last section, like proceedings shall be had as in the case of personal service or appearance.

**1586. Jury trial.]** In all trials for violation of this chapter the accused shall have the right of trial by jury, and in proceedings against unknown owners the trial must be by jury.

**1587. Execution on judgment.]** Upon the rendition of any judgment as provided in section 1583 of this chapter, the justice of the peace or police magistrate rendering the same shall issue to the keeper of the pound where the animal or animals are impounded an order which shall be in the following form as nearly as may be:

The People of the State of Illinois, To———, Pound-keeper.

We command you, that of the following described goods and chattels, to-wit: ——, the property of ——, you make the sum of ——dollars and —— cents debt, and —— dollars and —— cents costs, which the city of Chicago lately recovered before me, against the said ——, and hereof make due return.

Given under my hand and seal, this the —— day of ——, A. D. 18—.

———, J. P. [L. S.]

**1588. Sale—notice.]** Upon the receipt of such order, the pound-keeper shall immediately post three notices in like places as provided in section 1584 of this chapter in substance as follows:

## POUND NOTICE.

Taken up and impounded in the city pound of the ——— division of the city of Chicago, at ———, the following described animals: ——— which, unless redeemed, will be sold at public auction for cash to the highest bidder at said pound at the hour of ——— o'clock, in the forenoon, on the ——— day of ———, 18—. ———, Pound-keeper.

The day of sale mentioned in said notice shall be the third day after posting the same, exclusive of Sundays, holidays and election days, and if said animal or animals are not redeemed, the pound-keeper shall sell the same in accordance with said notice. It shall be the duty of the pound-keeper receiving such order as is prescribed in section 1587 of this chapter to return the same within twenty days from its date to the office issuing the same, with an indorsement showing when and how the same was executed.

**1589. Purchase prohibited.]** No person shall purchase or be interested directly or indirectly in the purchase of any animal taken up, impounded or sold by him under the provisions of this chapter, under a penalty of not less than twenty-five dollars nor more than one hundred dollars for each animal, and if a pound-keeper, the forfeiture of his office.

**1590. Breaking pound.]** If any person shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise the breaking open of any city pound, he shall forfeit and pay a penalty of not more than twenty dollars.

**1591. Hindering taker of animal.]** No person shall hinder, delay or obstruct any person engaged in taking to any city pound any animal or animals liable to be impounded, under a penalty of not less than five dollars nor more than ten dollars for each animal so being taken.

**1592. Keeper's monthly report — record.]** Each and every pound-keeper of the city shall by the end of each month pay to the comptroller of the city all moneys received by him, over and above the necessary expenditures for the maintenance of the pound during the month by virtue of his office as pound-keeper, and shall at the end of each month render to the comptroller of the city a full statement on oath of all the animals received into his pound during said month, describing the same with the names of the owners, if known, of the animals redeemed, the dates when received respectively, and the dates of redemption of those sold and the times of sale, and of all moneys received by him during said month for the redemption or upon the sales of animals or otherwise as pound-keeper, and of all moneys expended by him in the maintenance of the pound, and shall attach to such statement receipts for all such moneys. Each pound-keeper shall also keep a record in which he shall enter from time to time as they occur, all matters required to be shown in such statements, and in which he shall cause to be written the receipts of owners of animals by them redeemed.

**1593. Sale—proceeds.]** When the proceeds of the sale of the animal or animals shall exceed the amount of judgment and costs,

and the expense of sustenance which shall have accrued subsequently to the rendition of the judgment, and such excess shall have been paid to the comptroller, the owner or owners of such animal or animals shall be entitled to a warrant on the city treasurer for such excess, upon presenting to the city comptroller satisfactory evidence of his or her right thereto.

**1594. Unlawful taking.]** Any person who shall take or drive any such animal from any enclosed lot or tract of ground, or from any stable or other building, or from outside of any pound limits into the limits of any pound district, to any pound in said city, or with the intent that such animal may be impounded, shall be liable to a fine of not less than five nor more than twenty dollars for every animal so driven or taken from the place or places aforesaid.

**1595. Books of account.]** It shall be the duty of every such pound-keeper to keep such books, and in such manner as the city comptroller shall direct, which shall show, among other things, all the receipts and expenditures of and for his pound; and the comptroller shall at least once a month audit and adjust the accounts of such pound-keeper.

**1596. No perquisites.]** No poundkeeper shall receive any other compensation or perquisite than his salary, which shall be fixed by the city council in the annual appropriation bill; but, in case any member of the police force is appointed as such pound-keeper this proviso shall not be so construed as to affect his right to compensation or pay as such member of the police force.

**1597. Mayor — power to remove keeper.]** Every pound-keeper shall be subject to removal from office by the mayor of the city whenever he shall deem the interests of the city require such removal; and no keeper of any public pound in the city of Chicago shall allow the same, or any animal therein, by reason of any want of care, food, ventilation or cleanliness, or otherwise, to be or become dangerous or detrimental to human health.

## CHAPTER LIV.

### PUBLIC WORKS.

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#### ARTICLE I.

##### DEPARTMENT OF PUBLIC WORKS.

**1598. Department of public works created.]** There is hereby established an executive department of the municipal government of the city of Chicago, which shall be known as the department of public works, and shall embrace the commissioner of public works, the deputy commissioner, a secretary to said commissioner, the city engineer, the superintendent of streets, the superintendent of street and alley cleaning, the superintendent of water, the superintendent of sewerage, the superintendent of special assessments, the superintendent of maps, and such other assistants and employes as the city council may, by ordinance, prescribe and establish.

**1599. Commissioner of public works—office created.]** There is hereby created the office of commissioner of public works, who shall be the head of said department of public works, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified. He shall have the management and control of all matters and things pertaining thereto; and the appointment and removal, with the consent of the mayor, of the subordinate officers named in the last preceding section; and said subordinate officers may, with the consent of the commissioner, appoint and remove all employes in their respective departments.

**1600. Assistants and employes.]** Said commissioner shall appoint all other employes in said department, and in addition to the number of clerks, assistants and employes regularly employed and provided for by ordinance, may appoint such other clerks, assistants and employes as he may deem necessary to properly perform the work in said department; and he may remove any such assistant, clerk or employe.

**1601. Commissioner — appointment.]** Said commissioner of public works shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**1602. Bond.]** Said commissioner, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the penal sum of fifty thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.



**1603. Bonds of subordinates.]** It shall be the duty of said commissioner to require good and sufficient bonds to be given by all subordinate officers and employes in said department of public works, who shall receive, or have the care, custody, or handling of any moneys belonging to the city of Chicago; which said bonds shall be approved by the mayor.

**1604. Powers.]** Said commissioner shall have charge of all public improvements commenced, or to be commenced, by said city, and of all special assessments; and shall have power, subject to the ordinances of the city, to regulate and control the manner of using the streets, alleys, highways and public places of the city, for the erection of telegraph poles, or other poles or posts; for the laying down of gas, water or steam pipes, and sewers, authorized by law or the ordinances of the city, and to determine the location thereof; and to cause the prompt repair of the streets, alleys, highways and public places, whenever the same are taken up or altered; Provided, however, that nothing herein contained shall be construed to repeal, or in any manner conflict with any provision of this ordinance creating the department of buildings; and Provided, further, that the abatement and removal of all nuisances shall be in special charge of and under the control of the department of health.

**1605. Duties.]** It shall be the duty of said commissioner of public works, subject to the provisions hereof and the ordinances of the city, to take special charge and superintendence of all streets, alleys, lanes and highways in the city of Chicago, and of all walks and crosswalks, bridges, viaducts, docks, wharves, public places, public landings, public grounds and parks in said city; of all markets, market places and market houses; of all engine houses, hospitals, armories, and all other public buildings in the city, belonging to the city, and of the erection of all public buildings; of all lamps and lights for the lighting of streets, alleys, lanes, highways, bridges, viaducts, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights; of all works for the widening, deepening or dredging of the Chicago river and its branches, and of the harbor of said city; of all sewers and works pertaining thereto; and of the water works of said city; and he shall collect all water rents, water taxes or assessments, water licenses and permits, and all sewerage permits and licenses.

**1606. Control of expenditures.]** Said commissioner shall control and direct all expenditures to be made by the department of public works; shall sign and draw his requisition upon the comptroller for the payment of all bills and accounts therefor which in his judgment are correct, and which may be duly certified by the superintendent under whose supervision the expenditure was incurred.

**1607. Books of account.]** It shall be the duty of said commissioner to cause to be kept books of account, in such manner as to show with entire accuracy, the receipts and expenditures of said department, and in such manner that the same may be readily under-

stood and investigated; and also to preserve on file in said department duplicate vouchers of all the expenditures of said department, which books and vouchers, and all papers and files of said department, shall be at all times open to the examination of the comptroller, the finance committee, or any member of the city council.

**1608. Commissioner constituted a board of public works.]** The commissioner of public works shall in all matters whereby, by reason of any ordinance, resolution, agreement, or act, heretofore passed, entered into, or done, the action of a board of public works is necessary, constitute a board of public works for such purpose, and shall do and perform all things required to be done by or imposed upon said board.

#### CONTRACTS AND CONTRACTORS.

**1609. Contract, extra work.]** No payment shall be made on any work or job done by contract, for any extra work not specified in the contract, unless such extra work shall have been done by the written order of the commissioner of public works, to be annexed to such contract, directing the same, and stating that such work is not included in the contract: Provided, that any order given under this section shall state what the extras are, and that such extras are necessary for the proper completion of, or for the security of the work previously done, and the reasons therefor.

**1610. Payments on contracts—how made.]** All moneys payable by the corporation, for work done or supplies furnished by contract or otherwise, under the department of public works, shall be paid by the comptroller upon the requisition of the commissioner of public works.

**1611. Contracts—how made.]** All contracts for the making of any public improvement to be paid for in whole or in part by special assessment, and any work or other public improvement, when the expense thereof shall exceed the sum of five hundred dollars, shall be let to the lowest responsible bidder, after advertising the same, and shall be approved by the mayor; but any such contract may be entered into by the said commissioner without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen elected.

**1612. Improvements by special assessment — contract.]** Whenever any public improvement shall be ordered by the city council, which is to be paid for by special assessment, and the assessment for the same shall have been finally confirmed, and one-half of the special assessment shall have been paid into the city treasury, the commissioner of public works shall advertise in some newspaper printed in the city of Chicago, of general circulation, for proposals for doing said work: Provided, however, a contract for said work may be made before one-half of the assessment is collected, if authorized by a vote of two-thirds of all the aldermen elected; Provided, also, when a portion of the work on any public improvement is done by private contract, under the authority of the city council, the remainder of the work

upon such public improvement may be let at any time after the assessment thereof shall have been ordered by the city council. A plan or profile of the work to be done, accompanied with specifications for the doing of the same, shall be first placed on file in the office of said department, before any such advertisement shall be made, which said plan, profile and specification shall, at all times, be open for public inspection; such advertisement shall be published on five separate days, the first publication to be not less than ten days before the day fixed for opening said proposals, and shall state the work to be done.

**1613. Contracts--bids for.]** In all cases, the bids for doing any work, or making any public improvement, shall be sealed bids, directed to said department, and shall be accompanied with a deposit, the amount of which shall be fixed by said commissioner, and named in said advertisement, and which shall not exceed five per cent. of the estimated cost of the improvement or work to be done, nor be less than the sum of one hundred dollars. Said deposit shall be in money, or a certified check upon some Chicago bank in good standing, payable to the order of said commissioner, and shall be forfeited to the city in the event that the bidder shall neglect or refuse to enter into a contract (with approved sureties) to execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him. Said bids shall be opened at the hour and place mentioned in said notice; and should said bid or bids be rejected, or should it become necessary for any other reason to re-advertise for proposals to do said work, such subsequent advertisement may be, at the discretion of said commissioner, for three instead of five days, as required in the first instance. Said commissioner may, in said advertisement, reserve the right to reject any and all bids.

**1614. Contracts—how let.]** All contracts, exceeding in amount the sum of five hundred dollars, for work, materials or supplies, relating to any of the matters under the cognizance of the department of public works, shall be let by the commissioner of public works to the lowest reliable and responsible bidder or bidders, whose bid does not exceed the estimate; and bonds, to be approved by the commissioner, shall be taken for the faithful performance thereof; all such contracts shall be executed in triplicate by the commissioner of public works, on the part of the corporation, and by the contractor; one original copy so executed shall be kept and filed in the office of the commissioner of public works; one shall be filed in the office of the comptroller, and the third shall be given to the contractor. All contracts and bonds so taken, shall be in the name of, and run to, the city of Chicago; and every contract for a sum greater than five hundred dollars shall have the consent in writing of the mayor endorsed thereon, and shall be countersigned by the city comptroller.

**1615. Contract — control of.]** No contract shall be made for any work or supplies relating to any of the matters within the cognizance of the department of public works, unless such work or supplies shall have been authorized by the city council, except that whenever

any such work or supplies shall be necessary, and the total cost thereof shall not, in any one case, exceed five hundred dollars, the commissioner of public works may cause the same to be done or furnished, under the supervision of the appropriate officer of the department; but no such expenditure shall be made without the written order of the commissioner of public works, through his secretary, which order, when filled, shall be returned and filed as a voucher in said department, with the bill upon which payment was made.

**1616. Contracts—emergency.]** In all cases, before such supplies, work, materials or necessaries of any kind shall be ordered or purchased by said department, exceeding in amount the sum of two hundred dollars, and not more than five hundred dollars, said commissioner shall first obtain, in writing, at least three informal bids to furnish the same, which said bids shall accompany, and be filed, in every case, with the voucher upon which the requisition for payment of the same is issued.

**1617. Contracts—essential clauses.]** In all contracts executed by said commissioner, on behalf of the city, the right shall be reserved to said commissioner to finally decide all questions arising as to the proper performance of said work; and in case of improper construction, or of non-compliance with the contract in any manner, to suspend said work at any time or to order the partial or entire reconstruction of said work if improperly done, or to declare the contract forfeited, and to re-let the same without further advertisement; and to adjust the difference of damages or price, if any, which the contractor or contractors, failing to properly construct such work in such cases of default, should pay to the city, according to the just and reasonable interpretation of said contract.

**1618. Contract—reservation of payment.]** In cases where the contractor or contractors shall proceed to properly perform and complete their said contracts, the said commissioner may from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per centum therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon when the money applicable to the payment of such work shall have been collected, and the conditions annexed to said estimate, if any, shall have been satisfied.

**1619. Water and sewer contracts.]** All contracts entered into by the said commissioner of public works on account of the water or sewerage works of the city shall specify that they are for such works.

**1620. Contracts based on special assessment—condition.]** All contracts in which the contractor or contractors agree to be paid from special assessments shall contain covenants in substance to the effect that such contractor or contractors shall have no claim or lien upon the city in any event, except from the collection of the special assessments made for the work contracted for; and that no liability of any kind shall attach to the city by reason of entering into such con-

tract, except for the payment over to such contractor or contractors of money received by the city under special assessments levied or to be levied for the improvement specified in such contract, and no contract for work to be paid for by a special assessment shall be let except to a contractor or contractors who will so agree.

**1621. Contractor's default.]** In case the prosecution of any public work shall be suspended in consequence of the default of any contractor or contractors, or in case the bids for doing such work shall be deemed excessive, or the person or persons making proposals are not, in the opinion of said commissioner, responsible or fit to be entrusted with its performance, the said commissioner of public works may, with the approval of the city council, where the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the city council: Provided, that the cost and expense thereof shall in no case exceed the amount assessed or the sum appropriated for completing the same.

**1622. Contractor's liability.]** Whenever said commissioner or any other city officer shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public ground of said city, there shall be inserted in the contract for the same, substantial covenants requiring such contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of any street, alley, highway or public grounds, for which the city might be liable, and also such other covenants and conditions as experience may prove necessary to save the city harmless from damages. And also to provide in such contract, that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of such street, alley, highway or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agents, employes or workmen.

**1623. Contractor's bond of indemnity.]** Whenever any work or improvement is let by contract, to any person or persons, firm or corporation, the officers of the city letting the same shall, in all cases, take a bond from such person, persons, firm or corporation, with good and sufficient sureties, in such amount as shall not only be adequate to insure the performance of the work in the time and manner required in such contract, but also to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in any wise accrue against said city in consequence of the granting of such contract, or which may in any wise result from the carelessness or neglect of such person, persons, firm or corporation, or his, their or its agents, employes or workmen, in any respect whatever; and conditioned also, that when any judgment shall be recovered against said city by reason of the carelessness or negligence of such person, persons, firm or corporation so contracting, or his, their or

its employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, persons, firm or corporation, and his, their or its sureties on such bond, not only as to the amount of damages, but as to their liability; and conditioned also for the payment of all claims and demands whatsoever which may accrue to each and every person who shall be employed by such contractor, or any assignee or sub-contractor of such contractor, in or about the performance of such contract.

**1624. Contract—forfeiture.]** It shall be the duty of the commissioner of public works, in letting any contract for any sewer, public improvement or other work, to insert in the contract therefor a condition to the effect that it shall and may be lawful for said commissioner, whenever he shall have reason to believe that the contractor has neglected or failed to pay any sub-contractor, workman, or employe for work performed on or about any public improvement, sewer or other work contracted for, to order and direct that no further vouchers or estimates be issued, and no further payments be made upon such contract until such commissioner shall be satisfied that such sub-contractors, workmen and employes have been fully paid. Every such contract shall also provide, that a certain percentage (not less than fifteen per centum) shall be reserved out of the moneys earned upon such contract, and that such percentage shall not be payable until such contractor shall satisfy such commissioner or officer letting such contract that all sub-contractors, workmen and employes have been fully paid.

**1625. Payment to sub-contractors and workmen, etc.]** Whenever the commissioner shall notify the contractor by notice personally served, or by leaving a copy thereof at the contractor's last place of abode, that no further vouchers or estimates will be issued, or payments made on the contract until the sub-contractors, workmen and employes have been paid, and the contractor shall neglect or refuse, for the space of ten days after such notice shall have been served, to pay such sub-contractors, workmen or employes, it shall and may be lawful for the city to apply any money due, or that may become due under the contract, to the payment of such sub-contractors, workmen and employes without other or further notice to said contractor; but the failure of the city to retain and apply any of such moneys, or of the commissioner to order or direct that no vouchers or estimates shall issue, or further payments be made, shall not, nor shall the paying over of such reserved percentage, without such sub-contractor, workman or employe being first paid, in any way affect the liability of the contractor or of his sureties to the city, or to any such sub-contractor, workman or employe upon any bond given in connection with such contract.

**1626. Contract greater than \$500.]** When the expense of any work or public improvement shall exceed the sum of five hundred

dollars, and the same is to be paid out of the general fund, or the water or sewerage fund of said city, the doing of said work shall be let by contract, in the same manner as is provided in cases where the expense of the same is to be paid for by special assessment.

**1627. Bond schedule of sureties.]** In all cases, before the letting of any contract, where bonds are required to be taken by the commissioner of public works, the sureties therein shall deposit with said commissioner a statement, under oath, showing the real property owned by each surety, the location of the same, its value, and the amount of incumbrance or incumbrances, if any, thereon.

**1628. Special funds—how paid out.]** All moneys to be paid to any person or persons out of the water or sewerage funds, or any special assessment fund, shall be certified by the commissioner of said department, or, in his absence from the city, or incapacity, by sickness, to act, by the mayor of the city, to the city comptroller, and a warrant therefor shall be drawn, stating therein the particular fund to which the same is chargeable.

**1629. Interest in contract.]** Neither the commissioner of said department, nor any superintendent, officer, clerk, or other person employed in said department shall be interested, directly or indirectly, in any contract made and entered into by said department for any work or for any material to be furnished, and all contracts made by said department in which the said commissioner, or any officer or employe of said department, shall be so interested, shall, at the option of the city, be declared utterly void, and of no binding effect whatever, and any officer of said department interested in any contract shall thereby forfeit his office, and be removed therefrom on proof of such delinquency, and it is hereby made the duty of said commissioner, and of the mayor, and of every city officer, to report to the city council any such delinquency when discovered.

**1630. Inhibition of profit.]** No officer or employe of said department shall, either directly or indirectly, receive any interest or profit whatever, on account of the deposit of the city funds, nor shall any such officer or employe, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage.

**1631. Annual report.]** Said commissioner shall, on or before the first day of May in each year, prepare and present to the city council a report showing the receipts and expenditures and entire work of his department during the previous fiscal year.

**1632. Annual estimates.]** The commissioner of public works shall, within thirty days after the commencement of each fiscal year, submit to the comptroller, to be by him laid before the city council with his annual estimates, a statement, as near as the same can be estimated, of the repairs and improvements to be paid for out of the general fund of the city, and necessary to be undertaken by said city during the current year, and of the sums required by said department to make such repairs and improvements, as near as can be estimated;

and also, a statement as to any desired improvements, with the probable expense thereof; and of all contracts made and unfinished; and the amount of any and all unexpended balances of appropriations of the preceding and prior years. Said report shall be in detail. The city council, having revised, changed, or altered the estimates so submitted, may provide for raising the same, in the annual appropriation bill or ordinance.

**1633. Power to remove obstructions.]** The commissioner of public works may direct the removal of any article or thing whatsoever, which may encumber or obstruct any street, avenue or alley in the city of Chicago, under the penalties prescribed by law.

**1634. Reports.]** The commissioner of public works shall, when required by the city council, inquire into and report upon any of the matters within the cognizance of the department of public works, and shall, from time to time, communicate to the city council any information or suggestion which he may deem important in relation thereto.

**1635. Rules and regulations.]** All subordinate officers, assistants, clerks and employes employed in said department shall be subject to such rules and regulations as shall be prescribed from time to time by said commissioner.

#### PERMITS.

**1636. Prerequisite.]** Before a permit shall be granted to any corporation, company or individual, person or persons, to open ground in any street, sidewalk, alley, avenue or public place for any purpose, an estimate of the cost of restoring the said street, sidewalk, alley, avenue or public place to a condition equally good as before it shall have been so opened, with a fair additional sum as margin for contingent damages, shall be made by the commissioner of public works, and the applicant for such permit shall deposit the amount so ascertained with the city comptroller, and the permit shall issue to the applicant only on the presentation of the comptroller's receipt for the same to the commissioner.

**1637. Restoration work.]** After and as fast as the work provided for in the permit has been performed, city workmen, under the direction of the commissioner of public works, shall follow the employes of the contractor of the corporation, company or individual, person or persons, to whom the permit was issued, and replace and restore the street, sidewalk, alley, avenue or public place to a condition equally as good as they were before being opened under the permit.

**1638. Cost advanced — surplus — deficiency.]** After completion of the work to the satisfaction of the commissioner of public works, he shall certify to the city comptroller the amount of any surplus remaining from the amount deposited in such case, and said surplus shall thereupon be paid over to the proper claimant. But, if for any reason the amount of such deposit shall have been insufficient to cover the cost of such work, or if any damage shall have been done to



any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the city comptroller, who shall collect the same from the corporation, firm or individual, person or persons, to whom the permit was issued.

**1639. Record of permits.]** The commissioner of public works shall keep a record of all permits granted for connections with sewers or drains, in which he shall enter the names of all persons from whom he may receive money for such permits, with the amount received from each person at the time when it was received.

**1640. Permits.]** In all cases where provision is made by ordinance that the consent of the commissioner of public works shall be obtained to authorize any act to be done, he may grant a permit therefor, subject to the restrictions of the ordinances in relation thereto, and in cases where the ordinances of annexed cities, towns or villages granting privileges and rights in the streets, alleys and public grounds for different purposes, contain the provision that the president and board of trustees must in each instance grant permission for any specific work under the ordinances, authority is hereby vested in the commissioner of public works to grant such permission in lieu of said president and board of trustees.

## ARTICLE II.

### DEPUTY COMMISSIONER OF PUBLIC WORKS.

**1641. Office created—appointment—duty.]** There is hereby established the office of deputy commissioner of public works, who shall be appointed by the mayor and who shall have authority, under and subject to the order, direction and control of the commissioner of public works, to sign or act for the commissioner of public works, and who shall perform such duties as may be required of him by said commissioner.

**1642. Bond.]** Said deputy commissioner of public works, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the penal sum of twenty-five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

## ARTICLE III.

### SECRETARY TO THE COMMISSIONER.

**1643. Secretary appointed — duties.]** The commissioner of public works may appoint a secretary, whose duty it shall be to preserve and keep all books and papers belonging to said department, or which are required by law to be filed therein. He shall deliver to

the city council and to the respective departments, all communications from the said commissioner in writing, and shall attend in the office of said department during the usual office hours, and do and perform such other services as may be required by said commissioner.

#### ARTICLE IV.

##### CITY ENGINEER.

**1644. Duties.]** The city engineer shall perform such duties as may be required of him by the commissioner of public works, or the ordinances of the city, and shall also perform all such services in the prosecution of public improvements as may require the skill and experience of a civil engineer.

**1645. Superintendent of works.]** He shall have charge of the construction and repairing of all bridges, viaducts and water works, and shall superintend the laying of all main and supply water pipes.

#### ARTICLE V.

##### SUPERINTENDENT OF STREETS.

**1646. Duties.]** The superintendent of streets shall perform such duties as may be required of him by the commissioner of public works, or the ordinances of the city.

**1647. Charge of streets.]** He shall have charge of the improvement and repair of all streets, avenues, alleys and highways in the city of Chicago, and the construction and repair of all sidewalks.

#### ARTICLE VI.

##### SUPERINTENDENT OF WATER.

**1648. Duties.]** The superintendent of water shall perform such duties as may be required of him by the commissioner of public works, or the ordinances of the city.

**1649. Water rates—collection.]** He shall have special charge of the assessment and collection of all water rates or assessments.

**1650. Daily report of moneys received.]** Said superintendent shall report to the city treasurer, once in each day, all moneys received by him in said department of public works, and at the same time pay over to the said city treasurer all such moneys, with a statement of the same, to what account the same belongs, and shall take a receipt and duplicate receipt for all moneys so paid over, which said duplicate receipt he shall immediately deposit with the said commissioner of public works.

## ARTICLE VII.

## SUPERINTENDENT OF SEWERAGE.

**1651. Duties.]** The superintendent of sewerage shall perform such duties as may be required of him by said commissioner of public works, or the ordinances of the city.

**1652. Sewers—charge of.]** He shall have special charge of the construction of all public and private sewers and catch basins, and the issuing of all permits and licenses in connection therewith.

## ARTICLE VIII.

## SUPERINTENDENT OF SPECIAL ASSESSMENTS.

**1653. Duties—plats.]** The superintendent of special assessments shall be ex officio examiner of subdivisions, and it shall be his duty to examine all plats and maps of subdivisions of land in the city of Chicago, upon presentation of the same to him, and if he shall approve of the same, he shall so certify. He shall also perform such duties as may be required of him by said commissioner of public works, or the ordinances of the city.

**1654. Special assessments.]** He shall have special charge of all proceedings connected with the making of special assessments, subject to the directions of the corporation counsel.

## ARTICLE IX.

## SUPERINTENDENT OF MAPS.

**1655. Duties.]** The superintendent of maps shall perform such duties as may be required of him by said commissioner of public works, or the ordinances of the city.

**1656. Record of plats—street numbers.]** He shall have special charge of all matters pertaining to the keeping of the records of maps and plats recorded in the city of Chicago; and of all matters pertaining to street numbers; and he shall make all maps and drawings which may be required by said department.

## ARTICLE X.

## STREET IMPROVEMENTS.

**1657. Notice of special assessment.]** At least ten days before reporting to the city council any draft of an ordinance contemplating a special assessment for any improvement in any street or alley, the commissioner of public works shall mail a notice thereof to every

owner of property abutting on such street or alley, opposite such proposed improvement, whose name and address appears on the county collector's general tax warrant then last returned to the county clerk of Cook county, Illinois.

**1658. Repealing ordinance—improvement.]** Whenever the city council has ordered and directed any public improvement, to be paid for in whole or in part by special assessment, and any measures or proceedings have been instituted by the city pursuant thereto, such ordinance or direction of the council shall not be repealed, nor the proceedings thereunder annulled, at the instance of any person or persons interested in such assessment until all the expense, cost and disbursement made or entailed upon the city, as estimated and determined by the department of public works, shall first be paid into the city treasury by the parties assessed or proposed to be assessed for such improvement.

#### BRICK PAVEMENTS.

**1659. Quality—specimen.]** Whenever any street, avenue, alley or other public place shall be ordered paved, or otherwise improved with brick, the brick to be used shall be made from pure shale of quality equal to that found in Galesburg and Glen Carbon, in the State of Illinois, and Canton, in the State of Ohio.

The dimensions of the brick used shall be the same throughout the entire work in any particular case, and shall be not less than eight inches nor more than nine inches in length, four inches in depth, and not less than two and three-eighths inches nor more than three inches in thickness with rounded edges with a radius of three-eighths of an inch. Said brick shall be of the kind known as "re-pressed" brick, and shall be re-pressed to the extent that the maximum amount of material is forced into them. They shall be free from lime and other impurities; shall be as nearly uniform in every respect as possible; shall be burned so as to secure the maximum hardness; so annealed as to reach the ultimate degree of toughness, and thoroughly vitrified so as to make a homogeneous mass.

Any firm, person or corporation bidding for the work to be done shall furnish specimen brick, which shall be submitted to a "water absorption" test, and if such brick show a water absorption exceeding two per centum of their weight when dry, the bid of the person, firm or corporation so furnishing the same shall be rejected. Such water absorption test shall be made by the commissioner of public works of the city of Chicago, in the following manner, to-wit: Not less than three bricks shall be broken across, thoroughly dried, and then immersed in water for seventy-two hours. The absorption shall then be determined by the difference between the weight dry and the weight at the expiration of said seventy-two hours.

Five specimen brick shall also be furnished by each bidder for submission to the "abrasion" test by the commissioner of public works; such test shall be made in the following manner, to-wit: Such speci-

men brick, or so many of them as may be required by the commissioner of public works, shall be submitted to a test for one hour in the machine known as a "rattler," and if the loss of weight by abrasion during such test shall exceed eight per centum of the original weight of the bricks tested, then such bid shall be rejected.

The specimen brick submitted by the different bidders shall be subjected to the same test without any discrimination in favor or against any of the bidders. All bricks used must be equal in every respect to the specimens submitted by the bidder to the commissioner of public works for test.

#### ASPHALT PAVEMENT.

**1660. Pitch Lake—Trinidad.]** It shall be the duty of the commissioner of public works, in reporting all ordinances which he may hereafter submit to the city council for improving streets, avenues and alleys with sheet asphalt, to specify in such ordinances that the asphaltum to be used shall be equal in quality, for paving purposes, to that obtained from Pitch Lake in the Island of Trinidad.

#### MATERIAL AFFIDAVIT.

**1661. Contractor to make affidavit.]** There shall hereafter be inserted in all contracts and specifications for street improvements a provision that before the final estimate is issued and final payment made upon such contract, the contractor shall deliver to the commissioner of public works, his sworn, written statement of the amount, kind and quality of the several materials required, that were delivered upon and incorporated into the work, and no final estimate, nor final payment shall be made by the city, or any of its officers, until such sworn statement shall have been furnished, as aforesaid, and verified by the department of public works through the reports of its inspectors, or otherwise.

**1662. False statement.]** Any person, firm or corporation that shall make or furnish any false statement as to the matters aforesaid, shall thereafter be debarred from again bidding upon city contracts, or furnishing materials therefor, and it shall be unlawful for any city officer to let or award any contract for a public improvement to any such person, firm or corporation.

**1663. Inspectors to report.]** All inspectors of this city, on such work, shall keep and return to the commissioner of public works an accurate account and report of the quantity and quality of all materials incorporated in such work, and the same shall be compared by the commissioner of public works with the sworn statement above required, and such sworn statement and inspector's reports shall thereafter be preserved by said commissioner.

**1664. Reservation as to right of city.]** Nothing in the last three preceding sections shall be deemed to abridge or restrict in any way the right of this city to inspect, or dig up for inspection, any

street to determine whether the work thereon has been done according to contract, and the proper quantity and quality of materials used therein.

#### EXCAVATIONS

**1665. Permit—boring; prohibited.]** No person or corporation shall, without an express permit in writing previously obtained in each and every instance from the commissioner of public works, place any shaft, cable, pipe, main, conduit, wire or other transmitting or conducting device underneath the surface of any street or alley in the city of Chicago by driving the same through the earth underneath the surface of any such street or alley, or by boring or tunneling underneath any such street or alley, or in any other manner than by excavating from the street or alley surface.

**1666. Penalty.]** Any person or corporation violating, or aiding, or promoting a violation of the foregoing section shall be fined not less than fifty dollars nor more than two hundred dollars for each offense, and a further penalty of fifty dollars a day for each day the said underground device laid in violation of this ordinance is permitted to remain in the street.

**1667. Power of commissioner.]** All shafts, cables, pipes, mains, conduits, tubes, wires or other transmitting or conducting devices at any time laid or placed underneath the surface of any such street or alley in any manner forbidden by this ordinance, shall be promptly removed or cut out by the commissioner of public works.

#### DISPLACING PAVEMENTS.

**1668. Limited to two blocks.]** It shall be unlawful to open or tear up any of the paved streets of the city for any greater distance than two blocks in extent at any one time, for the purpose of laying railroad tracks, car tracks, gas pipes, sewers, telegraph or telephone cables, or the repairs of the same, or other purposes other than laying down new pavements. The pavement of the first block opened shall be temporarily re-laid and the debris removed before opening another block of the street in which the work is being prosecuted. The commissioner of public works shall provide the necessary rules governing the repairs of paved streets under this and other ordinances, so that the pavements shall be absolutely replaced in as good order as before being disturbed, the earth packed solid and pavement laid even with the adjacent blocks or other material, within three weeks after it is first torn up.

#### ARTICLE XI.

#### WATER MAINS.

**1669. Cost advanced by property owners.]** The commissioner of public works may extend water mains where the owners

of the property, or persons desiring such extension, shall advance and pay into the city treasury a sum of money equal to the entire cost thereof; and whenever, upon a proper survey, it is shown that a permanent annual revenue of ten cents per lineal foot is being derived from said water mains, then said money so advanced as aforesaid shall be repaid to the person or persons so advancing the same; Provided, however, if the money so advanced is not paid back within two years, interest at the rate of five per cent. per annum shall be allowed after the expiration of said two years, until paid.

**1670. Duty of Commissioner.]** Whenever an ordinance is hereafter passed by the city council for the filling, grading, curbing and paving of any street, it shall be the duty of the commissioner of public works to ascertain whether the street or streets upon which such improvement is ordered contains a sufficient number of houses to pay a permanent annual rental to the city of ten cents per lineal foot for every foot of water pipe laid on said street or streets, and if such commissioner finds that said water pipe will pay such revenue to the city, he shall at once notify the city council, as hereinafter provided.

**1671. Extension of water mains.]** It shall be the duty of the commissioner of public works, wherever he shall deem it necessary or advisable to lay or extend any water main in the city of Chicago, and before he shall cause the same to be laid or extended, to report to the city council the proposed location and extent of the same, together with the size of pipe necessary or advisable to be laid, and the probable expense thereof. No water main shall be laid or extended by the commissioner of public works, unless upon an order of the city council directing the laying or extension of the same, fixing the location thereof, the size of the pipe to be used, and the maximum cost of the same; Provided, however, that nothing in this article contained shall be construed to apply to the laying or extension of water mains where provision shall have been made for paying for the same by special assessment, or where the cost of the same shall be paid by private individuals who shall by agreement wait for reimbursement until a permanent annual revenue shall have been derived therefrom, as herein provided, or to cases of repairing or relaying mains already laid, where the same shall have burst or otherwise become out of repair.

**1672. Special assessment for water mains.]** Whenever any special assessment shall be collected by or for the city of Chicago for the purpose of laying or extending any water main within said city, there shall be repaid out of the moneys in the city treasury to the credit of the water fund, to the person or persons to whom the special assessment receipt shall be given, or upon his or their order, upon production of the original receipt, the amount for which any such receipt was given (less the rebate previously paid, if any, and less the proportionate share of the cost of making and collecting such special assessment), when from the surplus of the net income from

the water rates not otherwise appropriated or pledged, there is in the city treasury sufficient money therefor, and when the city comptroller shall so certify; Provided, however, that no such money shall be repaid unless the permanent annual water rates derived by reason of the laying of said water main for which any such receipt was given, in part or in whole, shall at the time of said proposed re-payment, per annum equal at least ten cents per lineal foot of main so laid and for which such special assessment was paid.

## ARTICLE XII.

### BUREAU OF STREET AND ALLEY CLEANING.

**1673. Bureau created.]** There is hereby established a division of the department of public works of the city of Chicago to be known and designated as the bureau of street and alley cleaning, which shall embrace the superintendent of said bureau, and such other inspectors and employes as the council may by ordinance prescribe and establish.

**1674. Superintendent—appointment—term—duty.]** There is hereby created the office of superintendent of street and alley cleaning, who shall be the head of said bureau of street and alley cleaning, and who shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, and biennially thereafter, and until his successor shall have been appointed and qualified. He shall have, subject to the supervision of the commissioner of public works, the management and control of all things pertaining to said bureau of street and alley cleaning, including the removal and disposition of dirt, filth, litter, garbage, ashes, manure, offal, swill, dead animals and other material from the streets and alleys of the city of Chicago. Said superintendent before entering upon the duties of his office shall execute a bond to the city of Chicago in the sum of twenty-five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**1675. Duties.]** Said superintendent shall have the power, and it shall be his duty, subject to the supervision of the commissioner of public works and subject to the ordinances of the city of Chicago, to remove or cause to be removed from the streets, alleys and public places in the city of Chicago, all dirt, filth, litter, garbage, ashes, manure, offal, swill, dead animals and other material, and to keep such streets, alleys and public places in a clean and wholesome condition. It shall be his duty, subject to the supervision of the commissioner of public works, to see that the ordinances of the city prohibiting or relating to the throwing or casting of dirt, filth, litter, garbage, ashes, manure, offal, swill, dead animals and other materials in any street, alley, or place in the city, are enforced, and that violations thereof are



prosecuted. It shall also be his duty and he shall have the power, subject to the supervision of the commissioner of public works, to remove or cause to be removed, garbage, ashes, offal, filth or litter, or other nauseous or unwholesome things or substances from lots, grounds, or places of deposit thereof, and cause all dead animals to be removed, and disposed of in the manner prescribed by the ordinances of the city, and the regulations of said department of public works.

**1676. Subordinates—removal.]** Said superintendent shall have the power to suspend any subordinate officer, clerk, or employe and, with the approval of the commissioner of public works and the mayor, to discharge him from his employment. All orders or directions emanating from said bureau shall be issued in the name of said superintendent.

**1677. Contractors—supervision.]** It shall be the duty of said superintendent, subject to the supervision of the commissioner of public works, to see that all contracts for work connected with said bureau are faithfully observed and carried out by the contractors.

**1678. Powers—expenditure of money—wards.]** Said superintendent, subject to the supervision of the commissioner of public works, shall have the charge and conduct of the cleaning and sweeping of all streets in the city of Chicago, and of the removal and disposition of all sweepings or refuse arising from the same. He shall also, under like supervision, have the charge and conduct of the cleaning of all alleys in the city of Chicago, and the removal and disposition of all garbage, ashes and other refuse arising from the same. He shall, under like supervision, determine the times and manner in which said work shall be done, and all other matters regarding the same. All moneys appropriated for the purposes of said bureau shall be expended under his direction, subject to the approval of the commissioner of public works: Provided, that the portion of the tax paid for that purpose by the respective wards toward the cleaning of the streets lying within such wards shall be expended only for that purpose; and, in no event shall the taxes received for that purpose from one ward be applied toward cleaning the streets lying within another ward.

**1679. Powers as to contracting.]** Whenever it is found absolutely necessary to do the work by contract, proposals for any such work in charge of said bureau shall be invited by advertisement, in the official newspaper of the city of Chicago, which said advertisement shall be published for ten consecutive days. The bids for doing such work shall be sealed bids, directed to the department of public works, and shall be accompanied with five hundred dollars in money or a certified check, payable to the city of Chicago for that amount, upon some bank in good standing, doing business in the city, to be forfeited to the city in the event that he or they shall neglect or refuse to enter into a contract to perform the work for the price mentioned in his or their bid. Said bids shall be opened at the hour and place mentioned in said notice; and, should said bid or bids be rejected, or should it

become necessary for any other reason to re-advertise for proposals to do said work, such advertisement shall be published for three instead of ten days as required in the first instance. In said advertisement, the right to reject any and all bids shall be reserved. Said bids shall be opened and passed upon and awarded or rejected by the commissioner of public works and said superintendent, and in case they do not agree, then the mayor shall decide any such matter of disagreement. All contracts for such work, when the expenses thereof exceed the sum of five hundred dollars, shall be let to the lowest responsible bidder and shall be approved by the mayor and the city comptroller.

**1680. Contractor's bond.]** The person or persons, firm or corporation to whom any such contract shall be awarded, shall execute and deliver a bond, with good and sufficient sureties, in such amount as shall not only be adequate to insure the performance of the work in the time and manner required in such contract but, also, to save, indemnify and keep harmless the city of Chicago against all liabilities, judgments, costs and expenses, which may in any wise come against said city in consequence of the granting of such contract, or which may in any wise result from the carelessness or neglect of such person, persons, firm or corporation, or his, their or its agents, employes or workmen, in any respect whatever; and conditioned, also, that when any judgment is recovered against said city by reason of the carelessness or negligence of such person, persons, firm or corporation so contracting or his, their, or its employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, persons, firm or corporation, and his, their, or its sureties on such bond, not only as to the amount of damages, but as to their liability; and conditioned also for the payment of all claims and demands whatsoever which may accrue to each and every person who shall be employed by said contractor or any assignee or sub-contractor of such contract, in or about the performance of said contract.

**1681. Forfeiture of contract.]** In all contracts executed on behalf of the city, the right shall be reserved to the commissioner of public works and said superintendent to finally decide all questions arising as to the proper performance of said work and, in case of improper performance, to suspend said work at any time, forfeit the contract and to re-let the same to some more capable and faithful contractor or contractors. They shall have the right to adjust the difference of damages or price, if any, which the contractor or contractors, failing to properly perform such work, should pay to the city according to the just and reasonable interpretation of said contract. All such contracts shall contain a covenant that such difference may be recovered at law in the name of the city, before any court of competent jurisdiction, from such contractor or contractors.

**1682. Estimates—reserve.]** In cases where the contractor or contractors shall proceed to properly perform and complete their

said contracts, the said superintendent may, from time to time as the work progresses, grant the said contractor or contractors an estimate of the amount already earned, reserving fifteen per centum therefrom, which, when approved by the commissioner of public works, shall entitle the holder or holders to receive the amount that may be due thereon when the money applicable to the payment of such work shall have been collected and the conditions imposed by said estimate, if any, shall have been satisfied.

**1683. Lack of bidders—contractor's default.]** In case the prosecution of any such work shall be suspended in consequence of the default of any contractor or contractors, or in case the bids for doing such work should be deemed excessive, or such person or persons making such proposals are not responsible or proper persons to be entrusted with its performance, the said superintendent may, subject to the supervision of the commissioner of public works, where the urgency of the case and the interests of the city require, employ workmen to perform or complete such work: Provided, that the cost and expense thereof shall in no case exceed the amount appropriated for such purpose.

**1684. Annual report.]** Said superintendent shall annually furnish to the commissioner of public works a full and comprehensive statement of all matters pertaining to said bureau, during the year, and of all expenditures from appropriations for the bureau, together with an estimate in detail of the appropriation required by the bureau during the next municipal year.

**1685. Contracts and bonds run to city.]** All contracts for work in charge of said bureau, and all bonds taken in relation thereto, shall be made to and in the name of the city of Chicago.

#### SUPERVISION OF HEALTH DEPARTMENT.

**1686. Removal of garbage, etc.]** In all matters relating to or affecting the collection, removal or disposal of garbage, offal, refuse or other matter injurious to the public health, by the bureau of street and alley cleaning, said bureau and all officers and employes thereof shall be regarded as a part of the health department, and shall be subject to the supervision and direction of the commissioner of health, or of the acting head of the health department for the time being. In case question shall arise at any time in said bureau, or in the department of public works, or the department of health, respecting the proper jurisdiction to which said bureau is subject in any instance, and the heads, for the time being, of the department of public works and the department of health are unable to agree concerning such question, it shall be referred to the mayor and be conclusively determined by him.

## ARTICLE XIII.

## HOURS OF LABOR.

1687. **Eight hours—contract to provide for.]** Eight hours shall constitute a legal day's work upon all work performed under any contract entered into with the city of Chicago, and in all said contracts there shall be an express provision that eight hours shall constitute a day's labor on all work performed under such contract, and that the contractor or contractors shall not permit the persons employed on such work to work over eight hours per day, except in case of emergency, and that any violation of such provision of the contract will authorize the commissioner of public works or other official entering into the contract to forfeit the same. The provisions of this section shall not apply to work required under said contract to be done at the factory, foundry or shop of the contractor or contractors, but shall only apply where the employe or laborer is engaged directly upon the work required by the contract.

1688. **Eight hours — city employes.]** Eight hours of labor between six o'clock a. m. and six o'clock p. m. shall be and constitute a legal day's work for all employes performing manual labor for the city of Chicago, and working within its corporate limits. The provisions of this section shall not be construed to apply to or govern the police or fire departments, or any department or workshop where constant operation is necessary; Provided, however, that in all cases of necessity or emergency, superintendents, foremen or others in authority are hereby authorized to work their employes such number of hours as such necessity or emergency may require. But for all labor performed in excess of eight hours in any one day such laborer or employe shall be entitled to and shall receive pay at the rate of time and one-half for all such labor performed.

## ARTICLE XIV.

## LAMPS.

1689. **Department of public works in control.]** The department of public works shall have charge and control of and shall erect all lamp posts and lamps, and street-signs designating the names of the streets, which shall be placed on said lamps.

1690. **Post-office boxes.]** The post-office department, under the direction of the commissioner of public works, is hereby granted permission to attach and fasten post-office boxes to the public lamp posts in this city; and any person or persons who shall deface or in any way injure any such post-office box shall, for each offense, be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars.

1691. **Penalty for extinguishing light.]** No person, unless

authorized by the respective contractors for lighting the streets, shall at any time light or extinguish or cause to be lighted or extinguished any public lamp which such contractor is or shall be required to light, under their contract made with the city, under a penalty of not more than ten dollars for each offense; and any and every contractor shall be liable to a like fine of not more than ten dollars for wilfully neglecting to light any lamp according to contract.

**1692. Injury to lamp.]** Any person breaking, mutilating or obstructing any of the public lamps in the city of Chicago shall be liable to a penalty of not more than ten dollars for each offense.

**1693. Removal of lamp posts.]** No person, without permission of the commissioner of public works, shall take up, remove or carry away any public lamp post in the city of Chicago, under the penalty of not more than fifty dollars for each offense.

**1694. Same subject.]** No person shall remove or cause or permit to be removed any public lamp post now or hereafter to be placed in front of his premises, for any purpose whatsoever, without the permission of the commissioner of public works; and every such person shall cause the lamp posts so removed to be re-set at his own expense under the direction of said commissioner, immediately upon notice from said commissioner so to do, under the penalty of not more than twenty-five dollars for each offense.

**1695. Hitching to lamp post.]** Any person who shall carelessly or maliciously break, deface or in any way injure or destroy any public lamp or lamp post in this city, or climb upon, or hitch any horse or other animal to any public lamp post, or hang or place any goods or merchandise thereon, or place any goods, boxes, wood or any other heavy material upon or against the same, shall be liable to a penalty of not more than ten dollars for each offense.

## ARTICLE XV.

### \* SEWERS AND DRAINS.

**1696. Charge of sewers and drains—cleansing, etc.]** All sewers and drains in any of the streets, alleys, avenues or public places in the city shall be under the charge of the department of public works, and they shall be kept in good order and condition, and clean and free from obstructions, and the commissioner of public works shall cause to be made such repairs thereof, and of the receiving basins, culverts, and openings connected therewith, as may from time to time become necessary.

**1697. Sewer connections—permit.]** The commissioner of public works shall prescribe the mode of piercing or opening any of the sewers or drains, and the form, size and material of the connections made therewith, and shall have authority to grant permission to make lateral connections with said sewers.

**1698. Sewer connections—indemnity.]** No connection shall be made with any sewer or drain without the written permission of the commissioner of public works; nor shall any person drain from any point within the limits of the city of Chicago, into the Chicago river or any of its branches, or into any slip connecting therewith, or into any canal or canals constructed under the authority of said city, without first obtaining a permit for such drainage from said commissioner of public works; and said commissioner is hereby authorized to grant such permits, and to exact a license fee therefor, to be fixed by said commissioner, which said license fee shall be equal to an amount sufficient to defray the expense imposed upon the city, in consequence of granting such permission. And any person making any connection or opening into any sewer or drain, or draining from any point within the city limits into the Chicago river or its branches, or into any canal or canals as aforesaid, without such permission, or in a manner different from the mode prescribed by said commissioner, shall subject the person making the same and the person directing it, respectively, to a penalty of not more than fifty dollars, and a further penalty of twenty-five dollars for each and every day the same is continued.

**1699. Sewer connections — how authorized.]** The commissioner of public works may grant permission to persons to construct, at their own expense, sewers or drains, to lay pipes to connect with any sewers or drains built in any of the streets, alleys or avenues in the city, charging a license fee therefor of five dollars in each case; but such permission shall not be granted except upon the agreement, in writing, of the persons applying therefor, that said work will be performed by some person or persons duly licensed therefor, and that they will comply with the ordinances in relation to excavating the streets; that they will indemnify the corporation for any damages or costs to which it may be put by reason of injuries resulting from neglect or carelessness in performing the work so permitted; and that no claim will be made by them or their successors in interest against the corporation, or for exemption from an assessment lawfully imposed for constructing sewers or drains in the vicinity of their property; and upon the further condition that the city council may at any time revoke and annul such permission, and direct such sewers, drains, or pipes to be taken up or removed.

## CHAPTER LV.

### RAILWAYS.

#### ARTICLE I.

##### STREET RAILWAYS.

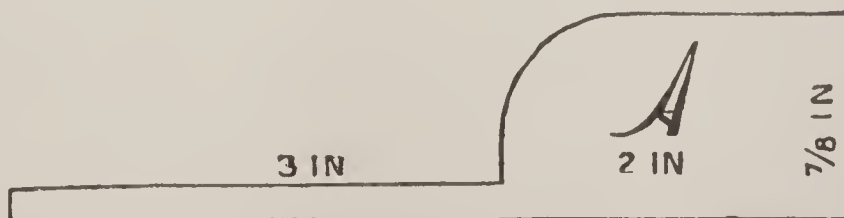
**1700. Track laying—permit.]** It shall not be lawful for any person or corporation to lay any railroad track or tracks in or upon any of the streets, avenues, alleys or other public places within the city of Chicago, without first procuring a permit therefor, in writing, from the commissioner of public works.

**1701. Permit—contents—fee.]** Such permit shall be issued by the commissioner of public works in accordance with the terms of the respective ordinances under which the said tracks may be authorized to be laid, and shall specify in full the terms and conditions under which the same shall be constructed. For every such permit there shall be paid to the city the cost of issuing the same and the expense of causing the construction under said permit to be superintended by the department of public works.

**1702. Penal clause.]** Any person or corporation laying any track or tracks in violation of this article or without complying with the terms of the permit herein required shall be subject to a penalty not less than one hundred dollars nor more than two hundred dollars and to a further penalty of one hundred dollars a day for every day any such track or tracks shall remain in any such street, avenue, alley or other public place, where the same shall have been laid without said permit or in violation of the terms thereof.

**1703. Gauge of railway.]** The gauge of all street railroads in the city of Chicago, now laid or hereafter to be laid, is hereby fixed at four feet eight and one-half inches.

**1704. Rails—form of, etc.]** All rails which shall hereafter be laid on any street railroad track on the streets, alleys or other public grounds of the city of Chicago shall be tram rails, having a profile, taken crosswise of the rail, such as is shown on the sketch following, marked "A":



The width of said rail from outside to outside shall be five inches; the width of the tram shall be three inches horizontal; the height along the wagon edge, or the height from the tram to the highest part of the rail, shall not be more than seven-eighths of an inch; the upper part of the rail shall be laid below the level of the surface of the street, and the whole manner of constructing said railways, so as to carry out the provisions of this article, shall be under the direction of the commissioner of public works.

**1705. Track not to obstruct vehicles—repair of streets.]** Said companies shall keep the tracks of their respective roads in such a condition that said tracks shall not at any time be elevated above the surface of the streets on which they are laid, so that vehicles can easily and freely at all times cross said tracks at all points, in any direction, without obstruction; they shall also keep in good repair such portions of the streets as they severally have agreed or may agree with said city so to keep in repair.

**1706. Enforcement of above provision—book for complaints.]** The commissioner of public works shall see that the provisions of the last section are complied with, and shall require inspectors of sidewalks and foremen of street labor to report to said commissioner all cases that come to their knowledge of any neglect or failure of any of said companies so to comply. Said commissioner shall also keep a book, accessible to the public, in which any resident in said city may enter complaint of the condition of said tracks, or the streets in which the same are laid.

**1707. Failure to comply—notice.]** Whenever said companies or either of them shall neglect or fail to comply with the provisions of section 1704, the commissioner of public works shall cause a notice to be served upon such company or companies, requiring the track or tracks or part of track or tracks, or the portions of the streets required to be kept in repair by such company or companies mentioned in such notice, to be put in the condition required by said section, within five days after the service of such notice.

**1708. Failure to comply—penalty.]** Either of said companies who shall neglect or fail to put their track or tracks or part of track or tracks, or any portion of the streets mentioned in such notice, in the condition required by section 1704, within five days after the service of such notice, shall forfeit and pay not less than one hundred dollars and not more than two hundred dollars for every day such neglect or failure shall continue after the expiration of said five days; and the said commissioner shall report every such case to the attorney for the city, who shall immediately prosecute the offending company to judgment and execution before any court of competent jurisdiction.

**1709. Conductor on each car.]** It shall be unlawful for any of the street railway companies of the city of Chicago to suffer any car to be run on any of the streets, or any portion or part thereof, in the



said city at any time, unless the same shall be in charge of and under the control of some competent conductor, who shall be a person other than the driver of said car. For each and every violation of the provisions of this section, the said companies, or either of them, shall be subject to a fine of not less than ten dollars nor exceeding one hundred dollars.

**1710. Stopping in front of fire engine house prohibited.]** It shall be unlawful for any person, firm or corporation engaged in the occupation of operating and running street cars for the conveyance of passengers within the city of Chicago, however operated, or any person in charge of any such car, grip car or electric car, to permit or allow any such car to stand in front of, or to permit any passenger to get on or off of any such car, in front of any public fire engine house, truck, hose or chemical house, within the corporate limits of the city of Chicago.

For each and every violation of the provisions of this section the person, firm or corporation violating the same shall be subject to a penalty of not less than twenty-five dollars nor more than fifty dollars.

**1711. Watchmen at steam railway crossings.]** It shall be the duty of all street railway companies operating cars by electricity as a motive power within the corporate limits of the city of Chicago to place a watchman at each intersection of a steam railway track. For each and every violation of the provisions of this section, said companies, or either of them, shall be subject to a penalty of not less than ten dollars nor more than twenty-five dollars.

**1712. Cars to be numbered—signal lights.]** All street railway cars shall be distinctly numbered both inside and outside, and the cars of different routes running in part on the same track shall be distinguished by a difference of color, so far as practicable, and shall have appropriate lettering to indicate the streets or routes upon which the same run; and in the night shall, in all cases, be sufficiently distinguished by the form or color of the signal light, and have signal lights in the sides as well as front, so as to prevent the cars of different routes being mistaken for each other.

**1713. Right of way—penalty of obstructing.]** The cars shall have the right to the track as against any person, carriage, vehicle or incumbrance put, driven or being thereon with a view to delay or embarrass the progress of the cars; and no person shall obstruct the said tracks, or obstruct or prevent the cars from running or progressing thereon by placing, driving or stopping or causing to be driven at a slow pace or stopped, any vehicle or other obstacle in, upon across, along or near said track in the way of any car, if there shall be an opportunity to turn off, after being notified by the ringing of the car bell, under a penalty of five dollars.

**1714. Use of damaged car prohibited.]** No car shall be used by any of the city railway companies upon their respective routes which has a broken window, door, step or insufficient fastening, or is otherwise damaged, longer than during the day such break, insufficient fastening or damage may occur.

**1715. Street sprinkling—penalty.]** The several street railway companies having their railway tracks located in and along the different streets within the city of Chicago shall, from and after the first day of May and during and until the first day of November in each and every year, keep moistened and well sprinkled with water the several streets within the city of Chicago upon and along which they, or either of them may use or operate their respective railway tracks. And each and every of such street railway companies shall, for each and every day they or any of them shall fail to comply with the provisions of this section, be liable to a penalty of not less than twenty-five dollars nor exceeding one hundred dollars.

**1716. Removal of street accumulations.]** The several street railway companies at any time operating railroad tracks on and along the surface of any of the streets, avenues or alleys of the city of Chicago are hereby respectively required to remove all dirt, snow and other accumulations from so much of the surface of each street, avenue, or alley now or hereafter containing any of their railway tracks, as lies between the two outermost rails of such tracks, and also from such additional surface in width as may be prescribed in any ordinance relating to or affecting any such street, avenue or alley, and shall respectively clean such portions of said street, avenue or alley and remove entirely from and out of such street, avenue or alley all such dirt, snow and accumulations at least once in each week, and as much oftener as the commissioner of public works shall in writing direct; such dirt, snow and accumulations to be removed and disposed of in accordance with the ordinances of the city in relation to the removal of street cleanings, and subject to the rules and regulations of the department of public works in that behalf.

**1717. Penalty for failure to remove, etc.]** Any street railway company operating a street railway upon or along the surface of any street, avenue or alley in the city of Chicago, which shall refuse or neglect to clean any part of a street, avenue or alley as required by the last preceding section hereof, shall upon conviction thereof, be fined in a sum not less than fifty dollars, nor more than two hundred dollars for each and every case of such refusal or neglect.

**1718. Car heating—months named.]** All persons, firms, companies or corporations owning, managing or conducting any street railway cars within the city of Chicago shall cause the same to be heated, sufficiently to make them comfortable for the transportation of passengers, at all times while in operation during the months of October, November, December, January, February, March and April of each year.

**1719. Penalty.]** Any person, firm, company or corporation failing to comply with the provisions of the last preceding section hereof shall be subject to a fine of not less than twenty-five nor more than one hundred dollars for each car operated in violation of this law, and each day of the operation of such car shall be considered a separate offense.

**1720. Stoppages—where made.]** Street cars shall stop to receive and to let off passengers at the intersections of streets, and in such manner as when stopped not to interfere with the travel on cross streets, and in blocks more than five hundred feet in length they shall stop, when so desired, to receive and to let off passengers at the middle of such blocks. Each team of horses hitched to a street car shall have a bell or bells attached to them. Rules regulating the running of cars and stopping for passengers must be posted in a conspicuous place in each car, and must be in letters of such size as to be easily read from any part of such car.

**1721. Running time — regulations.]** There shall be at all times when practicable between the hours of six o'clock a. m. and twelve o'clock at night, from the fifteenth of November to the first of May, and the hours of five o'clock a. m. and twelve o'clock p. m. in the other months, cars running on the respective routes of all street railway companies, as the public shall require, under the penalty of not less than twenty-five dollars for each and every violation of this section.

**1722. Night cars on Madison and Van Buren streets.]** The West Chicago Street Railroad company shall run a car every twenty minutes between the hours of twelve o'clock midnight and six o'clock a. m., on Madison street, between State street and West Fortieth street, and on East and West Van Buren streets, on each and every day of the week, including Sundays. Said cars to receive and let off passengers at the intersection of streets, in the same manner as the cars operated and run by said company between the hours of six o'clock a. m. and twelve o'clock midnight. The said West Chicago Street Railroad company shall be liable to a penalty of twenty-five dollars for each violation on their part of any provision of this section.

**1723. Rate of fare — continuous trip — transfer.]** The rate of fare to be charged by any person, firm, company or corporation owning, leasing, running or operating street cars or other vehicles for the conveyance of passengers on any street railway within the limits of the city of Chicago for any distance within the city limits shall not exceed five cents for each passenger over twelve years of age, and half fare for each passenger over seven and under twelve years of age, for one continuous trip, except when such street cars or other vehicles shall be chartered for a specific purpose. And, at any point where any line of any street railway owned, leased or operated by any person, firm or corporation does now or shall hereafter, within the limits of the city of Chicago, join, connect with, cross, intersect or come within a distance of two hundred feet of any other line of street railway owned, leased or operated by the same person, firm, company or corporation, any passenger who shall have paid his fare on any street car or other vehicles run or operated on such first mentioned line shall, on his request, be entitled to demand and receive from the person or persons in charge of such street car or

other vehicle upon which he has so paid his fare a transfer ticket, which transfer ticket shall entitle such passenger, without further charge, to be carried on any other one line adjoining, connecting, crossing and intersecting, as aforesaid, and owned, leased or operated by such person, firm or corporation, for a continuous trip of any distance within the limits of the city of Chicago, if used within one hour after the same is issued at the point or place for which such transfer ticket was issued.

**1724. Notice of ordinance in car.]** Each and every car or other vehicle subject to the provisions of this ordinance shall be provided on the inside with two or more conspicuous notices containing so much of the last preceding section thereof, relating to transfer tickets, as may be necessary.

**1725. Violation of ordinance.]** For each and every violation of the provisions of the two last preceding sections, the person, firm, company or corporation owning, leasing or operating said street cars or other vehicles within said city shall be subject to a penalty of not less than fifty dollars nor more than two hundred dollars.

**1726. Penal clause.]** The said companies, when no other or different penalty is herein provided, shall be liable to a penalty of fifty dollars for any violation on their part of any provision of this article; and any conductor, driver or other person violating any provision of this article when no other or different penalty is herein provided, shall be liable to a penalty of not less than five dollars; and it shall be the duty of the police to enforce the provisions of this article.

## ARTICLE II.

### STEAM RAILWAYS.

**1727. Speed of trains.]** No railroad corporation shall by itself, agents or employes, run any passenger train upon or along any railroad track within the corporate limits of the city of Chicago at a greater rate of speed than ten miles an hour; nor shall any such corporation by itself, agents or employes, run any freight car or cars upon or along any railroad track within said city at a greater rate of speed than six miles per hour.

Note: See article III of this chapter.

**1728. Stopping at crossings—limitation.]** No railway company, railroad engineer, train conductor or other person shall cause or allow any locomotive engine, car or cars or train of cars, to stop in or remain upon any street and railroad crossing within said city, at which by the provisions of this article, a flag-man is ordered to be stationed and kept, for a longer period than five minutes at any one time, nor upon any other street and railroad crossing in said city for a longer period than five minutes: Provided, however, that in case a collision should take place at any or either of the crossings aforesaid,

reasonable time shall be allowed to remove any obstruction that may be caused thereby.

**1729. Street crossings — obstructions.]** Should any street and railroad crossing in said city be and remain occupied and obstructed in whole or in part by any train of railroad cars for and during the period of five minutes, it shall be the duty of each and every railroad company upon whose line of road such obstruction may occur, their agents or employes, on or before the expiration of said five minutes, when from any cause the entire train cannot be propelled or removed to any one side of any street occupied and obstructed as aforesaid, to cause such cars as may be on or near said crossing to be uncoupled, and some one division of the train as thus made removed from off the aforesaid street and railroad crossing in such manner as to leave said street entirely free and unobstructed five minutes, and said train, when again coupled, shall be removed forthwith from off any such crossing as aforesaid.

**1730. Lights at night.]** Every locomotive engine, railroad car or train of cars running in the night time on any railroad track in said city, shall have and keep, while so running, a brilliant and conspicuous light on the forward end of such locomotive engine, car, or train of cars. If such engine or train be backing, it shall have a conspicuous light on the rear car or engine, so as to show the direction said car is moving.

**1731. Loading and unloading on streets—Switch-house.]** No company, corporation or person shall be allowed to deposit or place in the street, any lumber or other material, nor shall they load or unload any car from the street, nor erect or maintain any switch-house or other building, upon any street, highway or alley within the city limits, except by the written permission of the commissioner of public works.

**1732. Whistles—use limited.]** No railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the city, except necessary brake signals, and such as may be absolutely necessary to prevent injury to persons, and to property other than their own, and that in their possession as freight.

**1733. Bells to be rung.]** The bell of each locomotive engine shall be rung continually while running within said city, except locomotives running upon the railroad tracks situated east of Indiana avenue, on the shore of Lake Michigan, between Twenty-second street and Park row in said city, where no bell shall be rung or whistle blown, except as signals of danger.

**1734. Signboards at entrance of city.]** Each railroad company running on any railroad within said city, shall erect at the entrance of such railroad within the city, a signboard, having thereon the words "stop speed," "ring bell," legibly painted thereon, and keep the same so erected.

**1735. Superintendent to furnish employes with copy of ordinance, etc.]** Each superintendent of any railroad shall furnish each

engineer and train conductor of any railroad running within the city a certified or printed copy of this and the succeeding article, and shall, moreover, furnish to any officer of said city applying therefor the name of any person in the employment of said railroad company who shall have been charged with having violated any of the provisions of this article.

**1736. Steam—escape of prohibited.]** No railroad company or person in charge of any locomotive engine shall cause or allow the cylinder cock or cocks, safety valve or other valves of any locomotive engine to be opened so as to permit steam to escape therefrom at any time while running upon or along any railroad track, or where the engine is within one hundred feet of any street or railroad crossing or viaduct; Provided, however, that when such engine shall be standing at such point in said city, and for six revolutions of the driving wheel after being put in motion, the said cocks may be opened for the purpose of allowing condensed steam to escape.

**1737. Street—obstruction by empty car.]** Any railroad company or railroad corporation who shall by themselves, their agents or employes, or any agent or employe of any railroad company or railroad corporation who shall cause or allow any empty railroad car or cars to be detached from any locomotive engine and left to remain upon any street or sidewalk and railroad crossing within said city, for a longer period than five minutes, shall be fined in the sum of ten dollars for each and every consecutive five minutes any such railroad car or cars detached as aforesaid shall be so permitted to remain on such street, sidewalk or railroad crossing.

**1738. Trains to stop at Clark and Sixteenth streets.]** Every railroad train or locomotive approaching Clark street in either direction upon any of the railroad tracks crossing said street near and north of Sixteenth street, in the city of Chicago, shall be brought to a full stop before passing over said Clark street and after having reached a point within one hundred feet thereof, and no such train or locomotive shall proceed to cross said Clark street until said street is clear for it to cross, and until it shall have been properly signaled to cross by a flagman on duty at the crossing.

**1739. Penalty for not stopping.]** Every railroad engineer, fireman, conductor, flagman or other railroad officer or employe who shall be guilty of violating the requirements of the foregoing section, by causing or aiding or inducing any train or locomotive to cross said Clark street without coming to a full stop, and being permitted to proceed after the crossing is clear, as herein provided, shall be subject to immediate arrest, and shall be fined not less than twenty-five dollars nor more than two hundred dollars for each such offense.

**1740. Bumping posts at terminus.]** Every corporation, firm or person owning or operating any railroad track, switch, side track or turnout on which cars may be operated or moved by steam power, which said track runs toward and stops within fifty feet of any

public street, alley or place, or any public or private building or property, shall be required to establish and forever maintain substantial bumping posts or other suitable obstruction at the end of such track, to prevent the cars from being hurled from said track upon or against any such public or private street, alley, building or property.

A failure to comply with the provision of this section shall subject the offender upon conviction to a penalty of not less than ten dollars and not more than one hundred dollars for each offense, and a further penalty of five dollars per day for each day any track situated as aforesaid shall be permitted to remain without such bumping post, after one conviction as aforesaid.

**1741. Flagmen at crossings.]** All railroad companies whose track or tracks cross or intersect any of the streets in the city of Chicago east of the west line of Western avenue, or north of the south line of Thirty-ninth street, and also at all crossings of street or horse railways shall station, keep and maintain at all times at their own expense, at each and every of said street and railroad crossings, a flagman, whose duty it shall be to signal persons traveling in the direction of any or either of the crossings and warn them of the approach of any locomotive engine, or any impending danger.

**1742. Gates at crossings—viaducts.]** Whenever, on any street crossed by the track or tracks of any railroad company, the city council shall deem it necessary to require said railroad company to provide protection against injury to persons and property at such crossing by the erection and maintenance of gates, guards or other protection, or the construction of a viaduct, said city council may, by resolution, so declare and direct that any such railroad company owning, leasing or operating the line of road at such crossing shall, within a certain time, to be fixed by the mayor and commissioner of public works, erect, construct and maintain a sufficient safeguard at such crossing, specifying the kind of protection to be erected, constructed and maintained as aforesaid, whether it be a gate or gates, or viaduct or other efficient protection; and it shall be the duty of the commissioner of public works to serve upon the said railroad company named in said resolution, a certified copy thereof, within thirty days after the passage of said resolution, and at the same time to notify the said railroad company, in writing, of the time fixed by the mayor and said commissioner, within which the protection so ordered shall be constructed.

**1743. Gates—construction and operation of.]** Every railroad company owning, leasing or operating a line of road whose track or tracks shall cross any street, alley or public way shall, when notified by the commissioner of public works, as provided in the foregoing section, erect, construct and maintain, on each side of said tracks, gates that shall provide protection against injury to persons and property at such crossing, which gates, on each side of said track, shall open and close simultaneously, and shall at all times be operated together. And

where more than one company owns, operates or leases a road or roads whose track or tracks cross the same street, parallel to each other, where the line or lines of the different companies are not farther apart than forty feet, said companies so owning, leasing or operating said lines crossing said streets parallel to each other shall unite and place two gates, one at each side of said railroad crossings, in such manner that the whole space occupied by all said roads so operated shall be enclosed, and both said gates shall be opened and closed simultaneously. And said gates shall be operated day and night.

**1744. Failure to erect gates, etc. — penalty.]** Whenever any railroad company shall have been directed by the city council to erect, construct and maintain at any street crossed by its track or tracks, any gate or gates, viaduct or other protection as provided in the last two preceding sections, every such company shall within the time prescribed by the mayor and commissioner of public works, erect, construct and thereafter maintain the protection specified in said resolution, under the penalty of two hundred dollars for every offense, and each and every ten days after the expiration of the time so fixed for the construction of such protection any such company shall refuse or neglect to proceed to the erection and construction of the kind of protection specified in such resolution shall constitute a new and distinct offense.

**1745. Erection of gates, etc. — cost — supervision.]** Every such gate, guard, viaduct and the approaches thereto, or other protection, when so ordered as aforesaid, shall be erected and constructed at the sole cost and expense of said railroad company, under the supervision of the commissioner of public works, and the same shall forever thereafter be kept and maintained by such railroad company in proper repair and condition, at its own cost and expense, and without expense or cost to the city of Chicago, under the supervision of the commissioner of public works, and to his satisfaction.

**1746. Making up trains — transfer, as between tracks.]** No train of a greater length than seven hundred feet shall be moved for the purpose of transferring said train, or any part of it, to another, or opposite, or adjoining track or tracks, in making up trains or distributing the same; Provided that no such train or trains shall be composed of more than twenty cars. Any railroad company or railroad corporation, or the yardmaster or agent of such railroad company or corporation, who shall violate the provisions of this section, shall, upon conviction, be fined for the first violation one hundred dollars, and for each succeeding violation the sum of two hundred dollars.

**1747. General penal clause.]** Any railroad company or railroad corporation which shall, of itself, or by or through any of its agents, servants or employes, or any other person, violate or fail to observe any of the foregoing provisions of this article, or any agent or yardmaster of any railroad company or railroad corporation, or any other officer, who shall violate or fail to observe the same, shall for each violation or failure to observe the same, where no other penalty



is imposed, be fined in a sum not less than twenty-five dollars nor exceeding one hundred dollars, to be recovered in any court of competent jurisdiction.

### ARTICLE III.

#### REGULATING SPEED ON ENCLOSED TRACKS.

**1748. City districted for the regulation of speed.]** For the purpose of fixing the rates of speed at which railroad companies may operate trains, locomotive engines or cars, within the corporate limits of the city of Chicago, said city is hereby divided into districts which are severally numbered and described as follows:

The first district shall embrace all that portion of the city which is bounded on the south by the center line of Thirty-first street, on the west by the center line of Western avenue, on the north by the center line of Fullerton avenue and on the east by Lake Michigan.

The second district shall embrace all that portion of the city which lies between the boundary line of the first district and the following lines: On the south, the center line of Fifty-first street extended, on the west, the center line of West Fortieth street; on the north, the center line of Belmont avenue; on the east, Lake Michigan.

The third district shall embrace all that portion of the city lying between the outer boundary of the second district and the boundary lines of the city.

**1749. Regulation of speed.]** It shall be unlawful for any person, firm, company or corporation, its agents, servants or employes, to operate or run within the limits of the city of Chicago, trains, engines or cars at any speed greater than the rates herein named, to wit: Passenger trains and light or disconnected engines in the first district, twenty miles per hour; in the second district, twenty-five miles per hour, and in the third district thirty miles per hour. Freight trains, in the first district, six miles per hour; in the second district, nine miles per hour, and in the third district, twelve miles per hour. Switch engines and cars being moved in making and breaking up trains, in any district, nine miles per hour; Provided, that the length of all trains shall be subject to the provisions of section 1746, of this chapter.

**1750. Walls or fences to be constructed—gates and signals.]** Every person, firm, company or corporation owning, leasing or operating a steam railroad within the corporate limits of the city of Chicago, shall, within such time as may be prescribed by the mayor, and commissioner of public works, construct, or cause to be constructed, on each side of its tracks, and in such place with reference thereto as the mayor and commissioner of public works shall approve or direct, except where public streets shall intersect or cross the same, substantial walls or fences of such material, design, proportion and height as shall be determined and approved by the mayor and commissioner of public works, and shall erect and maintain gates and signal

bells and other safety appliances, operated from towers, or by other reliable means, satisfactory to the mayor and commissioner of public works, for the purpose of giving due and timely warning of the approach of trains, cars or engines at all such street and public crossings within the corporate limits of the city, as may be designated by the mayor and commissioner of public works, which gates, bells and other safety appliances shall be of such material, kind, design and proportion as shall be satisfactory to the mayor and commissioner of public works, and shall be maintained and operated by such device, and by competent attendants in charge thereof at all hours of the day and night, and whenever two or more lines of railroad tracks shall run upon a common right of way, or parallel to and near each other, along or across any street, alley or public place, the mayor and commissioner of public works shall have the right to provide that gates shall be constructed which shall enclose all or any number of such parallel tracks, which gates, so enclosing such parallel tracks, shall be operated simultaneously as to all such tracks so enclosed. And all persons, firms, companies or corporations owning, operating or leasing any railroad in said city of Chicago shall also sufficiently light all portions of their tracks crossing any street, alley, park or public or private way, in such manner and at such places as shall be satisfactory to the mayor and commissioner of public works. And in the event that any such person, firm, company or corporation owning, leasing or operating any railroad shall fail or neglect to construct such walls or fences and provide for the lighting of their tracks as herein required, and to erect, maintain and operate such gates, signal bells, or other safety appliances along its or their tracks, and at the street crossings thereof, within sixty days from the time of the passage of this ordinance, then the city of Chicago at its election may cause the same to be erected, constructed, completed and maintained at the expense of such person, firm, company or corporation, and such person, firm, company or corporation shall be liable to and pay the city of Chicago the whole cost and expense thereof.

**1751. Indemnity to city—rights reserved.]** Any person, firm, company, corporation, or lessee who may erect or operate under and by virtue of the provisions of this article any walls, fences, towers, signals, or other devices or appliances upon, along, across, or over any public street, alley, place, park, or private way, shall be held liable and pay all legal damages that may arise from or by reason of any of the provisions of this article, or any acts of such person, firm, company, corporation, or lessee done in compliance with this article, and shall save and keep harmless the city of Chicago from all damages, costs and expenses incurred by said city by reason of any act of any such person, firm, company, lessee, or corporation, or any act or acts growing out of or resulting from the provisions of this article, and the construction and maintenance of any wall, fence, gate, or other structure, or the enclosure of any railroad track or tracks under

the provisions of this article, or the enclosure of any street, alley, lane, park, or public or private way, or any portion thereof, shall not be held as a waiver or a release of the jurisdiction or the rights or the full authority of the city of Chicago over any and all such property, streets, alleys, parks, or private or public ways.

**1752. Bell to be rung.]** Every engineer, fireman, or employe of any person, firm, company, or corporation owning or operating a railroad within the limits of the city of Chicago, in charge of any engine, shall be required to ring the bell of the engine at all streets and public crossings within the corporate limits of the city of Chicago.

**1753. Reservation of rights.]** Nothing herein contained or no act of any person, firm, company or corporation by reason of the provisions of this article shall be held, or construed to be in the nature of a contract between the city and any person, firm, company, corporation or lessee, owning, controlling or operating any railroad, nor shall any provision of this chapter be construed to release any person, firm, company or corporation from any obligation now existing or which may hereafter be imposed by the city of Chicago to construct or build viaducts, to raise or lower their tracks, to construct sub-ways or to abolish grade crossings at any or all streets within said city when ordered so to do by the city council, and nothing herein shall be construed to create any obligations upon the part of any railroad company to construct any viaduct, or to create any new liability against any railroad, except as provided by the terms of this article. And nothing in this article contained shall commit the city of Chicago to any permanent plan or system for the operation of railroad cars, engines or trains, or the protection of the public on streets or at street crossings, or the regulation and control and supervision of railroad tracks, but the city reserves the right to alter, amend or repeal any provisions herein contained, or to exercise full control and supervision over the operation of all railroads within the city of Chicago the same as if this article of this ordinance had not been passed.

**1754. Section 1727 in force, when.]** It is expressly provided that section 1727 of this chapter shall remain in full force and effect until the walls, fences, gates and appliances provided for by this article shall be constructed and in operation; Provided, however, that the mayor and commissioner of public works shall have the right to allow any person, firm, company or corporation to avail themselves of the privileges of this ordinance providing for the rate of speed for the running of their trains, cars or engines whenever such person, firm, company or corporation shall have constructed and commenced operating the gates as herein required; Provided, further, if said mayor and commissioner of public works shall be satisfied that such person, firm, company or corporation is proceeding as rapidly as practicable to comply with all the provisions and conditions contained in this article, and whenever in their opinion it shall be deemed expedient and proper to grant such permission; Provided, however, that any permit

granted under the provisions of this section shall be subject to revocation at any time the mayor and commissioner of public works shall so elect.

**1755. Penalty.]** Any person, firm, company or corporation owning, leasing or operating any railroad, who shall, by themselves, their agents or employes, violate, or fail, or neglect to observe any of the provisions of this article shall, for each violation thereof, or for each train or engine which shall be run in conflict with the provisions of this article, be fined in any sum not less than fifty dollars nor exceeding two hundred dollars, to be recovered in any court of competent jurisdiction; Provided, further, that every day any such person, firm, company or corporation shall fail or neglect to construct the walls, fences, gates or structures herein provided for, after the time the same have been required by this article, shall be held and considered a separate offense.

#### ARTICLE IV.

##### MISCELLANEOUS PROVISIONS.

**1756. Lights at crossings.]** All steam railroad companies and all street railway companies, whether such street railways be operated by cable, electricity, horse power or otherwise, whose track or tracks cross or intersect at grade any of the streets within the limits of the city of Chicago, shall and they are hereby required to provide at their own expense proper and sufficient lights and care for the same at all such crossings or intersections. Such lights shall be of such kind as may be approved by the commissioner of public works: Provided, however, that the provisions of this section shall not require a light to be placed at any crossing where the commissioner of public works shall deem the same unnecessary by reason of such crossing being already lighted.

**1757. Penalty.]** Any failure to comply with the provisions of the last preceding section hereof shall subject the company so offending, upon conviction of such offense, to a penalty of not less than ten dollars nor more than one hundred dollars for each offense, and a further penalty of five dollars for each day during which any crossing or intersection situated as aforesaid shall be permitted to remain without such lights after one conviction as aforesaid.

**1758. Removal of snow from tracks — conditions — penalty.]** When it shall become necessary, in order to prevent a stoppage of travel upon any street railway or steam railroad occupying any portion of any of the streets or avenues of the city of Chicago, to remove the snow from the tracks thereof to the roadway outside of said tracks, it shall be lawful for the company or companies operating said tracks to remove the snow to said roadway outside of said tracks upon the following conditions: That the cross walks, leading from the side-

walks to said tracks, shall be cleared of the snow so removed from said tracks, and the snow removed as aforesaid from said tracks to said roadway shall be leveled down. It shall be the duty of the commissioner of public works, whenever the snow so removed from said tracks to said roadway tends to prevent access to the stores and dwellings along the route of said railway or railroad, to notify said company or companies owning or operating said tracks, to remove the same, designating in such order the location of the snow so to be removed, and also designating some convenient place in the Chicago river, or upon the lake shore, where the same may be deposited; Provided, however, that said company or companies may deposit said snow on any other lot or lands they may acquire for such purpose.

Any company or companies neglecting or refusing to comply with any such order of said commissioner, within two days after such order shall have been delivered to it or them, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, and a further and continuing penalty of one hundred dollars for each twenty-four hours, after said two days, during which said snow is allowed to remain in said roadway.

**1759. Changing from] steam [to electric power prohibited.]** No railroad corporation or company operating a surface railroad by steam power shall hereafter operate the same by electric power, either by the overhead contact system or otherwise, within the city of Chicago, without first obtaining authority and permission therefor from the city council of the city of Chicago.

**1760. Electric wires, etc., prohibited without permit.]** No railroad corporation or company operating a surface railroad shall hereafter erect any poles or string wires thereon, along, upon or across any public street, alley, highway, or other public place in the city of Chicago for the purpose of conveying an electric current to operate its railroad cars, unless it has obtained permission and authority from the city council of the city of Chicago for that purpose.

**1761. Penalty.]** Any railroad corporation or company violating any of the provisions of the two preceding sections of this article shall be subject to a penalty of not less than one hundred dollars nor more than two hundred dollars, and a further penalty of one hundred dollars a day for each day such poles or wires shall be maintained as aforesaid.

**1762. Police to report violations.]** It shall be the duty of the police to daily report all violations of laws, ordinances and regulations appertaining to railroads or other public conveyances to the superintendent of police.

## ARTICLE V.

### ELEVATED RAILROADS.

**1763. Elevated railroads—street intersections—light.]** All rail-

road companies whose track or tracks cross or intersect any of the streets within the limits of the city of Chicago above the level of such streets shall, and they are hereby required to provide, at their own expense, proper and sufficient lights and care for the same at all such crossings or intersections underneath the track or tracks of said railroad companies. Said lights shall be subject to the approval of the commissioner of public works.

**1764. Penalty.]** A failure to comply with the provisions of the last preceding section hereof shall subject the offender, upon conviction, to a penalty of not less than ten dollars nor more than one hundred dollars for each offense, and a further penalty of five dollars for each day during which any crossing or intersection situated as aforesaid shall be permitted to remain without such lights after one conviction aforesaid.

## CHAPTER LVI.

### RIVER.

**1765. Obstruction in river.]** Every pile, timber or stone which may have been or shall be driven, placed or laid or projected in, along or across the Chicago river or its branches below low water mark, or any water line which may be established by the city council for the purposes of a wharf or otherwise, is hereby declared a nuisance; and every person who shall drive or place any pile, timber or stone as aforesaid, or be the owner of any premises on which the same shall be so driven, placed or erected, shall be subject to a fine of not less than twenty dollars and not exceeding one hundred dollars for every violation hereof, and shall also be subject to a penalty of twenty dollars for every three days such nuisance shall continue after notice to abate the same.

**1766. Anchor dragging.]** Hereafter, all vessels, crafts or floats navigating the Chicago river, or either of the branches thereof, or any of the slips on said river, or either of said branches, whether using steam or otherwise, are expressly prohibited from dragging their anchors in any part of the Chicago river, or either of its branches or slips.

**1767. Same subject.]** All tugs engaged in towing vessels or crafts in the Chicago river, its branches, or slips connecting therewith, are hereby prohibited from towing any vessel or craft of any description while its anchor or anchors are dragging on the bottom of said river or any of its branches or slips.

**1768. Penalty.]** Any person or persons, having charge or control of any such vessel, craft, tug or float, who shall violate any of the provisions of this chapter, shall be liable to a fine of not less than fifty dollars nor exceeding one hundred dollars for each and every violation; and all such persons, as well as the owner or owners of such vessels, crafts, tugs or floats, shall be liable for all damages accruing by reason of the violation of this chapter, or any of the sections or provisions thereof.

## CHAPTER LVII.

### RUNNERS AND PORTERS.

**1769. License—fee—bond.]** Any person of good moral character on application to the mayor in writing shall be entitled to a license to act as public porter and runner, upon his executing for the use of the city of Chicago a bond with two or more good and sufficient sureties, to be approved by the mayor, in the penal sum of five hundred dollars, conditioned to observe and keep all ordinances upon this subject, and upon the payment of the sum of twelve dollars per annum and no other fees: Provided, that all licenses issued or granted under this article shall expire or be renewed on the first day of May in each and every year.

**1770. Transfer—hotel keeper's liability.]** The keeper or keepers of any hotel or public house who shall have obtained a license for any porter or runner in his, her or their employ, may at his, her or their option have the same revoked, and be entitled to another for the remaining portion of the year for which such license shall originally have been granted without additional charge or fee therefor: Provided, that no such license shall be changed or transferred to any other hotel or public house without an order from the mayor for that purpose first had and obtained and that no more than one porter or runner shall be employed to solicit custom or patronage at any railroad depot or station respectively in this city. Each and every keeper or proprietor of any such hotel or public house shall be personally liable for each and every violation of this article or any clause thereof, when committed by any porter or runner in his, her or their employ, or who shall be acting under the license granted to any such hotel or public house keeper or proprietor, or either of them, for the use of such hotel or public house.

**1771. License—badge.]** No person shall act as porter or runner, either for himself or any public house or hotel, or in any manner act in that capacity, or ask the patronage or custom of any traveler or other person for any public house, hotel, steamboat, canal-boat, propellor, transportation company, stage company, or canal line, at any railroad depot or station, steamboat landing, canal-boat, propellor dock or landing, or other place of business, or at the place of business of the person or persons, company, line or corporation by whom he shall be employed, unless he shall first obtain a license or be furnished with one by the person or persons, company, line or corporation for whom he is acting, according to the provisions hereof; nor unless he shall when so acting as public porter or runner, as aforesaid, wear conspicuously upon his breast a metal badge, to be obtained from the



city clerk, upon which shall be printed or engraved, in legible letters, the number of the license of the said porter or runner.

The said metal badge shall not be less than three and one-half inches in length nor less than two inches in width and of a different design for each year. And no person in said city shall in any manner act as a runner for any public house, hotel, company, boarding house or person unless such runner shall present to the person or persons solicited, a card, plainly printed in the English language, containing the name of the person, company or place, and the business and location of the company, person or place for whom such runner may be acting, and if he be a runner for a boarding house, hotel or other place of entertainment, such card shall contain also the price of lodging and of board by the day, by the week, by the single meal, and the price of conveyance of persons and baggage to and from such boarding house, hotel or other place of entertainment, conspicuously printed on such card or bill.

Note: See section 16, concerning free badges, under preceding chapter.

**1772. Touting for vehicles.]** No person shall at any railroad depot or station, steamboat, canal-boat, propeller, dock or landing, or other place in this city, ask or solicit any traveler or other person or persons to ride in or use any hackney coach, cab, omnibus or other vehicle which runs for hire and for the conveyance of passengers, unless he or they shall have a license for that purpose first had and obtained: Provided, that nothing herein contained is intended to prevent the owner or licensed driver of any licensed hackney coach, cab or omnibus from notifying any person that his hackney coach, cab or omnibus is licensed, and runs for hire for the conveyance of passengers.

**1773. Prohibiting touting.]** No person shall, as a runner or porter at any place or any railroad or railway grounds, or on any street adjacent thereto, ask, solicit or engage any person to repair to any steamboat, railroad or other public conveyance, excepting such agents for other railroads, steamboats or other public conveyances as may be authorized thereto by the person having charge of the said passenger houses respectively; and persons so authorized shall, at all times when on duty, wear appropriate badges designating their employment: Provided, that the provisions of this section shall not apply to any licensed hackman asking or soliciting custom for his hack while wearing the badge specified in section 530.

**1774. False representations.]** No porter or runner shall at any time or place make use of any device, deceit, imposition or false representation in relation to the charge of fare, character, custom or location of any public house or hotel, private house, street, place of business, locality or number whatever in said city, or in relation to the time or place of the arrival or departure of any vessel, boat, stage, railroad car or train or other conveyance, to any stranger, non-resident or citizen, or in any other manner use any deceit as to the arrival or departure of any stage, steamboat, railroad car or train, or other

conveyance, or as to any locality, place, name or number, or be guilty of any misrepresentation or evil practice toward any emigrant or other person.

**1775. Porter's charges.]** Public porters shall be entitled to charge for each trunk or package which they may carry twelve and a half cents for any distance not exceeding one-fourth of a mile, and twenty-five cents for any distance exceeding one-fourth of a mile; and no public porter shall demand or exact any greater sums than are herein permitted.

**1776. Creating disturbance.]** No porter or runner shall at any time or place when engaged in his employment make any unusual noise or disturbance, or make use of profane, obscene or boisterous language, or use any language or be guilty of any act calculated to disturb the public peace or the good order of the city, or harass, vex or disturb strangers or citizens.

**1777. Police—arrest.]** Any member of the police force shall have power to arrest and commit any porter or runner for examination who shall be engaged in the commission of any act prohibited by this article. They shall also have power to give any directions which may be required for the preservation of the peace, or the convenience of the public at any railroad termination, steamboat or other public landings, and no person shall refuse to obey any such directions, nor resist such officer in the discharge of any duty.

**1778. Penalties.]** Any person who shall violate any section or any clause or provision of this chapter, or shall fail to perform any act or thing required hereby, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars, and if committed by any such licensed porter or runner herein provided for, his license may be revoked, in the discretion of the mayor.

## CHAPTER LVIII.

### CORPORATE SEAL.

1779. Seal adopted—described.] The seal heretofore provided and used by and for the city of Chicago, the impression on which is a representation of a shield (in red, white and blue) with a sheaf of wheat in the center (in gold), a ship in full sail on the right (in gold), a sleeping infant on the top, lying on its back in a shell (in silver), an Indian with bow and arrow on the left (in copper), standing on promontory (in green), and with the motto “Urbs in Horto” (in gold, on red flowing ribbon) at the bottom of the shield, with the inscription, “City of Chicago; Incorporated 4th March, 1837” (in gold), within a (blue) ring around the outer edge of said seal, which seal represented as aforesaid, with or without colors, shall be and is hereby established and declared to have been and now to be, the seal of the city of Chicago. For general use the plain impression in white of the figures given above shall be sufficient.



## CHAPTER LIX.

### SECOND-HAND DEALERS AND KEEPERS OF JUNK SHOPS.

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#### ARTICLE I.

##### SECOND-HAND DEALERS.

**1780. License, how granted.]** The mayor may grant licenses to such persons as shall produce to him satisfactory evidence of good character, to exercise or carry on the business of dealing in second-hand furniture, clothes or other articles, in the said city.

**1781. License fee.]** Every person receiving a license as a second-hand dealer shall pay therefor to the city collector for the use of the city the sum of fifty dollars annually.

**1782. Bond.]** Every person so licensed shall at the time of receiving such license, enter into a joint and several bond to the city of Chicago, with two good and sufficient sureties, in the penal sum of five hundred dollars, conditioned for the due observance of all ordinances of the city now in force or which may hereafter be passed respecting dealers in second-hand articles.

**1783. Dealing without license prohibited.]** No person shall use, exercise or carry on the trade or business of a dealer in second-hand furniture, household goods or other articles, without being specially licensed for such purpose, nor carry on any such business at any other house or place than the one designated in such license; nor continue to carry on such business after such license may have been revoked, under the penalty of fifty dollars for every such offense.

**1784. Record of purchases.]** Every such dealer shall keep a book, in which shall be fairly written, at the time of the purchase of any article or thing, in the way of his or her business, an accurate account and description of the article or thing so purchased, the price paid therefor, the precise time of making such purchase, and the name and residence of the person from whom such purchase was made.

**1785. Report of purchases.]** It shall be the duty of every licensed person aforesaid to make out and deliver to the superintendent of police, every day before the hour of twelve o'clock noon, a legible and correct copy from the book required in the last preceding section, giving an accurate account and description of each and all of the articles and things purchased during the preceding day, the price paid therefor, the precise time of purchase, and the names and residence of the persons from whom such purchases were made.

**1786. Record—inspection of.]** The said book shall, at all

reasonable times, be open to the inspection of the mayor, aldermen and any member of the police force.

**1787. Penalty.]** Every such dealer who shall violate, or neglect, or refuse to comply with any or either of the provisions of the last three preceding sections, shall, for every such offense be subject to a fine of not less than twenty dollars nor more than fifty dollars.

**1788. Other licenses not to issue.]** No dealer in second-hand articles shall, during his license as such, receive or hold a license to carry on the business of a pawn-broker or a keeper of a junk shop.

## ARTICLE II.

### KEEPERS OF JUNK SHOPS.

**1789. License—fee.]** The mayor may grant licenses to such persons as shall produce to him satisfactory evidence of good character, to keep what are commonly called junk shops, for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags, slush, empty bottles, paper and bagging. Every person receiving a license for a junk shop shall pay therefor to the city collector for the use of the city, the sum of fifty dollars annually.

**1790. License for wagons.]** A separate license shall be obtained by the owner thereof for each and every cart, wagon or other vehicle used in his said business and said owner shall pay therefor to the city collector for the use of the city, the sum of ten dollars annually.

**1791. License fee for boats.]** Every person having or using any boat or boats, or other kind of vessel for the purposes of collecting junk, rags, old rope, paper, bagging, old iron, brass, copper, tin, empty bottles, slush or lead, shall pay an annual license fee of fifty dollars for each boat or other vessel and shall comply with and be subject to all ordinances now in force, or hereafter passed, respecting the keepers of junk shops, so far as the same are applicable, and shall be subject to the same penalties.

**1792. Bond.]** Every person so licensed shall, at the time of receiving such license, enter with sufficient surety into a joint and several bond to the city of Chicago, in the penal sum of two hundred and fifty dollars, conditioned for the due observance of all ordinances of the city now in force, or which may hereafter be passed, respecting the keeping of junk shops, junk wagons or junk boats.

**1793. Doing business without license prohibited.]** No person shall use, exercise or carry on the business of a keeper of a junk shop, or what is commonly called a junk shop, for the purchase and sale of junk, rags or old rope, paper or bagging, old iron, brass, copper, tin, empty bottles, slush or lead; nor carry on any such business at any other house or place than the one designated in such license; nor draw or drive, or procure to be drawn or driven, through the streets of this city, any hand-cart, wheelbarrow or other cart or vehicle, or

use any boat or other kind of vessel for the purpose of collecting or disposing of said articles; nor shall any person be entitled to have a cart or carts, boat or boats, or other vehicle or vehicles to be used for the aforesaid purpose; nor shall any person be entitled to so use any such cart, boat or other vehicle unless he is a citizen, without being first licensed by the mayor for such purpose, nor shall any person continue to carry on such business after his license may have been revoked. Every person who shall violate any or either of the provisions of this section shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

**1794. Vehicle marked—badges.]** Every person so licensed shall, before using such carts, wagons, boats or other vessels, or causing the same to be used, obtain from the city clerk, for each wagon, cart, boat, or other vehicle, two painted metal plates eight inches long and four inches wide, and of a different color or design for each year, on which shall be stamped the number corresponding to the license and also the words "Chicago junk," together with the year for which the license is issued, which plates shall be securely fastened on the outer sides of such hand carts, wheel barrows, or other carts or vehicles, boats or vessels used in his said business, or in some other conspicuous place, so that the same can be easily seen. The said carts, vehicles, boats or vessels shall also be permanently marked with the name of such licensed keeper of a junk shop, together with the street and number of his place of business. The said person or persons shall also at the same time obtain from the city clerk a metal badge one and three-fourths inches long and one and one-eighth inches wide, for the driver of each licensed junk wagon, having a number thereon corresponding to the number on the aforesaid plate. Said badge shall be provided with a pin or other fastening, and shall be worn in a conspicuous place on the outside of the coat, and of a different design for each year or license period.

Note: See section 16, concerning free badges and plates.

**1795. Dealing in certain articles prohibited.]** No keeper of a junk shop shall buy or sell any coin of any description, or any article of gold or silver, or any wearing apparel, or any article of household furniture, or any implement, tool or utensil, in a sound, unbroken or undamaged condition; nor shall such keeper receive in the line of his business, any article or thing by way of pledge or pawn; nor shall he or she loan or advance any sum of money on the security of any such article or thing.

**1796. Purchase of lead material.]** No keeper of a junk shop shall purchase from any one, except from plumbers holding licenses as such from the city of Chicago, licensed peddlers, or the owners of buildings from which the material is taken, any lead pipe, faucets, boilers, or other plumbing material.

**1797. Other licenses not issued to dealer.]** No keeper of a junk shop shall, during his license as such, receive or hold a license

to carry on the business of a pawn-broker or of a dealer in second-hand articles.

**1798. Registry of purchases.]** Every keeper of a junk shop shall provide and keep a book, in which shall be fairly written at the time of every purchase, a description of the article so purchased, the name and residence of the person from whom such purchase was made, and the day and hour of such purchase.

**1799. Inspection of register.]** Every such book shall at all times be open to the inspection of the mayor, aldermen and any member of the police force.

**1800. Penalty.]** Every such keeper of a junk shop who shall violate or neglect, or refuse to comply with the foregoing provisions of this article, or either of them, shall for every such offense be subject to a fine of not less than twenty dollars nor more than one hundred dollars.

### ARTICLE III.

#### GENERAL PROVISIONS.

**1801. License—contents of.]** Every license to be granted to any dealer in second-hand articles or keeper of a junk shop shall designate the house or place in which the person receiving such license shall be authorized to carry on such business.

**1802. License—expiration of.]** Every such license shall continue in force until the first day of May next following the granting thereof, unless sooner revoked by the mayor, and no longer.

**1803. License revocable.]** Every license granted or to be granted to any dealer in second-hand articles or keeper of a junk shop may be revoked by the mayor on satisfactory cause appearing to him for so doing.

**1804. Removal of place of business.]** In case any person so licensed as aforesaid, either as a dealer in second-hand articles or keeper of a junk shop, shall remove his or her store or place of business from the place designated in said license, he or she shall immediately thereupon give notice to the mayor and have the same indorsed upon such license, and the number of his or her place of business shall thereupon be changed on the sides of the vehicle or vessel used by such licensed dealer, and made to correspond with such change of store or place of business.

**1805. Purchase from minors prohibited.]** No dealer in second-hand articles or keeper of a junk shop shall purchase any goods, article or thing whatsoever, except old rags and waste paper, from any minor under the age of eighteen years, under a penalty of not less than five nor more than fifty dollars for each offense.

**1806. Hours of business.]** No dealer in second-hand articles or keeper of a junk shop shall purchase in the way of his or her business any goods, article or thing whatsoever, from any person or per-

sons whomsoever, between the hours of ten o'clock p. m. and six o'clock a. m., under a penalty of not more than twenty-five dollars for every such offense.

**1807. Dealing in metal bottle stoppers prohibited.]** No person carrying on the business of a second-hand dealer or junk shop keeper shall buy or sell or receive or give away or wantonly destroy any metal bottle stopper, or bottles having any metal stopper attached thereto, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

**1808. Purchase of tools, etc., prohibited.]** No dealer in second-hand articles or keeper of a junk shop shall purchase for the purpose of selling or disposing thereof, any mechanic's tools or implements, or any tools or implements used for the purpose of procuring a livelihood, under a penalty of twenty-five dollars for each offense.

**1809. Articles purchased held ten days before sale.]** No dealer in second-hand articles or keeper of a junk shop shall expose for sale, or sell or dispose of, any article or articles within ten days of the time of purchasing the same, nor until the same have been in or upon the premises wherein the same are offered, exposed or sold, at least ten days, under a penalty of twenty-five dollars for each offense.

**1810. Advertisement of lost articles — notice to police.]** If any goods, article or thing shall be advertised in any daily newspaper printed in the city of Chicago as having been lost or stolen, and if the said goods, article or thing, or any such answering to the description of the goods, article or thing so advertised, or any part or portion thereof, shall then be or thereafter come into the possession of any dealer in second-hand articles or keeper of a junk shop, he or she shall forthwith give information thereof, in writing, at the office of the superintendent of police, and shall also state from whom the same were received, under a penalty of not more than two hundred dollars for every neglect or offense.

**1811. Dealer to expose lost goods, etc.]** Every dealer in second-hand articles or keeper of a junk shop who shall receive or be in possession of any goods, articles or things which may have been lost or stolen, or alleged or supposed to have been lost or stolen, shall forthwith on a demand, exhibit the same to the mayor or any alderman, under a penalty of not more than two hundred dollars for every neglect or refusal so to do.

**1812. Inspection of dealers.]** The superintendent of police, aided and assisted by such policemen as he may deem necessary, shall be the inspector of pawn-brokers, dealers in second-hand articles, and of junk shops.

**1813. Penal clause.]** Whoever shall violate any of the provisions of this chapter where no other penalty is provided, shall be subject to a penalty of not less than ten dollars for every such offense.



## CHAPTER LX.

### SIDEWALKS.

**1814. Sidewalk widths—curbs.]** All sidewalks which may hereafter be ordered by the city council, shall be constructed under the superintendence and to the satisfaction of the department of public works, and shall be of the width herein specified, unless a different width shall be specified in the order, to wit: on all streets which are one hundred feet wide and upward, twenty feet; on streets eighty feet and upward in width, sixteen feet; on streets sixty-six feet and under eighty feet in width, fourteen feet; on streets sixty feet and under sixty-six feet in width, twelve feet; on streets fifty feet and under sixty feet in width, ten feet; and on streets sixty feet and more than fifty feet in width, ten feet; and on streets less than fifty feet and more than forty feet in width, six feet; and on streets thirty feet and less than forty feet in width, four feet. When built of full width, a substantial curbing of stone or white-oak plank, not less than three inches in thickness well tied in, shall be laid on the outer edge of the sidewalk.

**1815. Grade.]** The grades for sidewalks shall be furnished by the department of public works. If any person shall build or assist in building any sidewalk where no grade has been established, without first obtaining a grade therefor from the department of public works, or contrary to any grade which may be obtained from said department, or shall build or assist in building any sidewalk contrary to any grade which may have been or may be established by the city council, or contrary to any of the provisions of this chapter, he shall, in either case, be subject to a penalty of not more than ten dollars for every offense, and to a further penalty of ten dollars for every day he shall fail to remove or reconstruct the same after notice by the department of public works.

**1816. Inclination.]** Sidewalks shall be constructed so as to incline upward from the outer edge of the sidewalk toward the buildings or boundary of the lot at a gradient of one inch in every three feet.

**1817. Flush with building.]** No part of any sidewalk shall be taken for private use by lowering or cutting down the same next to the building, or railing off the same by any wooden or iron railing, or by shutting off the public from passing along and over the same, and said sidewalk shall not be raised up next to the building by constructing a platform or platforms on the same, of either wood, iron or stone, but said sidewalk shall be built flush up to the building on a uniform grade as herein provided.

**1818. Smooth glass in sidewalk.]** No person shall insert any smooth pieces of glass in any sidewalk for any purpose whatever,

and all pieces of smooth glass which have been inserted in any sidewalk shall be forthwith removed under a penalty of five dollars for each and every day they shall be allowed to remain after notice to remove the same.

**1819. Grade fixed.]** No part or portion of any sidewalk where the grade has been established shall be laid or relaid at any different grade or any other level than the adjacent portions of such sidewalks, and for every violation of this section, there is hereby imposed upon the person violating the same a penalty of not less than five nor more than twenty dollars, and he shall also alter said sidewalk so as to make the same conform to the established grade, and in case he neglects and refuses so to do within a reasonable time, it shall be lawful for the department of public works to alter the same, and the costs and expense of the same shall be paid by such owner and may be recovered from him in an action in the name of the city.

**1820. Fixed width—grass plats.]** No person shall extend or build any sidewalk beyond the established width, and on all streets where courts or open spaces are allowed for planting trees or for grass plats, the same shall not be covered with plank or other material except such parts and portions of said space as may be allowed to be used for coal vaults.

**1821. Stone district.]** No sidewalk shall be constructed, laid or rebuilt in that portion of the city of Chicago bounded as follows, to-wit: Commencing at the eastern terminus of Fifty-fifth street and running west on south side of said Fifty-fifth street to State street; thence north on the west line of State street to Van Buren street; thence west on south line of Van Buren street to the west line of Western avenue; thence north on the west line of Western avenue to the north line of Lake street; thence east on north line of Lake street to west line of Ashland avenue; thence north on said west line of Ashland avenue to the south line of Chicago avenue; thence west on the south line of Chicago avenue to the east line of Western avenue; thence north on the east line of Western avenue to the south line of Division street; thence west on the south line of Division street to the west line of California avenue; thence north on the west line of California avenue to the north line of North avenue; thence east on the north line of North avenue to the northeast line of Milwaukee avenue; thence southeast on the northeast line of Milwaukee avenue to the north line of Lake street; thence east on the north line of Lake street to the east line of Fifth avenue; thence north along the east line of Fifth avenue and Wells street to Wisconsin street; thence west on the south line of Wisconsin street to east line of Halsted street; thence north on the east line of Halsted street to the south line of Fullerton avenue; thence west on the south line of Fullerton avenue to the east line of Racine avenue; thence north on the east line of Racine avenue to the east line of Clark street; thence north on the east line of Clark street to city limits, except the same shall be constructed, laid or rebuilt of stone or other incombustible material, under the penalty of not less than

twenty dollars nor more than one hundred dollars for each violation of this section; and each day that such sidewalk shall remain so constructed, laid or rebuilt in violation of this section, shall be a separate and distinct offense, and the person so violating this section shall be subject to a like penalty for each and every day the same remains.

**1822. Stone district—repair of wooden sidewalk.]** Any sidewalk built, relaid or constructed prior to the first day of May, 1896, within the territory aforesaid, may be repaired: Provided, the cost of such repair does not exceed ten per cent of the original cost of such sidewalk.

## AWNINGS.

**1823. Movable—elevation and projection.]** All awnings hereafter erected shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk, and shall not project over the sidewalk to exceed three-fourths of the width thereof; they shall be supported without posts by iron brackets or by an iron frame work attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby. All awnings heretofore erected in a different manner shall be removed in a reasonable time after notice, as hereinafter specified. If any person shall erect any awning contrary to the provisions hereof, or shall refuse or neglect forthwith to remove any awning or awning posts after written notice to remove the same, to be given by the commissioner of buildings, he shall be subjected to a penalty of five dollars for every such offense, and to a further penalty of five dollars for every day he shall fail to comply with such notice, after a lapse of five days from the service thereof.

**1824. Fixed awnings—construction.]** Fixed awnings may be constructed over sidewalks, as protections to the entrances of buildings, provided such awnings are constructed of a metal frame work filled with glass not less than three-quarters of an inch thick, and supported entirely from the structure of the building, and without posts or other obstructions upon the sidewalk. Such awnings shall be of the width of the entrance which they protect and shall extend over the entire width of the sidewalk in front of the same. The lowest part of such awnings shall be at least ten feet above the sidewalk level. Any person who shall erect any awning contrary to the provisions hereof, or refuse or neglect forthwith to remove any awning or awning posts, heretofore or hereafter erected contrary to the provisions hereof, shall be subject to a penalty of five dollars for every offense, and to a further penalty of five dollars for every day he shall fail to comply therewith after written notice from the commissioner of buildings to remove the same.

## PORCHES AND STEPS.

**1825. Construction.]** No person shall construct or place, or cause to be constructed or placed, any porch, door, window or step

which shall project into or over any street or sidewalk, under a penalty of not less than five nor more than two hundred dollars for each offense, and a further penalty of twenty dollars for every day that the said porch, door, window or step may be continued as aforesaid: Provided, however, the provisions of this section shall not be held to apply to porticos or other decorative entrance features covered by Chapter XVII.

SPACE BENEATH SIDEWALKS.

**1826. Space beneath—permit.]** No person shall be allowed to occupy or use for vaults, areas or other purposes the space beneath the sidewalks included within the sidewalk lines of any street in said city, unless a permit therefor shall have first been obtained from the commissioner of public works of said city; such permits to continue and to be issued only upon the condition that the party receiving the same shall, as a compensation for the privileges granted by said permit, build, maintain and keep in repair a sidewalk over such space intended to be used for vaults, areas or other purposes; such sidewalks to be of the material and constructed in the manner particularly specified in such permit. The fee for every such permit shall be five dollars, and shall be paid to the commissioner of public works.

**1827. Permit—contents.]** Such permits shall specify in general terms the purposes for which the spaces under the sidewalks shall be used, and shall also contain a condition that upon the failure to construct, maintain or repair such sidewalk in accordance with any order that may from time to time be given by said commissioner of public works or city council, the permit may be declared annulled by said commissioner of public works, and that all rights and privileges under such permit shall cease from the time such permit shall be declared annulled.

**1828. Street corners—use by city.]** No permit shall be granted for the permanent use and occupancy of so much space under the sidewalks at the corner of streets as may be necessary for hydrants, lamp posts, or for access to the same, and such space shall be specified and reserved in all cases for the use of the city whenever it may require the same for any purpose.

**1829. Penalty.]** Any owner, builder or other person who shall, in violation of this chapter, occupy or use any part of the public street beneath or under any such sidewalks, or included within the sidewalk lines, or if there be no such sidewalk, shall occupy or use below the grades, such part thereof as comes within the sidewalk lines of such street, without a permit first had and obtained under this chapter, shall be liable to a fine of not less than twenty-five dollars for the first offense, and to a further penalty of ten dollars for every twenty-four hours such occupation or use, without such permit, shall continue.

**1830. Opening covered.]** Every opening in any vault or coal-hole or aperture in the sidewalk over said coal hole or vault shall

be covered with a substantial iron plate with a rough surface to prevent accidents, and the entire construction of said coal holes and vaults shall be subject to the directions and supervision of the commissioner of public works, or such other person as the city council may designate.

**1831. Liability of owner.]** The owner and tenant of the abutting estate, in front of which the coal hole or vault is thus permitted to be constructed, shall be held responsible to the city for any and all damages to persons or property in consequence of any defect in the construction of such vault or coal hole, or for allowing the same, or any portion thereof, to remain out of repair, and such owner and tenant shall be required to keep the said vault or coal hole, its walls and coverings, in good order at all times.

**1832. Liability to city.]** The occupant of any estate abutting on such a vault or coal hole shall be held responsible to the city for any and all damages occasioned to persons or property in consequence of the aperture in the sidewalk being left exposed and uncovered, or in consequence of the covering thereof being left insecure or unfastened, and said occupant shall be required to keep such coal hole or vault cover in good order, and safe for public travel over the same.

**1833. Vault cover secured.]** No person shall remove or insecurely fix, or cause or procure or suffer or permit to be removed or to be insecurely fixed, so that the same can be moved in its bed, any grate or covering of any coal-hole, vault or chute under any street, sidewalk or other public place under a penalty of not less than ten dollars nor more than fifty dollars for each offense: Provided, that nothing herein contained shall prevent the owner or occupant of the building with which such coal hole, vault or chute shall be connected from removing the grate or covering for the proper purpose of such openings, provided he encloses such opening or aperture, and keeps the same enclosed while such grate or covering shall be removed, with a strong box or curb at least twelve inches high, firmly and securely made; Provided, further, that he shall not remove such grate or covering until after sunrise of any day, and shall replace such grate or covering before one-half hour after sunset.

**1834. Boiler, oil, etc., excluded.]** No boiler, steam-shaft, furnace or steam pipe or cess-pool, shall be constructed or located for use, and no explosive substance or inflammable oil or substance shall be stored or kept for any purpose under any sidewalk in this city, and no excavation shall be ventilated into the streets, unless the aperture or ventilating hole or opening shall be securely covered as herein provided.

**1835. Construction changed.]** Whenever any coal-hole or vault under any sidewalk, or any aperture constructed therein, is not covered or secured as herein provided, or in the opinion of the commissioner of public works is unsafe or inconvenient for the public travel, said commissioner may order the same to be removed and a suitable one put in its place; and if the same shall not be done within

two days from the service of said order on the owner or tenant of the premises or other person having the care thereof, the commissioner may make such change, and the expense thereof shall be paid by such owner, tenant or other person having the care of the premises; and no person shall leave such coal hole, excavation or aperture open or unfastened after sunset, nor in the day time unless while in use by some person or persons actually attending the same.

#### STORAGE ON SIDEWALKS.

**1836. Receiving and delivering merchandise.]** No person while receiving or delivering goods, wares or merchandise shall permit the same to remain on any sidewalk longer than two hours, and for this purpose he shall not occupy over four feet of the outer edge of the sidewalk in front of his store or building, under a penalty of not less than five dollars nor more than ten dollars.

**1837. Storage on street, alley, or sidewalk.]** No street, alley or sidewalk shall be used for the storage of goods, wares or merchandise of any kind or description whatever which shall occupy a greater space than three feet next the building or boundary line of his or her lot. If any person shall place or cause to be placed in or upon any street, alley or sidewalk any barrel, box, hogshead, crate, package or other obstruction of any kind or description whatever which shall take up more space than three feet next to the building or the boundary line of the lot, and shall suffer the same to remain thereon more than two hours, he shall be subject to a fine of not less than five dollars nor more than ten dollars, and any policeman or public officer shall be empowered to cause the same to be removed at the expense of the party placing the same there, and the said party shall also be subject to a fine of one dollar an hour for each and every hour that said goods, wares, merchandise or other obstructions remain there after the expiration of two hours.

**1838. Manner of storage.]** No clothing, goods, wares, merchandise, boxes, poles or other article or thing, shall be placed or piled on the sidewalk in front of any store, shop or other place in said city, so as to occupy more than three feet next to the building, nor in such manner as to be more than four feet high above the top of the sidewalk, and when suspended above the top of the sidewalk, shall be so placed or hung that the lowest part of such articles shall be at least eight feet above the top of the sidewalk, and not more than three feet from the building or boundary line of the lot.

**1839. Stands for fruit and merchandise.]** No person shall erect any booth or establish or fix any stand for the sale of fruit, books or other merchandise, or any article or thing of value whatever, encumbering any part or portion of the streets or sidewalks, under the penalty of not more than five dollars for each offense.

**1840. Drinking fountains.]** Drinking fountains made of iron may be erected upon the outer edge of sidewalks at such points and

places as the commissioner of public works may designate: Provided, that the consent of the owner or agent of the premises in front of which it is proposed to erect such fountain is first obtained.

## MISCELLANEOUS PROVISIONS.

**1841. Sidewalk—repair.]** Whenever the owner or occupant of real estate in the city of Chicago shall be notified by the commissioner of public works to raise, lower, repair or relay any sidewalk or to raise, lower, repair or cleanse any private drain in front of, adjacent to or upon any premises owned or occupied by him, it shall be the duty of such owner or occupant to cause said improvement to be made in the manner and within the time prescribed by the commissioner of public works. If any such owner or occupant shall neglect or refuse to comply with any such requirement, he shall be subject to a penalty of not less than one dollar nor more than ten dollars for each day's neglect.

**1842. Hitching horse.]** No person shall at any time fasten any horse or horses in such a way that the horse, vehicle, reins or line, 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.

**1843. Hitching ring.]** It shall be the duty of the owners of each building in front of which any sidewalk is now or shall hereafter be constructed, to provide and securely fasten in such sidewalk, one iron ring of not less than two inches in diameter and one-quarter of an inch in thickness, at some one point, or erect a suitable post for hitching in every twenty-five feet of such sidewalk. Every person who shall wilfully violate or neglect to comply with the provisions of this section, shall be liable to a fine of not less than two nor more than ten dollars.

**1844. Horse or wagon on sidewalk.]** No person or persons shall push or draw back any horse, wagon, cart, bicycle or other vehicle over any sidewalk, or use, ride or drive any horse, wagon, sled or sleigh thereon, unless 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 a penalty of not less than one dollar nor more than ten dollars for each offense.

**1845. Cross walks.]** All cross walks in the city shall be kept reserved free from any sleighs, wagons, carts, carriages, or 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, bicycle, carriage, or horse or other animal offending herein shall forfeit and pay a penalty of not more than three dollars.

**1846. Prohibited uses.]** No person shall lead, drive or ride any horse, or drag any wheel or hand barrow, or saw any wood, or lay or

place any wood, coal or other thing, or any goods, wares or merchandise, or any other article whatsoever, upon any footpath or sidewalk, under a penalty of not more than five dollars for each offense.

**1847. Vehicle on sidewalk.]** No person shall drive, or back, or lead any horse or cart or push or propel any bicycle or any other carriage, on the footpath or sidewalk of any street, under a penalty of not more than five dollars for each offense.

**1848. Loading or unloading.]** No owner or occupant of any store or house shall permit or suffer any cart or other wheeled carriage to be driven or otherwise to pass or go over or upon the footpath or sidewalk opposite to such house or store for the purpose of loading or unloading such cart or other wheeled carriage, or for any other purpose whatever under a penalty of five dollars for each offense.

**1849. Removal of planks.]** No person shall remove any plank, board or portion of any sidewalk except for the purpose of immediately repairing and replacing the same with a different material, under a penalty of not less than five dollars nor more than fifteen dollars for each and every offense.

**1850. Injury to sidewalk.]** If any cartman or other person shall break or otherwise injure any footpath or sidewalk, he or they shall, within twenty-four hours thereafter, cause the same to be well and sufficiently repaired and mended, under a penalty of not more than ten dollars.

**1851. Cleansing sidewalks.]** From and after the first day of May until the first day of October of each and every year it shall not be lawful for any person or persons to wash or cause to be washed any pavement or windows with a hose or street washer, or by throwing or dashing water against or upon the same, between the hours of seven o'clock in the morning and seven o'clock in the evening, and all dirt, dust and rubbish shall be swept from off all sidewalks by seven o'clock in the morning of each and every day. Any person violating this section shall be subject to a fine of not less than two dollars nor more than five dollars for each and every offense.

**1852. Removal of obstruction—penalty.]** The mayor, or any other public officer, is hereby authorized to cause any obstruction, encroachment, article or thing which may be in violation of the provisions of this chapter, to be removed within a reasonable time after notice served upon the owner, agent or person in possession of the premises where such violation occurs, or in case the owner, agent or person in possession cannot be found, then by posting such notice upon the premises or sidewalk in front thereof, and the owner, agent or party causing such violation shall pay all expenses and costs of such removal in addition to the penalties aforesaid. And any person who shall wrongfully interfere with such removal shall suffer a penalty of not less than ten dollars nor more than one hundred dollars.

**1853. Opening uncovered.]** Any person who shall keep or leave open any cellar door, or grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open in front of



his premises so as to endanger life and limb, shall be subject to a fine of not less than ten dollars nor more than fifty dollars.

**1854. Duty of police.]** It shall be the duty of all policemen to report to the department of public works all defects in sidewalks, and in case of accident, they shall report the same to the law department, together with the names of any witnesses to said accident, if known to them.

**1855. General penalty clause.]** Whoever shall violate any of the provisions of this chapter, where a specific fine has not been provided for, shall upon conviction thereof be fined not less than five dollars nor more than fifty dollars for each and every offense.

**1856. Police supervision.]** It shall be the duty of the superintendent of police to see to the enforcement of each and all of the provisions of this chapter, and each and every policeman shall, whenever there is any obstruction in any street or alley or sidewalk, endeavor to remove the same; and, in case such obstruction shall be of such a character that the same can not readily be removed, then said policeman shall report the same to the department of public works, and the said department shall remove the same.

## CHAPTER LXI.

### STREETS.

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#### ARTICLE I.

##### MISCELLANEOUS PROVISIONS.

**1857. Houses numbered.]** It is hereby made the duty of the owners or occupants of all buildings situated in the city of Chicago to number them in the manner herein and as may hereafter be provided by the city council.

**1858. Decimal system adopted.]** The decimal system of numbering streets is hereby adopted, but the numbers heretofore assigned to lots or houses, except as hereinafter provided, shall remain the numbers of such lots or houses respectively until otherwise changed by the city council.

**1859. House numbers—south side.]** All lots or houses on streets in the division of the city lying south of Twelfth street shall be numbered as follows:

1. All east and west streets shall be numbered from east to west, beginning east; and all north and south streets shall be numbered from north to south, beginning north, and all streets having a northerly or southerly course shall be deemed north and south streets.

2. One hundred numbers shall be assigned to each block on every north and south street, bounded on north and south by streets designated by numerals, or that would be so designated if such streets were extended so as to intersect said north and south streets. No other intersecting streets, courts or alleys shall be deemed boundaries.

3. Every north and south street aforesaid shall begin at the south line of said Twelfth street with the number twelve hundred, increasing towards the south, the even numbers being on the west side of the street.

**1860. Renumbering—maps.]** The department of public works shall cause to be prepared from time to time maps of the several streets, showing the numbers of all lots or houses, and in all cases where the number or numbers of houses or lots shall hereafter be changed by the city council, the said houses or lots shall be renumbered during the months of December, January, February, March and April, and at no other time.

**1861. Assignment of numbers.]** The commissioner of public works shall assign to each lot or house its proper number, and deliver,

free of charge, to the owner or occupant a certificate designating each number.

**1862. Size of figures required.]** Each of the figures of every number shall be not less than three inches in length, being so marked as to be distinctly and easily read; said numbers shall be placed in a conspicuous place on the side of or above the front door of the buildings to which the same are attached.

**1863. Failure to number—penalty.]** Any person being the owner or occupant of any building now erected in the city of Chicago, who, after being notified by the commissioner of public works that the street numbers are on record at his office, shall for thirty days neglect or refuse to number any buildings owned or occupied by him, in conformity with the provisions of this article, or who shall number such building without having first obtained from the commissioner of public works a certificate designating the proper number of such building, shall be subject to a penalty of five dollars, and a further penalty of five dollars for every thirty days thereafter that he shall neglect or refuse to number said building, or shall maintain thereon a number without having first obtained said certificate from said commissioner.

Any owner or occupant of any building hereafter erected in the city of Chicago, who shall, for thirty days after the same shall be erected, neglect or refuse to number said building according to the provisions of this article, or who shall number said building without having first obtained from said commissioner a certificate designating the proper number, shall be subject to a penalty of five dollars, and a further penalty of five dollars for every thirty days thereafter that said building shall be without its number according to the provisions of this article, or shall have a number thereon without said certificate having first been obtained from said commissioner.

**1864. Alteration of numbers prohibited.]** Whenever any street shall have been numbered or renumbered, as the case may be, in pursuance of this article or any ordinance hereafter passed, such numbers shall not be changed or altered without the consent of the commissioner of public works, under the penalty of not more than twenty-five dollars for each offense.

**1865. Mistake or conflict in numbering.]** In all cases where a street shall have been numbered or renumbered in pursuance of this article or any ordinance hereafter passed, it shall be the duty of the commissioner of public works thereafter to adjust and renumber such street as the same may be required from time to time; and in all cases where there is a mistake or conflict in numbers, said commissioner shall direct and make the proper adjustment of the same.

**1866. Names of streets—where placed.]** The names of all streets shall be placed on all street corners, and shall, wherever there are street lamps at the corners of the streets, be painted on said street lamps, or on the tin, glass or metallic strips or plates firmly attached to said lamps or lamp posts.

**1867. Streets, alleys, etc., to be kept clear.]** The streets,

alleys and sidewalks in the city of Chicago shall be kept free and clear of all obstructions, incumbrances and encroachments for the use of the public, and shall not be used or occupied in any other way than is herein provided.

**1868. Toll road or gate a nuisance.]** The keeping or maintaining of any toll house or toll gate on any street or highway within the limits of the city of Chicago for the purpose of demanding, collecting or receiving toll of any person passing along or over any such street or highway is hereby declared to be a nuisance. Any person, firm or corporation who shall erect, keep or maintain, or cause to be erected, kept or maintained, any toll house or toll gate on any street or highway within the limits of the city of Chicago, for the purposes mentioned in this section, shall be deemed guilty of committing a nuisance and, upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars for each day or part of a day they may so cause or permit any toll house or toll gate to be so kept or maintained, and every person or corporation who shall demand, collect or receive any toll, or sum of money, of any person as a charge or toll for the privilege of passing along or over any street or highway within the limits of the city of Chicago shall, upon conviction thereof, for each offense, be fined not less than five dollars nor more than twenty-five dollars.

**1869. Cattle—drove limited—permit.]** No person or persons shall, between the hours of seven o'clock a. m., and seven o'clock p. m., of each and every day, drive upon or along any public street or alley within the limits of the city of Chicago more than five head of cattle at any one time; any person or persons who shall violate the provisions of this section shall, upon conviction, be fined not less than ten nor more than one hundred dollars for each and every offense: Provided, however, that cows owned by individuals and kept for the purpose of giving milk may be driven in large numbers to pasture in charge of a herdsman without incurring any of the penalties herein provided.

**1870. Circus parades—permit.]** No circus, circus and menagerie or menagerie shall be allowed to parade in and along the streets of the city of Chicago, without first having obtained a permit so to do from the mayor. All permits granted hereunder shall specify the streets in and along which such parade may be made; and no parade of any circus, circus and menagerie, or menagerie, shall be made in and along any streets except those specified in such permit. For each and every violation of this section a penalty shall be imposed of not less than twenty-five dollars nor more than one hundred dollars and a revocation of any license to exhibit within the city of Chicago.

**1871. Processions and open air meetings.]** No parades or processions shall be allowed upon the streets of the city, nor shall any open air public meeting be held upon any ground abutting upon any street or avenue of the city, until a permit therefor shall first be obtained from the police department, under a penalty of not less than twenty-five dollars nor more than one hundred dollars. Such per-

mits shall be issued without fee, by the superintendent of police, and shall, in the case of parades and processions, specify the route to be followed upon the streets of the city.

**1872. Obstructions—removal.]** The commissioner of public works is hereby authorized to order any article or thing whatsoever which may incumber or obstruct any street, alley, public landing, wharf or pier within said city to be removed; if such article or thing shall not be removed within six hours after notice to the owner or person in charge thereof to remove the same, or if the owner cannot be readily found for the purpose of such notice, he shall cause the same to be removed to some suitable place, to be designated by the said commissioner. The owner of any article so removed shall forfeit a penalty of not more than ten dollars, in addition to the costs of such removal.

**1873. Obstructions—sale authorized.]** Any article or thing which may be removed in accordance with the preceding section, if of sufficient value to more than pay the expenses thereof, shall be advertised ten days and sold by the department of public works, unless the same shall be sooner reclaimed, and the penalty and cost paid by the owners thereof. The proceeds of such sale shall be paid into the city treasury and the balance, if any, after deducting the penalty and costs, shall be paid to any person or persons furnishing satisfactory proof of ownership.

**1874. Obstructions—vehicles.]** No wagon, sleigh, sled, carriage, railway carriage or vehicle of any kind or description, or any part of the same, without horses or other beasts of burden attached, shall be permitted to remain or stand in any improved streets of this city for more than one hour, except for the purpose of being repaired, and then only in front of the premises of the person so repairing, and within ten feet of the curbing, under a penalty of not less than one dollar, nor more than twenty-five dollars, and any such wagon, sled, sleigh, carriage, railway car or vehicle, or any part of the same, may be removed by the department of public works or any police officer as provided in the two foregoing sections.

**1875. Sales on street prohibited.]** No person shall make a stand or stopping place within any street or alley in the city of Chicago, for the purpose of exhibiting for sale, or for the purpose of selling or offering for sale, any horses, mules or cattle, or any wagon, carriage or other vehicle drawn by either of the animals aforesaid, under a penalty of not less than five dollars nor more than one hundred dollars for each offense.

**1876. Blockade—police duty.]** 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, or any alderman or police officer may give such directions in regard to the removal thereof as may be required by the public convenience. Any person or persons refusing or neglecting to obey such directions shall be fined not

less than five dollars nor exceeding twenty-five dollars, and may be arrested forthwith to answer for such refusal or neglect.

**1877. Deposit of material—unloading and loading car.]** No company, corporation or person shall be allowed to deposit or place in the street any lumber or other material, nor shall they load or unload any car from the street, nor erect or maintain any switch house or other building upon any street, highway or alley within the city limits, except by permission of the commissioner of public works; any violation of this section shall subject such company, corporation or person to a penalty of not less than five dollars nor more than ten dollars for each and every offense.

**1878. Wagon boxes to be tight.]** Any person or persons who shall be engaged in drawing stone, ice, mortar, earth, rubbish or manure through the streets shall, when conveying or carrying earth, manure, mortar, shavings, and rubbish, convey and carry the same in tight boxes, and when carrying or conveying any of the aforesaid articles, in case the same fall into the street or the same be scattered in any street or avenue, cause the same to be forthwith removed; and for any violation of any provision of this section, he or they shall forfeit and pay the sum of not more than five dollars for each and every offense.

**1879. Wagon boxes—overloading.]** Any contractors or other person or persons causing any cart, wagon or other vehicle to be loaded and heaped up with manure, sand, earth, mud, clay or rubbish so that the contents or any part thereof shall be scattered in any street, avenue or other public place in this city, shall forfeit and pay the sum of not more than five dollars for each offense.

**1880. Injury to pavements.]** No person shall injure or tear up any pavement, side or cross walk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, alley or public ground in the city of Chicago, without having first obtained written permission from the department of public works; or hinder or obstruct the making or repairing any public improvement or work ordered by the city council, or being done under lawful authority for the city of Chicago, under a penalty for each offense of not less than ten dollars nor more than one hundred dollars.

**1881. Incumbrance or obstruction.]** Any person, company or corporation who shall incumber or obstruct or cause to be incumbered or obstructed any street, alley, public landing, wharf or pier, or other public place in said city, by placing therein or thereon any building materials or any article or thing whatsoever, without having first obtained written permission from the commissioner of public works, shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each offense, and a further penalty of ten dollars for each day or part of a day such incumbrance or obstruction shall continue.

**1882. Erection of building in street.]** No person shall erect or place any building, in whole or in part, upon any street, alley, side-

walk or other public ground within this city, under a penalty of not more than fifty dollars.

**1883. Streets hereafter to be opened—obstruction.]** The owner of any building, fence, porch, steps, gallery or other obstruction, now standing or which may hereafter be erected or placed upon any street, alley or sidewalk, or public ground within this city, or which may be left standing upon any new street that has been or may hereafter be opened, shall remove the same within such reasonable time, not exceeding thirty nor less than three days, as he shall be required so to do by a notice signed by the commissioner of public works, under a penalty of not less than twenty-five dollars nor more than one hundred dollars, and a further penalty of ten dollars for every day the same shall so remain.

**1884. Refusal to remove—nuisance.]** 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 prescribed in the preceding section, or if the owner cannot be readily found for the purpose of such notice, the same shall be deemed a nuisance, and it shall be lawful for the commissioner of public works and is hereby made his duty 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, and every person who shall oppose or resist the execution of the orders of said commissioner in the premises shall be subject to a penalty of not more than one hundred dollars.

**1885. House moving—delay.]** 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 of the public grounds of the city for any time longer than may be specified in the permit of the commissioner of buildings, shall be subject to a penalty of ten dollars, and a like penalty for every twenty-four hours the same shall be continued, and such building shall be deemed a nuisance.

**1886. Stone dressing.]** No person shall be permitted to dress stone in the streets or prepare any material for building in the streets which can be prepared elsewhere.

**1887. Paving—removal of sand, etc.]** Any and all persons other than the commissioner of public works, who may hereafter pave or cause to be paved any street, lane or other thoroughfare or portion thereof in this city, shall have the sand, dirt and rubbish cleaned off said street, lane or thoroughfare or any part thereof within twelve days after any such pavement shall be completed, except such pavement as shall be laid over pipes, which shall be cleared off within six days after the same shall be laid. This section shall be so construed as to apply to the removal of all sand, dirt or rubbish collected in any part of any and all streets, lanes and thoroughfares covered by any pavement so done and laid, or excavation that may have been made, or other work done in pursuance thereof, and no contract for paving, in pursuance of

this section, shall be accepted as completed unless the commissioner of public works shall certify that this section has been fully complied with.

**1888. Penalty.]** Any person or persons, excepting the commissioner of public works, neglecting or refusing to remove the dirt, sand or rubbish mentioned in the foregoing section of this article within the time specified therein, shall forfeit and pay the sum of twenty-five dollars for each offense, and, in addition thereto, the said commissioner shall cause the same to be removed at the expense of the party so neglecting or refusing, who shall be liable to repay and refund the same, and which sum shall be collected and paid into the city treasury.

**1889. Proper obstructions.]** It shall be lawful for the persons employed to pave or repave any street in the city of Chicago, to place proper obstructions across such street or cart-way for the purpose of preserving the pavement then newly made or to be made, until the same shall be fit for use, leaving at all times a sufficient passage for foot passengers.

**1890. Displacement of proper obstructions.]** No person or persons shall without the consent of the commissioner of public works in writing, or without the consent of the person superintending said paving, throw down, displace or remove any such obstruction mentioned in the last preceding section, under a penalty of not more than fifteen dollars for every such offense.

**1891. Length of obstruction—time limit.]** Nothing contained in this article shall be construed to authorize any person or persons to stop up or obstruct more than the space of one block and one intersection at the same time in any one street, or to keep the same so stopped up for more than two days after the cart-way is finished.

**1892. Pipe laying—who shall permit.]** No city officer shall grant permission to any person, company or corporation to lay any pipes for any purpose whatever in the streets or alleys or public grounds of the city of Chicago, except for private connections with mains already laid, unless the application for such permission shall have been approved or recommended by the city council.

**1893. Paving—when forbidden.]** No street or alley in the city of Chicago shall be paved until after all sewers and water pipes shall be laid and constructed therein, unless otherwise specially authorized by the city council.

**1894. Signal lights.]** Any person having the use of any portion of the street or sidewalk for the purpose of erecting or repairing any building, or for any other purpose, shall cause two red lights to be placed in a conspicuous place in front of such obstruction, and at either end of the same, from dusk until sunrise in the morning, each night during the time such obstruction remains.

**1895. Paving—duty of contractor—lights.]** It shall be the duty of every person or persons engaged in digging in any street, in paving any street, building any sewer or drain, or trench for water-pipes, in any of the public streets or avenues, under contract with the corporation of this city, made through either or any of the depart-



ments of the said corporation, or by virtue of any permission which may have been granted to them by the city council or any department, or either of them, where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavations or work in such a manner as to prevent danger to passengers who may be traveling such streets, roads or avenues, and to continue and uphold the said railing or fence until the work shall be completed, or the obstruction or danger removed. And it shall also be the duty of such persons to place upon such railing or fence at twilight in the evening, suitable and sufficient lights and keep them burning through the night during the performance of said work, under a penalty of not more than two hundred dollars for every neglect.

**1896. Preceding section to apply, when.]** The provisions of the preceding section shall apply to every person who shall place building materials in any of the public streets or avenues, or be engaged in building any vault, or constructing any lateral drain from any cellar to any public sewer, or who shall do or perform any work causing obstructions in the public streets, by virtue of any permit from any executive department; and also to all public or corporation officers engaged in performing any work in behalf of the corporation, whereby obstructions or excavations shall be made in the public streets.

**1897. Fences and railings to protect openings.]** The extent to which such railing or fence shall be built in the several cases is hereby defined as follows, to wit:

1. In digging in any street or road, by placing the same along the upper bank of such excavation, or by extending the fence so far across the street or road as to prevent persons from traveling on such portion as would be dangerous.

2. In paving any street or avenue, by extending it across the carriage-way of such street or avenue, or if but a portion of the width of such carriage-way be obstructed across such portion; in which case the obstruction shall be so arranged as to leave a passage-way, as nearly as may be, of uniform width.

3. In the building of a sewer, by placing it across the carriage-way at the ends of such excavations as shall be made.

4. In building vaults, by inclosing the ground taken for the vaults.

5. In placing building materials in the streets, by placing it across so much of the street as shall be occupied by such materials; and the materials shall be so placed as to occupy a space of uniform width, except brick or stone piled solid at least seven feet high. In all cases sufficient lights shall be placed upon such building materials, fences or railings, and kept burning during the night, as provided by the preceding sections, and a like fence or railing and lights shall be put up and maintained in all cases in which a street or other public place is dug out at the cost of the corporation.

**1898. Who liable for damages.]** In all cases when any person or persons shall perform any of the work mentioned in the preceding sections, either under contracts with the corporation or by virtue

of permission obtained from the mayor and city council, or either of the departments, such persons shall be answerable for any and every damage which may be occasioned to persons, animals or property, by reason of carelessness in any manner connected with the said work.

**1899. Duty of department of public works.]** It shall be the duty of the officers of the department having charge of the particular class of improvements to see that the requirements contained in this article, in regard to the erection of fencing and placing lights, in all cases be complied with severally.

**1900. Police supervision.]** It shall be the duty of the superintendent of police to see to the enforcement of each and all of the provisions of this article, and each and every policeman shall, whenever there is any obstruction in any street or alley or sidewalk, endeavor to remove the same; and, in case such obstruction shall be of such a character that the same can not readily be removed, then said policeman shall report the same to the department of public works, and the said department shall be authorized to remove the same.

**1901. General penalty.]** Any person who shall violate, neglect or refuse to observe any of the provisions of this article, when no other or different penalty is provided, shall be fined, on conviction, not less than five dollars nor more than twenty dollars.

## ARTICLE II.

### POLES, WIRES AND CONDUCTORS.

**1902. Permit to erect required.]** No person, firm or corporation shall erect, construct or put up any pole, line or wire, or electric conductor of any description whatever within the limits of the city of Chicago, without first having obtained a permit therefor, under a valid and existing ordinance, from the commissioner of public works, which permit shall be countersigned by the superintendent of city telegraph, under a penalty of one hundred dollars for each and every offense; and each and every day any such telegraph pole, line or wire, or electric conductor, shall be continued and maintained after the first conviction shall constitute a new and separate offense.

**1903. Two miles each year underground.]** All telegraph, telephone and electric light and power companies owning, using or having poles set in any of the streets, avenues, alleys or public grounds of the city of Chicago shall, each and every year, remove two miles of said poles from the streets, avenues, alleys and public grounds and place the wires or conductors thereon in underground conduits, at such time and in such manner as may be directed by the commissioner of public works. Said conduits shall be constructed under the supervision of said commissioner, and in accordance with the provisions hereinafter provided and also in accordance with all the ordinances now in force or which may hereafter be passed concerning telegraph, telephone or

electric light and power conductors or wires. Any person, firm or corporation neglecting or refusing to observe and comply with the orders or directions of the commissioner of public works relating to the carrying out of the provisions of this section shall be subject to a penalty of not less than fifty dollars nor more than one hundred dollars, and every day any such person, firm or corporation shall fail or neglect to construct the conduits herein provided for after being notified so to do by said commissioner shall be considered a separate and distinct violation of this section.

**1904. Location.]** Such wires or conductors shall in no case be placed at a greater distance from the curb-stone separating sidewalks from carriageway than four feet, except in crossing streets running transverse to the direction of the said lines, when such crossing shall be made in the shortest straight line, or in making necessary connections with buildings and stations.

**1905. Traffic—not to impede.]** The method employed by laying said conductors shall be such that it will at no time be necessary to remove so much of the pavement, or to make such excavation, as to materially impede traffic or passage upon sidewalk or street during the operation of laying or repairing said conductors, except when in crossing streets transversely, where it shall be permitted to remove the pavement for a width not exceeding two feet, and in the nearest straight line from corner to corner. In no case during the general hours of passage and traffic shall passage be interrupted thereby for a longer period than one hour.

**1906. Supervision—space.]** The work of removal and replacement of the pavements in any and all of the streets, avenues, highways and public places in and through which the wire of any company shall be laid shall be subject to the control and supervision of the commissioner of public works; excavations in any and all of the unpaved streets, avenues, highways or public places shall also be subject to like control and supervision. The space selected for placing said wires, in every case being limited as to direction and general position by the foregoing provisions, shall not exceed two feet in width by two feet in depth.

### ARTICLE III.

#### WHARFING PRIVILEGES.

**1907. Obstruction of — removal — penalty.]** No person shall occupy, encumber or obstruct any portion of those parts of the streets of the city of Chicago called wharfing privileges, or any portion of a street adjoining the Chicago river or either of its branches, with a wharf, building, lumber, stone or any other substance or material, without special authority and permission from the city council; and every person occupying any building or wharf, or owner of any building or wharf, lumber, stone or other substance or material which is

now placed or remaining upon any portion of any such parts of said streets as are sometimes called wharfing privileges, or any portion of a street adjoining the Chicago river or either of its branches, without the permission or authority of said city council, shall remove the same from said portions of said streets within ten days after notice so to do; and any person who shall be guilty of a breach of any provision of this article, or shall place any building, wharf, lumber, stone or other substance or material, without special authority or permission from the city council, upon any of such portions of said streets, and every person occupying any such building or wharf, or owner of any such building, wharf, lumber, stone or other material, who shall suffer the same to remain on any of such portions of said streets contrary to the provisions of this article, shall forfeit and pay to said city a penalty of twenty dollars for each day or part of day such building, wharf, lumber, stone or other substance or material shall remain or continue upon any of such portions of said streets.

## CHAPTER LXII.

### SIGNS.

**1908. Projection.]** No person shall place or cause to be placed or suspend or cause to be suspended, from any house, shop, store, lot or place, over or into any street or sidewalk, any goods, wares or merchandise whatever, or signs or any other thing, so that the same shall project from the wall or front of said house, shop, lot or place, more than three feet toward or into the street or over the sidewalk.

**1909. Height above sidewalk—projection.]** Signs securely fastened and not exceeding three feet in length, may be suspended over and at a height above the sidewalks not less than nine feet, and no sign, show bill, lantern or show board which at its lowest part is less than nine feet in height above the sidewalk, shall project into any street more than three feet, under a penalty of not less than five nor more than twenty-five dollars for each offense, and a further penalty of ten dollars for every day such sign, show bill, show board or other thing may be continued or remain after an order to remove the same is given by any policeman or public officer.

**1910. Unlawful erection—removal.]** All signs, show bills, show boards, lanterns or signs of any description whatsoever, which have been erected or put up in any manner different from the provisions hereof, shall be removed forthwith, and any person who shall neglect or refuse to remove the same within twenty days after notice given by any policeman or public officer, shall be liable to a fine of not less than five dollars nor more than twenty dollars for every day said sign, show bill, lantern or showboard may remain after said notice has been given to said person to remove the same.

**1911. Lamp posts—erection.]** It shall and may be lawful for any person to erect a lamp post opposite his or her house, store or place of business, with such lettering or device as such person may think proper, in a line with those erected by the city near the curb line: Provided, said lamps and lamp posts shall not be less in size than those erected by the city, and the lamps or illuminated sign placed thereon shall not be more than three feet wide, and the posts shall be erected of the same height and in the same manner and of the same material as those now used by the city for lighting purposes.

**1912. Owner to pay for gas consumed.]** The connection of said lamp post or posts shall be made through a gas meter to be supplied by the person or persons erecting the same, so that the expense of the gas consumed shall not be paid by the city. No show boards shall be attached to or placed upon any lamp posts. All lamp posts erected by any person shall be removed at any time at the expense of the owner or occupant, whenever the mayor, commissioner of public works, or the city council shall order.

**1913. Lamp posts heretofore erected.]** All lamps or lamp posts which have been heretofore erected and used as signs, which shall be made to conform to the requirements of this article, may be allowed to remain, subject, however, to be removed at any time as above provided.

**1914. Street sign — injury to — penalty.]** Any person who shall break, misplace or carry away any of the street signs now or hereafter to be placed on any of the public lamps, shall be liable to a penalty of not more than five dollars for each offense.

**1915. Illuminated clocks — barber poles.]** Illuminated clocks which have been erected on the outer edge of sidewalks upon posts, and which are in actual use, and which are kept in running order at the expense of the owner and regulated so as to indicate the correct time, may be allowed to remain subject to be removed at any time as above provided. Barbers' poles may be constructed six feet in height, but shall be placed within three feet of the building or boundary line of the lot.

**1916. Sign posts prohibited — penalty.]** No sign or other posts, except as herein provided, shall be erected or placed on or upon any sidewalk or street or other public way within the city limits, or if heretofore erected or placed shall be permitted to remain on or upon or over any sidewalk or street or other public way, under a penalty of five dollars, and a like penalty for every day such post, sign or other thing shall be allowed to remain after notice to the owner or occupant of the premises from the commissioner of public works to remove the same; but nothing herein contained shall prevent the erection of posts in front of each building for the purpose of hitching horses; every such post so erected shall be not more than eight inches nor less than six inches in diameter, and not to exceed four feet in height, and shall be placed in a line within the outer edge of the sidewalk.

**1917. Advertisements — owner's consent.]** No person or persons shall, within the limits of the city of Chicago, post or paint an advertisement upon any private wall, door, gate or fence (without consent in writing first obtained of the owner of such wall, door, gate or fence), or upon any curbstone, flagging, gutter stone, sidewalks, lamp posts, gateways, telegraph poles, fire plugs, wooden or iron railing or fence of any public grounds or buildings, of the announcements for sale or barter of any description of drugs, merchandise or medicine, or of the nature of treatment of any disease, of any public amusement or lottery, or notices of a general public character, or any advertisement whatever, without the previous written permission of the mayor. Any person violating any of the provisions of this section shall be liable to a penalty of not more than twenty dollars for each and every offense.

**1918. General penalty.]** Whoever shall violate any of the provisions of this article, where a specific fine has not been provided for, shall upon conviction thereof be fined not less than five dollars nor more than fifty dollars for each and every offense.

## CHAPTER LXIII.

### SOAP FACTORIES.

**1919. License.]** No person, firm or corporation shall carry on the business of manufacturing soap within the city of Chicago or within one mile of the limits thereof, without first having obtained a license for such business as hereinafter provided for each soap factory conducted by such person, firm or corporation.

**1920. Application—contents.]** Any person, firm or corporation desiring to engage in the business of manufacturing soap or conducting a soap factory shall file with the city collector an application in writing containing the full name of the person or style of the firm or corporation, and the location of the place of business for which such license is desired.

**1921. Fee—notice of change in location.]** Upon compliance with the foregoing section and the payment to the city collector of an annual license fee of one hundred dollars, any such applicant shall be entitled to a license to carry on said business. If any change be made in the location of the place of business covered by any license issued hereunder, notice thereof shall be given to the city clerk and to the city collector.

**1922. Penalty.]** Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a penalty of not less than one hundred dollars nor more than two hundred dollars.

## CHAPTER LXIV.

### STATIONARY ENGINEERS.

**1923. Board of examiners created — qualifications — duty.]** There shall be appointed by the mayor, by and with the advice and consent of the city council, a board of examiners, consisting of three practical engineers, who shall be competent judges of the construction of steam boilers and engines, and experienced in their operation, whose duty it shall be to examine applicants for licenses for engineers and boiler or water tenders in accordance with the rules and regulations of this chapter, and to issue to such applicants as are found qualified, certificates of qualification. Each certificate so issued by them shall expire one year from the date of issue.

**1924. Rules and regulations—daily sessions.]** Said board of examiners shall be provided with suitable quarters by the commissioner of public works. Said board shall make and enforce such rules and regulations for its government and that of its employes as may be deemed proper and desirable, not inconsistent with the provisions of this chapter. Said board, or a majority thereof, shall hold daily sessions, of such duration as may be deemed requisite, between the hours of nine o'clock a. m. and ten o'clock p. m., for the purpose of examining and determining the qualifications of applicants for licenses for engineers and for persons having charge of steam boilers as provided herein.

**1925. Examination—license—license fee.]** The board of examiners, or a majority thereof, shall have power to examine into the qualifications of applicants, grant licenses, and, for cause, suspend or revoke the same. Every application for a license shall be made on the printed blanks furnished by the board of examiners, and shall set forth the name, age and citizenship of the applicant, and the extent of his experience. An application for an engineer's license shall be accompanied by a fee of two dollars and that for a boiler or water tender's license shall be accompanied by a fee of one dollar.

**1926. Applicant's qualifications.]** An applicant for an engineer's license must be a machinist or engineer, having at least two years' practice in the management, operation or construction of steam engines and boilers. An applicant for a boiler tender's license must be a person who has a thorough knowledge of the construction, management and operation of steam boilers. Each engineer and boiler or water tender, so to be licensed, must be at least twenty-one years of age, a citizen of the United States, or have declared his intention to become such, must be of temperate habits and good character, all of which shall be vouched for in writing by at least two citizens of



Chicago, or shall be verified under oath by the applicant when required by the board of examiners.

**1927. License—suspension—revocation.]** The board shall have power to suspend the license of an engineer or of a boiler or water tender for permitting water to get too low in the boiler; for carrying a higher pressure of steam than allowed by law; for an absence from his post of duty; or for any violation of the provision of this chapter, or other neglect or incapacity; Provided, however, that no license shall be suspended or revoked without first giving the accused person an opportunity to be heard in his own defense. When the license of an engineer or boiler or water tender shall be revoked for the first offense, no license shall be issued to him for thirty days thereafter; for the second offense for ninety days; for any offense thereafter his license shall be permanently revoked. In case of the suspension or revocation of a license, the fee thereof shall be forfeited to the city.

**1928. License, attestation of.]** Every certificate of license issued to an engineer or boiler or water tender shall be signed by the majority of the board of examiners, sealed with an imprint of the board's seal and attested by the clerk.

**1929. Records.]** The board of examiners shall cause to be kept in suitable books a full and correct detailed record of its official proceedings, including the names of the members of the board, the names, ages and residences of all applicants for licenses, the number issued and rejected, the number of licenses suspended, renewed or revoked, the cause therefor, the names of the persons forfeiting licenses; also the full amount of money received, and that returned on rejected applications. The financial record must be balanced daily, and the result thereof, in writing, shall be filed daily with the city comptroller.

**1930. Bribery—fraud.]** If any member of the board of examiners, or any person or employe connected therewith, shall at any time, or under any pretense whatever, himself or through any other person or persons receive, or cause to be received, any money, gift or other valuable thing or consideration, except as herein provided, for the purpose of officially favoring any applicant, or for the purpose of deceiving or defrauding any person or persons, or shall issue a license authorizing any person or persons to act as engineer or boiler or water tender without first having examined and found him or them qualified for such service, in accordance with the provisions and conditions of this chapter, then, in such case, the member or members of the board or other person so offending shall be removed from office by the mayor, and ever after be debarred from holding any position, official or otherwise, in the service of the city of Chicago, and any applicant who shall himself, or through any other person, offer, or cause to be offered, any money or other valuable consideration to said board, or any member thereof, or any person connected therewith, for any official act or favor, shall ever after be debarred from receiving any license under this chapter.

**1931. Unlicensed engineer.]** No steam engine or boiler subject to the provisions of this chapter shall be used, managed or operated in the city of Chicago, except by an engineer or boiler or water tender as provided herein, and who shall have been duly licensed as provided herein and who shall have and exhibit a certificate thereof. Any person who shall take charge of or manage or operate any steam engine or boiler, or any portion of a steam plant in the city of Chicago without a proper and valid license, as provided by this ordinance, shall, for each and every offense, be subject to a fine of not less than twenty dollars nor more than fifty dollars, and any person, agent, firm, company or corporation owning or controlling any steam engine, boiler or other steam plant, who shall authorize or permit any person or persons without a proper and valid license, as required herein, to take charge of, manage or operate any steam engine or boiler or any portion of a steam plant, shall, for each and every offense, be subject to a fine of not less than fifty dollars nor more than two hundred dollars, and each day's violation of any of the provisions of this chapter shall constitute a separate offense.

**1932. Duty of board to enforce.]** It shall be the duty of the board of examiners to see that each boiler plant in the city of Chicago shall have a licensed engineer, or boiler or water tender, or both, as provided herein, in charge at all times when working under pressure, whose certificate of qualification shall be displayed in a conspicuous place in the engine or boiler room, and each engineer and boiler tender shall devote his entire time, while boilers are working under pressure, to the duties of the plant under his charge. Any person who has charge of a steam boiler, whose duty it is to keep up the water in such boiler, shall be deemed a boiler or water tender, within the meaning of this chapter, but the provisions hereof for the examination, licensing and regulation of boiler or water tenders shall apply only to boiler or water tenders who are in charge of a steam boiler or boilers which are detached from the engine room, or so far removed therefrom or otherwise circumstanced or located as to render it difficult for the engineer in charge of the plant to give it or them his personal attention and supervision.

**1933. Engineer's reports.]** Every engineer licensed under this chapter shall, within the first ten days of January and July respectively, of each year, make a written report to the board of examiners of the condition of the engines, boilers and steam apparatus comprising the plant under his charge, and every boiler or water tender shall at the same time make to said board of examiners a similar report of the condition of the boiler or boilers and steam apparatus under his charge. All additions or changes made in any plant shall be reported by the engineer and the boiler or water tender to the board of examiners within ten days thereafter.

**1934. Exempt persons—police reports.]** Engineers in charge of locomotives shall be exempt from the provisions of this chapter, and all boilers used for heating private dwellings, hot houses, conservatories and other boilers carrying not more than ten pounds pressure of steam per square inch and the persons operating them shall be exempt from the provisions of this chapter. The police are instructed to report all infractions of this chapter coming to their notice.

**1935. Salaries.]** Said board hereby created shall not in its salaries and expenditures exceed the amount received from license fees; shall quarterly and yearly make a written report under oath to the city comptroller of all receipts and expenditures, and pay over to the city of Chicago all balances in their hands. The salary of the secretary of the board shall be seventeen hundred dollars per year, and he shall devote his whole time to seeing to the enforcement of the provisions of this chapter, and each of the other members shall receive a salary of fifteen hundred dollars per year. In case the receipts from the license fees shall be insufficient to pay the above salaries and the legitimate expenses of said board, their salaries, above mentioned, shall be diminished pro rata to the amount of the deficiency.

## CHAPTER LXV.

### STEAM BOILERS.

**1936. Office of inspector created—term.]** There is hereby created the office of inspector of steam boilers, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**1937. Appointment.]** He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**1938. Qualifications.]** The person so appointed shall be a person well qualified from practical experience in the use and construction of boilers, generators and super-heaters, and their appurtenances, used for generating steam for power, steaming or heating purposes, to enable him to judge of their safety for use as such, and who is neither directly nor indirectly interested in the manufacturing, ownership or agency of steam boilers which are to be inspected.

**1939. Bond.]** Said inspector, before entering upon the duties of his office, shall execute a bond to the city of Chicago, in the sum of five thousand dollars, with two or more sureties, to be approved by the mayor, conditioned for the faithful performance of the duties of his office.

**1940. Duties.]** It shall be the duty of the inspector, upon proper application, to inspect all boilers used for the generation of steam power or for heating or steaming purposes, except in private residences, and all tanks subjected to steam pressure, used in any business, by making a careful examination of, and subjecting the same to a hydrostatic pressure which shall exceed the maximum working pressure in the ratio of one hundred and fifty to one hundred pounds; and in no case shall the working pressure be more than one hundred pounds per square inch for a new boiler, forty-eight inches in diameter, made of No. 1 iron plates of one-fourth of one inch in thickness, and the steam pressure of all boilers, whether thicker or thinner, larger or smaller than before mentioned in this section, shall be governed by the same standard of strength; Provided, however, that whenever the plates of which any boiler is made show thereon the manufacturers' stamp indicating its tensile strength, such boiler may be tested and rated in accordance with the United States steamboat inspection law governing the inspection of steam boilers.

**1941. Duty of owners.]** It shall be unlawful for any person

to use any steam boiler or any tank or tanks subject to steam pressure in this city, until he shall have first procured a certificate from the inspector that it may be safely used; and, it shall be the duty of every person using any steam boiler or any tank or tanks subject to steam pressure, in this city, to have the same inspected by the inspector of boilers as often as once in each and every year thereafter; and, to that end, every owner or person using a steam boiler or tank aforesaid shall make or cause to be made, annually after such first inspection, an application in writing to the inspector requesting him to inspect the same.

**1942. Certificate—record.]** When an inspection of a boiler or boilers, tank or tanks, generator or generators, super-heater or super-heaters, has been made, and the same shall be approved by the inspector, he shall make and deliver to the person for whom the inspection was made, upon the payment to him of the fees hereinafter mentioned, a certificate of such inspection, which shall contain the date of inspection, together with a general description, for what purpose used, the number of try cocks, steam and water gauges, pumps, the pounds pressure to which said boilers have been tested, and the maximum pressure at which they may be safely used; which certificates shall be framed and put up in the office, or some other conspicuous place on the premises, for examination, and a record of the same shall be made by the said inspector, in a well-bound book, alphabetically indexed.

**1943. Inspection of repairs.]** It shall be the duty of said inspector, on the written application of the owner or agent of any boiler, generator or super-heater, stating that the same is out of repair, or has been repaired, to examine the same when so repaired, and determine if the same has been properly done, and it shall be unlawful for any person to use any boiler, after the same has been repaired, until he shall have first procured a certificate from the inspector that it has been properly done and may be safely used.

**1944. Fees.]** Said inspector may charge a fee of three dollars for inspecting each boiler, which shall be paid by the party requiring such service before the delivery of such certificate; Provided, that in any establishment where more than one boiler is used said inspector shall only be entitled to said fee of three dollars upon one boiler, and to a fee of two dollars upon each and every additional boiler.

**1945. Charging excess of fee.]** If the inspector shall take or receive any money or other valuable thing from any person, other than the fees allowed by this chapter, for the purpose of deceiving or defrauding any person or persons, or for the purpose of favoring any person or persons, or if said inspector shall issue any certificate of inspection without having at the time stated thoroughly examined and tested the boiler so certified for, he shall be fined in the penal sum of one hundred dollars, and shall be removed from his office by the mayor, and shall ever after be incompetent to hold the same.

**1946. Try cocks—gauges—force pumps.]** It shall be the

duty of every owner or other person using steam boilers in the city of Chicago to provide and properly affix to each and every one of such boilers a full complement of try cocks, one water gauge, one steam gauge, one or more safety valves of suitable dimensions (one of which safety valves shall be a spring or pop valve), and plugs of good Banca tin to be inserted in a suitable manner in the flues, crown sheet or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, all to be subject to the approval of the inspector, and to provide and properly attach to each boiler a good and sufficient force pump or other means of supplying the boiler with water, which shall also be subject to the approval of the inspector.

**1947. Owners to provide facilities.]** All owners or other persons using steam boilers and tanks, and other machinery subject to inspection as aforesaid, shall provide, at their own expense, such arrangements and facilities for attaching the instruments for inspection as the inspector shall direct.

**1948. Engineer's negligence.]** If any engineer shall negligently or wrongfully endanger the life of any person by permitting the water to fall below three inches above the flues or crown sheet of any boiler, or otherwise neglect his duties, he shall be subject to a fine of not less than twenty-five dollars, nor more than two hundred dollars.

**1949. Safety valve.]** The safety valves of steam boilers shall be loaded to sustain only the maximum pressure allowed by said inspector.

**1950. Penalty.]** Any person who shall violate any of the provisions of this chapter, where no other penalty is provided, shall be subject to a penalty of not less than twenty dollars, nor exceeding one hundred dollars, for each and every offense.

**1951. Monthly report.]** The inspector of steam boilers of the city of Chicago shall make to the comptroller, on or before the tenth day of each month, a report in writing, verified by affidavit, showing in detail the fees and charges collected by him in the preceding month, and, at the same time, shall pay into the city treasury one-half of such fees and charges so collected by him for the use of the city of Chicago, and one-half of all such fees and charges so collected by him shall be retained by him as and for his salary. A failure to make such report and to pay over such fees and charges, within the time above limited, shall be considered as a resignation of such office, and the mayor may thereupon declare the office vacant and appoint a successor.

**1952. Apparatus.]** The city of Chicago shall provide such instruments, books, papers and things as shall be necessary for the proper performance of the duties of such inspector, which shall be the property of said city, and which shall be delivered by said inspector to his successor in office, or to the commissioner of public works, whenever he shall cease, for any cause, to discharge the duties of said office; said inspector shall also, without expense or charge, in-

spect all boilers owned or used by the city, or any of its departments, whenever called upon by the proper officer. He shall also report to the city council every three months, or as often as once a month if required by said council, all inspection of boilers by him made.

## CHAPTER LXVI.

### STEAM WHISTLES.

**1953. Steamboat whistles.]** No person shall blow or cause to be blown the steam whistle of any steamboat, wharf boat, tug or other boat, for any purpose whatever, while lying at anchor at any wharf or dock in said city, or when approaching or leaving such wharf or dock, or when passing through any draw-bridge in said city, from the time such boat shall have entered the approach to such bridge, until it shall have passed through said draw-bridge and beyond the opposite approach, or when running in the Chicago river or any of its branches in said city, except when absolutely necessary as a signal of danger and in cases and under circumstances prescribed by the laws and regulations of the United States requiring the use of such whistles.

**1954. Locomotive whistles.]** No person shall blow or cause to be blown the steam whistle of any locomotive within the limits of the city of Chicago, for any purpose, except to avoid collisions or in cases of imminent danger.

**1955. Stationary engines.]** No person shall blow or cause to be blown within the city limits of the city of Chicago, the steam whistle of any stationary engine as a signal for commencing or suspending work, or for any other purpose, except as specified in the two preceding sections of this article.

**1956. Signals to bridge tenders—size of whistles.]** All boats in passing or repassing up and down upon the Chicago river, or any of its branches, may use a steam whistle to signal bridge tenders to open and swing bridges and such signal shall be given by three sharp, short sounds of the whistle, to be given in succession as quickly as possible, and not to be prolonged, and the whistle used for this purpose shall be of copper, the tube not less than thirteen inches long, three inches in diameter, and the steam pipe not more than one inch in diameter.

**1957. Bells may be substituted.]** The department of public works may at any time direct that bells shall be substituted in place of steam whistles to be used for giving notice to bridge tenders to open bridges.

**1958. Article construed.]** Nothing in this article contained shall be construed as forbidding the use of steam whistles as alarm signals in case of fire or collision, or other imminent danger, nor for the necessary signals by the steam engines of the fire department of the city.

**1959. Penalty.]** Any violation of or failure to comply with any provision of this chapter shall be punished by a fine of not less than five dollars nor more than one hundred dollars.



## CHAPTER LXVII.

### TANNERIES.

**1960. License.]** No person, firm, or corporation shall carry on the business of tanning within the city of Chicago or within one mile of the limits thereof, without first having obtained a license for such business, as hereinafter provided, for each tannery conducted by such person, firm or corporation.

**1961. Application—contents.]** Any person, firm, or corporation so desiring to carry on the business of tanning or keeping a tannery, shall file with the city collector an application in writing containing the full name of the person, or style of firm or corporation, and the location of the place of business for which such license is desired.

**1962. Fee—notice of change of location.]** Upon compliance with the foregoing section, and payment to the city collector of an annual license fee of fifty dollars, any such applicant shall be entitled to a license to carry on the business as aforesaid.

If after issuance and delivery of a license hereunder, any change be made in the location of the place of business covered thereby, notice thereof shall be given to the city clerk and city collector.

**1963. Penalty.]** Any person, firm, or corporation violating any of the provisions of this chapter shall be subject to a penalty of not less than one hundred dollars, nor more than two hundred dollars.

## CHAPTER LXVIII.

### WARDS.

1964. Ward boundaries.] The city of Chicago is hereby divided into thirty-four wards, as follows:

**First ward**—All that portion of the city of Chicago bounded as follows: Commencing at the center of the mouth of the Chicago river; thence west and south along the center of said river to the center of Twelfth street, thence east along the center of Twelfth street projected, to Lake Michigan, thence north along the shore of Lake Michigan to the center of the mouth of the Chicago river, shall be denominated the First ward.

**Second ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center of Twelfth street projected, thence west along the center of Twelfth street to the center of the Chicago river, thence southerly along the center of said river to the center of Sixteenth street, thence east along the center of Sixteenth street to the center of Clark street, thence south along the center of Clark street to the center of Twenty-sixth street, thence east along the center of Twenty-sixth street projected, to Lake Michigan, thence northerly along the shore of Lake Michigan to the center of Twelfth street projected, shall be denominated the Second ward.

**Third ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center of Twenty-sixth street projected, thence west along the center of Twenty-sixth street to the center of Wentworth avenue, thence south along the center of Wentworth avenue to the center of Thirty-third street, thence east along the center of Thirty-third street projected, to Lake Michigan, thence northerly along the shore of Lake Michigan to the center of Twenty-sixth street projected, shall be denominated the Third ward.

**Fourth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the shore of Lake Michigan and the center of Thirty-third street projected, thence west along the center of Thirty-third street to the center of Stewart avenue, thence south along the center of Stewart avenue to the center of Thirty-ninth street, thence east along the center of Thirty-ninth street projected, to Lake Michigan, thence northerly along the shore of Lake Michigan to the center of Thirty-third street projected, shall be denominated the Fourth ward.

**Fifth ward**—All that portion of the city of Chicago bounded

as follows: Commencing at the intersection of the center of Sixteenth street and the center of the Chicago river, thence southwesterly along the center of said river to the center of Halsted street, thence south along the center of Halsted street to the center of Thirty-third street, thence east along the center of Thirty-third street to the center of Wentworth avenue, thence north along the center of Wentworth avenue to the center of Twenty-sixth street, thence east along the center of Twenty-sixth street to the center of Clark street, thence north along the center of Clark street to the center of Sixteenth street, thence west along the center of Sixteenth street to the center of the Chicago river, shall be denominated the Fifth ward.

**Sixth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Halsted street and the center of the Chicago river, thence southwesterly along the center of said river and the Illinois and Michigan canal to the center of Western avenue, thence south along the center of Western avenue to the center of Thirty-ninth street, thence east along the center of Thirty-ninth street to the center of Stewart avenue, thence north along the center of Stewart avenue to center of Thirty-third street, thence west along the center of Thirty-third street to the center of Halsted street, thence north along the center of Halsted street to the center of the Chicago river, shall be denominated the Sixth ward.

**Seventh ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of the Chicago river and the center of West Twelfth street, thence west along the center of West Twelfth street to the center of Johnson street, thence south along the center of Johnson street to the center of West Eighteenth street, thence east along the center of West Eighteenth street to the center of Johnson street, thence south along the center of Johnson street to the center of West Twenty-second street, thence east along the center of West Twenty-second street to the center of South Halsted street, thence south along the center of South Halsted street to the center of the Chicago river, thence northeasterly along the center of the Chicago river to the center of West Twelfth street, shall be denominated the Seventh ward.

**Eighth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Throop street and the center of West Twelfth street, thence south along the center of Throop street to the center of the Chicago river, thence easterly along the center of the Chicago river to the center of South Halsted street, thence north along the center of South Halsted street to the center of West Twenty-second street, thence west along the center of West Twenty-second street to the center of Johnson street, thence north along the center of Johnson street to the center of West Eighteenth street, thence west along the center of West Eighteenth street to the center of Johnson street, thence north along the center of Johnson street to the center of West Twelfth street, thence west along the

center of West Twelfth street to the center of Throop street, shall be denominated the Eighth ward.

**Ninth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Throop street and the center of West Taylor street, thence west along the center of West Taylor street to the center of South Wood street, thence south along the center of South Wood street to the center of the Illinois and Michigan canal, thence northeasterly along the center of said canal and the center of the Chicago river to the center of Throop street, thence north along the center of Throop street to the center of West Taylor street, shall be denominated the Ninth ward.

**Tenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of South Wood street and the center of West Taylor street, thence west along the center of West Taylor street to the center of South Western avenue, thence north along the center of South Western avenue to the center of West Taylor street, thence west along the center of West Taylor street to the center of South Campbell avenue, thence south along the center of South Campbell avenue to the center of West Twelfth street, thence west along the center of West Twelfth street to the center of South Fortieth avenue (Crawford avenue) thence south along the center of South Fortieth avenue to the center of the Illinois and Michigan canal, thence northeasterly along the center of said canal to the center of South Wood street, thence north along the center of South Wood street to the center of West Taylor street, shall be denominated the Tenth ward.

**Eleventh ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North May street and the center of West Ohio street, thence west along the center of West Ohio street to the center of North Center avenue, thence north along the center of North Center avenue to the center of West Ohio street, thence west along the center of West Ohio street to the center of North Paulina street, thence south along the center of Paulina street to the center of West Taylor street, thence east along the center of West Taylor street to the center of Sibley street, thence north along the center of Sibley street to the center of Gilpin place, thence west along the center of Gilpin place to the center of Sibley street, thence north along the center of Sibley street to the center of Macalister place, thence east along the center of Macalister place to the center of Sibley street, thence north along the center of Sibley street to the center of West Harrison street, thence east along the center of West Harrison street to the center of Throop street, thence north along the center of Throop street to the center of West Van Buren street, thence east along the center of West Van Buren street to the center of Center avenue, thence north along the center of Center avenue to the center of West Madison street, thence east along the center of West Madison street to the center of Ann street, thence north along the center of Ann street to the center of West Lake

street, thence east along the center of West Lake street to the center of May street, thence north along the center of May street to the center of West Ohio street, shall be denominated the Eleventh ward.

**Twelfth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Paulina street and the center of Washington boulevard, thence west along the center of Washington boulevard to the center of California avenue, thence north along the center of California avenue to the center of West Lake street, thence west along the center of West Lake street to the center of North Fortieth avenue (Crawford avenue), thence south along the center of Fortieth avenue to the center of West Twelfth street, thence east along the center of West Twelfth street to the center of Campbell avenue, thence north along the center of Campbell avenue to the center of West Taylor street, thence east along the center of West Taylor street to the center of Western avenue, thence south along the center of Western avenue to the center of West Taylor street, thence east along the center of West Taylor street to the center of South Paulina street, thence north along the center of Paulina street to the center of Washington boulevard, shall be denominated the Twelfth ward.

**Thirteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Paulina street and the center of West Chicago avenue, thence west along the center of West Chicago avenue to the center of North Fortieth avenue (Crawford avenue), thence south along the center of North Fortieth avenue to the center of West Lake street, thence southeasterly and easterly along the center of West Lake street to the center of North California avenue, thence south along the center of North California avenue to the center of Washington boulevard, thence east along the center of Washington boulevard to the center of Paulina street, thence north along the center of Paulina street to the center of West Chicago avenue, shall be denominated the Thirteenth ward.

**Fourteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Ashland avenue and the center of West North avenue, thence west along the center of West North avenue to the center of North Fortieth avenue (Crawford avenue), thence south along the center of North Fortieth avenue to the center of West Chicago avenue, thence east along the center of West Chicago avenue to the center of North Ashland avenue, thence north along the center of North Ashland avenue to the center of West North avenue, shall be denominated the Fourteenth ward.

**Fifteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Western avenue and the center of Belmont avenue, thence west along the center of Belmont avenue to the center of Kedzie avenue, thence south along the center of Kedzie avenue to the center

of West North avenue, thence east along the center of West North avenue to the center of the Chicago river, thence northwesterly along the center of the Chicago river to the center of Western avenue, thence north along the center of North Western avenue to the center of Belmont avenue, shall be denominated the Fifteenth ward.

**Sixteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of the Chicago river and the center of North avenue, thence west along the center of North avenue to the center of North Ashland avenue, thence south along the center of North Ashland avenue to the center of West Chicago avenue, thence west along the center of Chicago avenue to the center of North Paulina street, thence south along the center of Paulina street to the center of West Ohio street, thence east along the center of West Ohio street to the center of North Center avenue, thence south along the center of North Center avenue to the center of West Ohio street, thence east along the center of West Ohio street to the center of North May street, thence north along the center of North May street to the center of West Chicago avenue, thence east along the center of West Chicago avenue to the center of North Carpenter street, thence north along the center of North Carpenter street to the center of the Chicago river, thence northerly along the center of the Chicago river to the center of North avenue, shall be denominated the Sixteenth ward.

**Seventeenth ward** — All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of the Chicago river and the center of North Carpenter street, thence south along the center of North Carpenter street to the center of West Chicago avenue, thence west along the center of West Chicago avenue to the center of North May street, thence south along the center of North May street to the center of West Lake street, thence east along the center of West Lake street to the center of the Chicago river, thence north and northwesterly along the center of the Chicago river to the center of North Carpenter street, shall be denominated the Seventeenth ward.

**Eighteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of the Chicago river and the center of Lake street, thence west along the center of Lake street to the center of Ann street, thence south along the center of Ann street to the center of West Madison street, thence west along the center of West Madison street to the center of Center avenue, thence south along the center of Center avenue to the center of West Van Buren street, thence east along the center of West Van Buren street to the center of the Chicago river, thence north along the center of the Chicago river to the center of Lake street, shall be denominated the Eighteenth ward.

**Nineteenth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of the Chicago river and the center of Van Buren street, thence west along the center of Van Buren street to the center of Throop street, thence south along the center of Throop street to the center of West Harrison street, thence west along the center of West Harrison street to the center of Sibley street, thence south along the center of Sibley street to the center of Macalister place, thence west along the center of Macalister place to the center of Sibley street, thence south along the center of Sibley street to the center of Gilpin place, thence east along the center of Gilpin place to the center of Sibley street, thence south along the center of Sibley street to the center of West Taylor street, thence east along the center of West Taylor street to the center of Throop street, thence south along the center of Throop street to the center of West Twelfth street, thence east along the center of West Twelfth street to the center of the Chicago river, thence northerly along the center of the Chicago river to the center of Van Buren street, shall be denominated the Nineteenth ward.

**Twentieth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Halsted street and the center of Fullerton avenue, thence west along the center of Fullerton avenue to the center of the Chicago river, thence southeasterly along the center of the Chicago river to the center of Division street, thence east along the center of Division street to the center of North Halsted street, thence north along the center of North Halsted street to the center of Fullerton avenue, shall be denominated the Twentieth ward.

**Twenty-first ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Fullerton avenue and the shore of Lake Michigan, thence west along the center of Fullerton avenue to the center of North Halsted street, thence south along the center of North Halsted street to the center of North avenue, thence east along the center of North avenue to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the center of Fullerton avenue, shall be denominated the Twenty-first ward.

**Twenty-second ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North avenue and the shore of Lake Michigan, thence west along the center of North avenue to the center of North Halsted street, thence south along the center of North Halsted street to the center of Division street, thence east along the center of Division street to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the center of North avenue, shall be denominated the Twenty-second ward.

**Twenty-third ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the cen-

ter of Wells street and the center of Division street, thence west along the center of Division street to the center of the north branch of the Chicago river, thence southeasterly and easterly along the center of the north branch of the Chicago river to the center of Wells street, thence north along the center of Wells street to the center of Division street, shall be denominated the Twenty-third ward.

**Twenty-fourth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Division street and the shore of Lake Michigan, thence west along the center of Division street to the center of Wells street, thence south along the center of Wells street to the center of the Chicago river, thence east along the center of the Chicago river to Lake Michigan, thence northerly along the shore of Lake Michigan to the center of Division street shall be denominated the Twenty-fourth ward.

**Twenty-fifth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the Indian Boundary Line (north city limits) and the shore of Lake Michigan, thence southwesterly and west along the north city limits to the village line of Rogers Park, which lies two hundred feet west of Ridge avenue, thence southeasterly along said line to the center of Pratt avenue, thence east along the center of Pratt avenue to the center of Ridge avenue, thence southeasterly along the center of Ridge avenue to the center of Devon avenue, thence east along the center of Devon avenue to the center of North Clark street, thence southerly along the center of North Clark street to the center of Byron street, thence east along the center of Byron street to the center of Racine avenue; thence south along the center of Racine avenue to the center of Fullerton avenue, thence east along the center of Fullerton avenue to the shore of Lake Michigan, thence northerly along the shore of Lake Michigan to the said Indian Boundary Line, shall be denominated the Twenty-fifth ward.

**Twenty-sixth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the village line of West Ridge, which lies two hundred feet west of Ridge avenue and northern city limits, thence west along the city limits to the west line of West Ridge, thence south along the west line of West Ridge to the center of Devon avenue, thence east along the center of Devon avenue to the center of North Western avenue, thence south along the center of North Western avenue to the center of the north branch of the Chicago river, thence southeasterly along the center of the north branch of the Chicago river to the center of Fullerton avenue, thence east along the center of Fullerton avenue to the center of Racine avenue, thence north along the center of Racine avenue to the center of Byron street, thence west along the center of Byron street to the center of North Clark street, thence northerly along the center of North Clark street to the center of Devon avenue,



thence west along the center of Devon avenue to the center of Ridge avenue, thence northwesterly along the center of Ridge avenue to the center of Pratt avenue, thence west along the center of Pratt avenue to the village line of West Ridge, which lies two hundred feet west of Ridge avenue, thence northerly along said line to the north city limits, shall be denominated the Twenty-sixth ward.

**Twenty-seventh ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Western avenue and the center of West Devon avenue, thence west along the center of West Devon avenue to the center of Milwaukee avenue, thence northwesterly, west, north, east and south along the city limits to the center of Bryn Mawr avenue, thence east along the center of Bryn Mawr avenue to the center of North Sixtieth avenue, thence south along the center of North Sixtieth avenue to the center of West Irving Park boulevard, thence west along the center of West Irving Park boulevard to the center of North Seventy-second street, thence south along the center of North Seventy-second street to the center of West North avenue, thence east along the center of West North avenue to the center of North Kedzie avenue, thence north along the center of North Kedzie avenue to the center of West Belmont avenue, thence east along the center of West Belmont avenue to the center of North Western avenue, thence north along the center of North Western avenue to the center of West Devon avenue, shall be denominated the Twenty-seventh ward.

**Twenty-eighth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of North Fortieth avenue (Crawford avenue) and West North avenue, thence west along the center of West North avenue to the center of North Fifty-second avenue (Robinson avenue), thence south along the center of North Fifty-second avenue to the center of West Madison street, thence east along the center of West Madison street to the center of South Forty-eighth avenue (Hymen avenue), thence south along the center of South Forty-eighth avenue to the center of West Twelfth street, thence east along the center of West Twelfth street to the center of South Forty-sixth avenue, thence south along the center of South Forty-sixth avenue to the center of West Thirty-ninth street, thence east along the center of West Thirty-ninth street to the center of South Western avenue, thence north along the center of South Western avenue to the center of the Illinois and Michigan canal, thence southwesterly along the center of the Illinois and Michigan canal to the center of South Fortieth avenue, thence north along the center of South Fortieth avenue to the center of West North avenue, shall be denominated the Twenty-eighth ward.

**Twenty-ninth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of State street and the center of Thirty-ninth street, thence west along the center of Thirty-ninth street to the center of South

Forty-eighth avenue, thence south along the center of South Forty-eighth avenue to the center of West Forty-seventh street, thence east along the center of West Forty-seventh street to the center of State street, thence north along the center of State street to the center of Thirty-ninth street, shall be denominated the Twenty-ninth ward.

**Thirtieth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of State street and the center of West Forty-seventh street, thence west along the center of West Forty-seventh street to the center of South Forty-eighth avenue, thence south along the center of South Forty-eighth avenue to the center of West Sixty-third street, thence east along the center of West Sixty-third street to the center of State street, thence north along the center of State street to the center of West Forty-seventh street, shall be denominated the Thirtieth ward.

**Thirty-first ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of State street and the center of West Sixty-third street, thence west along the center of West Sixty-third street to the center of South Forty-eighth avenue, thence south along the center of South Forty-eighth avenue to the center of West Eighty-seventh street, thence east along the center of West Eighty-seventh street to the center of South Western avenue, thence south along the center of South Western avenue to the center of West One Hundred and Seventh street, thence east along the center of West One Hundred and Seventh street to the center of South Halsted street, thence north along the center of South Halsted street to the center of West One Hundred and Third street, thence east along the center of West One Hundred and Third street to the center of Stewart avenue, thence north along the center of Stewart avenue to the center of West Ninety-ninth street, thence east along the center of West Ninety-ninth street to the center of State street, thence north along the center of State street to the center of West Sixty-third street, shall be denominated the Thirty-first ward.

**Thirty-second ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Thirty-ninth street projected, and the shore of Lake Michigan, thence southwest and west along the center of Thirty-ninth street to the center of State street, thence south along the center of State street to the center of Fifty-fifth street, thence east along the center of Fifty-fifth street to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the center of Thirty-ninth street projected, shall be denominated the Thirty-second ward.

**Thirty-third ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Fifty-fifth street and the shore of Lake Michigan, thence west along the center of Fifty-fifth street to the center of Stony Island avenue, thence south along the center of Stony Island avenue projected through Lake Calumet to the intersection of the west line of sections

twenty-six and thirty-five, township thirty-seven north, range fourteen, thence south along the said section line to the city limits, thence east along the city limits to the Indiana state line, thence north along the Indiana state line to the shore of Lake Michigan, thence northwesterly along the shore of Lake Michigan to the center of Fifty-fifth street, shall be denominated the Thirty-third ward.

**Thirty-fourth ward**—All that portion of the city of Chicago bounded as follows: Commencing at the intersection of the center of Stony Island avenue and the center of Fifty-fifth street, thence west along the center of Fifty-fifth street to the center of State street, thence south along the center of State street to the center of Ninety-ninth street, thence west along the center of West Ninety-ninth street to the center of Stewart avenue, thence south along the center of Stewart avenue to the center of West One Hundred and Third street, thence west along the center of West One Hundred and Third street to the center of South Halsted street, thence south along the center of South Halsted street to the center of West One Hundred and Eleventh street, thence west along the center of West One Hundred and Eleventh street to the center of South Peoria street, thence south along the center of South Peoria street to the center of West One Hundred and Fifteenth street, thence west along the center of West One Hundred and Fifteenth street to the center of South Ashland avenue, thence south along the center of South Ashland avenue to the center of West One Hundred and Twenty-third street, thence east along the center of West One Hundred and Twenty-third street to the center of South Halsted street, thence south along the center of South Halsted street to the city limits, thence east, south and east along the city limits to the east line of sections thirty-five and twenty-six, township thirty-seven north, range fourteen, thence north along said section line projected through Lake Calumet, to the center of Stony Island avenue, thence north along the center of Stony Island avenue to the center of Fifty-fifth street, shall be denominated the Thirty-fourth ward.

## CHAPTER LXIX.

### WATER.

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#### ARTICLE I.

##### RULES AND REGULATIONS.

**1965. Consumers subject to rules.]** Every consumer of the water of the Chicago water works shall be governed by and be subject to the rules and regulations prescribed by the department of public works, and it is hereby made the duty of the commissioner of public works to enforce the same.

**1966. Who shall be supplied—forfeit.]** No occupant or owner of any building in which the water is introduced shall be allowed, without permission, to supply other persons or families. For any violation of this provision the supply shall be stopped and the amount paid forfeited.

**1967. Failure to comply with provisions.]** Whenever two or more parties shall be supplied from one service pipe connecting with the distributing main, the failure on the part of any one of said parties to comply with any provision of this section shall authorize the commissioner of public works to withhold the supply of water from such service pipe, without any liability whatsoever, and all payments made shall be forfeited.

**1968. Connections prohibited unless under license.]** Any person who shall lay any water service pipes, or introduce into or about any building or on any grounds, any water pipes, or do any plumbing work in any building or on any grounds, for the purpose of connecting such pipes or plumbing work with the pipes of the Chicago water works, or of preparing them for such connections, with the view of having such premises supplied with water by the Chicago water works, or who shall make any additions to or alterations of any water pipe, bath, water closet, stop cock or other fixture or apparatus for the supplying of any premises with water, without being duly licensed to perform such work and without having first obtained a permit for doing such work from the commissioner of public works, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars.

**1969. Tampering with mains and pipes.]** It shall be unlawful for any person or persons in any manner to interfere with any main or service water pipes of the city, without permission therefor ob-

tained from the department of public works, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

**1970. Wrongful turning on of water.]** Any person who shall turn on the supply of water to any premises from which the supply has been, on account of non-payment of water rent, or for any other cause, turned off by the city, without having first obtained a permit so to do from the department of public works, shall be subject to a fine of not less than ten dollars nor more than two hundred dollars, and liable to be excluded from using the water for twelve months thereafter.

**1971. Applications — contents — fraudulent representation.]** Applications for water must state fully all purposes for which it is required, and parties must answer truthfully all questions put to them relating to its consumption. In case of fraudulent representation by the applicant, or the use of water for purposes not embraced in the applicant's application, or of willful or unreasonable waste of water, the said commissioner shall have the right to stop the supply of water, unless the offender shall promptly pay such additional charge as said commissioner may impose.

**1972. Hydrants—location—taps.]** No hydrants shall be permitted on the sidewalk or in the front area, neither shall they be permitted to keep running when not in actual use. Taps at wash basins, water closets, baths and urinals shall be kept closed in like manner.

**1973. Service pipes, etc.—keep in repair.]** All persons using water shall keep their own service pipes, stop cocks and apparatus in good repair and protected from frost at their own expense, and shall prevent all unnecessary waste of water through hydrants or defective pipes: Provided, however, that a reasonable time, not to exceed twenty-four hours, shall be allowed to parties having defective pipes to repair, or cause the same to be repaired.

**1974. Waste—remedy.]** The commissioner of public works may cause the water supply to be cut off in all cases where there is a waste of water, after notice has been given to cease such waste, and also in all cases where establishments requiring a large supply of water have failed to procure and use water meters, as required by the provisions contained in this chapter.

**1975. Hose sprinkling.]** No person shall use any water supplied through the Chicago water works for the purpose of hose sprinkling between the hours of 6 a. m. and 6 p. m. in the day, but upon compliance with the ordinances of said city, and the rules, regulations and requirements relating to water takers, such water takers shall be permitted to take such water for hose sprinkling between the hours of 6 p. m. and 5 a. m.

**1976. Power of entry.]** The officers of the department of public works, and every person delegated for such purpose, shall have free access at proper hours of the day to all parts of every building in which the water is consumed, to examine the pipes and fixtures and to ascertain whether there is any unnecessary waste of water.

**1977. Obstructing access.]** No person shall, in any manner, obstruct the free access to any stop cock, meter or elevator dial connected with any water pipe within any street, alley or common of said city, by means of any coal, lumber, brick, building material or other article or thing whatsoever, or refuse the free access thereto by the proper city authorities, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

**1978. Duty of police.]** It shall be the duty of the police of the city of Chicago, and of all persons in the employ of the city having police power, to enforce the provisions of this article, and arrest all persons violating the same.

**1979. General penalty.]** Any person who shall violate any or either of the regulations specified in this article, shall, on conviction, in addition to the enforcement of the forfeiture, liabilities, stipulations and reservations therein contained, pay a fine of not less than three dollars nor more than twenty dollars.

**1980. Fines—disposal of.]** All moneys received from fines for violations of the provisions of this article shall be employed and used in the construction and repair of the fire hydrants, and shall be paid over to the comptroller for that purpose, and said comptroller shall pay out such sums from the funds so raised and for the purpose hereinbefore mentioned upon vouchers to be audited by the commissioner of public works.

## ARTICLE II.

### WATER RATES.

**1981.** The minimum water assessment on each and every building fronting on any street, avenue or other public highway, in or through which any public water supply pipe is laid, shall be the amount respectively specified hereinafter as frontage rates, and for special uses of water such rates, in addition, as are hereinafter named; Provided, however, that when the supply of water to any building or premises is wholly controlled by meter, the said building or premises shall be assessed by meter measurement only, irrespective of the number and character of the fixtures, or the special uses for which the water may be used; Provided, further, that in no case shall any building or premises supplied through meter pay less per annum than the amount prescribed for said building or premises by frontage rates.

## FRONTAGE RATES.

FRONT WIDTH OF BUILDING.	FRONTAGE RATES PER ANNUM. STORIES IN HEIGHT OF BUILDINGS.					
	One.	Two.	Three.	Four.	Five.	Six.
12 feet and less.....	\$ 3.00	\$ 4.50	\$ 6.00	\$ 7.50	\$ 9.00	\$10.50
Over 12 to 15 feet.....	4.00	5.50	7.00	8.50	10.00	11.50
“ 15 “ 18 “ .....	5.00	6.50	8.00	9.50	11.00	12.50
“ 18 “ 21 “ .....	6.00	7.50	9.00	10.50	12.00	13.50
“ 21 “ 24 “ .....	7.00	8.50	10.00	11.50	13.00	14.50
“ 24 “ 27 “ .....	8.00	9.50	11.00	12.50	14.00	15.50
“ 27 “ 30 “ .....	9.00	10.50	12.00	13.50	15.00	16.50
“ 30 “ 33 “ .....	10.00	11.50	13.00	14.50	16.00	17.50
“ 33 “ 36 “ .....	11.00	12.50	14.00	15.50	17.00	18.50
“ 36 “ 40 “ .....	12.00	13.50	15.00	16.50	18.00	19.50
“ 40 “ 44 “ .....	13.00	14.50	16.00	17.50	19.00	20.50
“ 44 “ 48 “ .....	14.00	15.50	17.00	18.50	20.00	21.50
“ 48 “ 52 “ .....	15.00	16.50	18.00	19.50	21.00	22.50
“ 52 “ 56 “ .....	16.00	17.50	19.00	20.50	22.00	23.50
“ 57 “ 62 “ .....	17.00	18.50	20.00	21.50	23.00	24.50
“ 62 “ 67 “ .....	18.00	19.50	21.00	22.50	24.00	25.50
“ 67 “ 72 “ .....	19.00	20.50	22.00	23.50	25.00	26.50
“ 72 “ 77 “ .....	20.00	21.50	23.00	24.50	26.00	27.50
“ 77 “ 82 “ .....	21.00	22.50	24.00	25.50	27.00	28.50
“ 82 “ 87 “ .....	22.00	23.50	25.00	26.50	28.00	29.50

Larger buildings in proportion.

All basements and attics containing one or more finished rooms shall be deemed and estimated as additional stories; modern flats, or family hotels occupied by more than one independent family, shall be charged for each additional family three dollars per annum; ordinary dwellings, occupied by more than two families, three dollars for each additional family in excess of two.

In addition to the above scale of frontage rates, and for special water fixtures in each dwelling, the rates shall be as hereinafter specified.

Independent vacant lots supplied with water through one faucet shall be assessed not less than three dollars per annum; and for any additional water fixtures the same rates as hereinafter specified for like fixtures.

## CLASS I.

## PRIVATE DWELLING RATES.

In addition to frontage rates.

A family may consist of any number of persons, not to exceed

twelve, including all children, boarders, employes and servants; each person in excess of that number shall be assessed fifty cents per annum.

The rate for special water fixtures shall be as follows.

Bathing tubs in private dwelling houses only, beyond one, each, per annum.....	\$3.00
Water closets and privy vaults in private dwelling houses only, beyond one, each, per annum..	3.00
Urinals, each, per annum.....	1.00
Wash hand basins, with faucets, beyond one, each, per annum.....	1.00
Steam heating, per ton of coal consumed.....	.05
Green-houses attached to private dwellings, each, per annum.....	\$2.00 to 6.00
Each hose used for sprinkling or washing walks, windows, and like purposes, per annum.....	3.00

Out buildings, rear buildings, or buildings on alleys supplied with water, and occupied by one or more families, shall be subject to the rates above specified for special water fixtures. When any portion of such building is occupied for sleeping rooms only by more than two lodgers, the assessment for each additional lodger shall be fifty cents per annum, and for special water fixtures, dwelling house rates.

CLASS II.

BOARDING HOUSE RATES.

In addition to frontage rates, boarding houses occupied by not more than twelve persons shall be assessed private dwelling rates. For each and every boarder or other person in excess of such number, fifty cents per annum shall be charged.

Boarding houses which furnish accommodation for day or lodging boarders in excess of twelve persons shall be assessed for special water fixtures as follows:

Bath tubs, each, per annum.....	\$3.00
Water closets, each, per annum.....	3.00
Wash hand basins, with faucet, each, per annum..	1.00
Fixed laundry tubs in excess of three, per annum .....	1.50
Boarding houses selling wine or liquors on premises, extra, per annum.....	5.00
Hydraulic engines, meter measurement.	

For all purposes other than above specified, the rates for special fixtures, and conditions for use of water in boarding houses, shall be the same as prescribed elsewhere for similar purposes.



CLASS III.

HOTEL AND TAVERN RATES.

In addition to frontage rates.

From one room to twelve inclusive, the same rates as for boarding houses, thence for each additional room, per annum, one dollar.

For special water fixtures, the following rates:

Bath tubs, each, per annum.....	\$3.00
Wash hand basins, each, per annum.....	1.00
Steam engines, per horse power, per annum....	4.00
Water closets, each, per annum.....	3.00
Urinals, per annum.....	1.50
Hydraulic engines, meter measurement.	
Fixed laundry tubs, in excess of three, each, per annum .....	2.00
Steam heating, per ton of coal consumed.....	.05
Saloon bars, connected with hotels or taverns, saloon rates.	

Any of the above named fixtures open to general or promiscuous use shall be assessed at public rates.

For all purposes other than above specified, the rates for special fixtures and conditions for use of water shall be the same as prescribed elsewhere for similar purposes.

CLASS IV.

BLOCK OR OFFICE BUILDING RATES.

In addition to frontage rates.

Each twenty feet front and not exceeding twelve rooms therein shall be included in regular frontage rates.

For each room in excess of that number occupied for office purposes, per annum, \$1.00.

For special water fixtures as follows:

Steam engines, per horse power.....	\$4.00
Hydraulic engines, meter measurement.	
Bath tubs, each.....	2.00
Wash hand basins, each.....	1.00
Water closets, each.....	2.50
Urinals, each.....	1.50
Steam heating, per ton of coal consumed.....	.05

The above named fixtures on premises occupied by a family shall be assessed private dwelling rates, and when open to general or promiscuous use the same shall be assessed public rates.

For all purposes other than above specified the rates for special fixtures and conditions for the use of water in and about the above designated buildings shall be the same as prescribed elsewhere for similar purposes.

## CLASS V.

## STORES AND BUSINESS PREMISES RATES.

Each building, or part thereof, occupied as a store, show room, bank, theater, warehouse, factory or shop where not to exceed ten persons are employed, shall be assessed (in addition to regular frontage rates) on said building, twenty-five cents per annum for each additional person, and the rates for special water fixtures shall be as follows:

Wash hand basins or sinks, each faucet per annum.	\$2.50
Water closets, per annum.....	3.50
Urinals, per annum.....	1.50
Steam engines, per horse power.....	4.00
Hydraulic engines, meter measurement.	
Steam heating, per ton of coal consumed.....	.05

All fixtures open to general or promiscuous use shall be assessed at public rates.

Each family occupying any portion of either of the above designated buildings shall be assessed private dwelling rates.

For all purposes other than above specified the rates for special fixtures and conditions for the use of water shall be the same as prescribed elsewhere for similar purposes.

## CLASS VI.

## SALOON RATES.

## IN ADDITION TO FRONTAGE RATES.

## DRAM SHOPS.

There shall be assessed for general and special water fixtures as follows when there is no water faucet or other water fixture on saloon premises.

For use of bar, per annum.....	\$3.00
When there is one or two faucets for use of bar...	5.00
Each additional faucet, or the equivalent for same, for use of bar.....	2.00
Water closets, each.....	3.50
Urinals, each.....	1.50
Hydraulic pumps, each.....	5.00
Horse watering trough on sidewalk, in use not to exceed eight months, each.....	5.00
Hose for sprinkling, washing windows, etc.....	3.00
Bars in groceries or other establishments.....	5.00

ICE CREAM SALOON OR PARLOR.

Without bars, each table, four to six persons, per  
 annum..... ..\$0.50  
 Larger tables proportionate rates.  
 With bar or other fixtures, drinking saloon rates ad-  
 ditional.

RESTAURANTS, EATING HOUSES, CLUB ROOMS, ETC.

Without bars, each table of four to six persons, per  
 annum..... ..\$1.00  
 Larger tables proportionate rates.  
 With bars or other fixtures, drinking saloon rates  
 additional.

BILLIARD ROOMS, BOWLING ALLEYS, SHOOTING GALLERIES AND  
 LIKE ESTABLISHMENTS.

In addition to frontage rates, without bars, each  
 per annum .....\$3.00  
 With bars or other fixtures drinking saloon rates  
 additional.

SODA WATER FOUNTAINS.

Each, per annum.....\$3.00

When dwellings are connected with saloons each family shall be assessed private dwelling rates.

For all special fixtures same rates as prescribed elsewhere for similar purposes.

CLASS VII.

STABLE RATES.

Buildings fronting on any street used as public stables shall be assessed frontage rates and in addition thereto for special uses of water, as follows:

LIVERY, SALE AND BOARDING STABLES.

For average number of stalls in use, including the  
 washing by hand of wheeled vehicles, each per  
 annum .....\$2.00

Vehicles washed by hose, additional, each per  
 annum ..... 1.50

## CLUB STABLES.

Horses and mules, including washing vehicles by hand, each per annum.....	\$2.00
Vehicles when washed by hose, additional, each per annum .....	1.25
More than one cow, each per annum.....	.75

## CAR AND OMNIBUS STABLES.

For average number of horses or mules including washing vehicles by hand, each per annum....	2.50
Washing vehicles with hose, additional.....	2.00
More than one cow.....	.75
Street railway or other watering stations, each .....	\$25.00 to 150.00

## TRUCK AND CART STABLES.

For horses and mules, each.....	1.00
More than one cow.....	.75
For hose used for stable purposes only.....	3.00

Buildings used as stables fronting on alleys and located in the rear of other buildings when supplied with water will be exempt from frontage rates, but shall be assessed as follows:

For horses and mules, including washing vehicles, each per annum.....	\$2.00
More than one cow.....	.75

Such portions of any stable building used or occupied by a family shall be respectively assessed private dwelling rates.

## COW STABLES.

Average number of cows, each per annum.....	\$ .75
Hose, for stable use only, each per annum.....	\$3.00 to 10.00

All fixtures in and about any stable for other uses shall be assessed at the same rates as elsewhere for similar purpose.

## CLASS VIII.

## PUBLIC BATHING ESTABLISHMENT RATES.

In addition to frontage rates.	
Bath tubs, each per annum.....	\$6.00
Wash hand basins, each per annum.....	1.50
Water closets, each per annum.....	3.00
Urinals, each per annum.....	1.00
Fixed laundry tubs, each per annum.....	1.75

BARBER SHOPS.

In addition to frontage rates.

Bath tubs, each per annum.....	\$6.00
Wash hand basins, each per annum.....	1.50
Water closets, each per annum.....	3.00
Urinals, each per annum.....	1.00
Fixed laundry tubs, each per annum.....	1.75

CLASS IX.

FOUNTAIN RATES.

Each jet, not to exceed one-sixteenth of an inch, per annum.....	\$ 5.00
Each jet, not to exceed one-eighth of an inch, per annum.....	20.00
Each jet, not to exceed one-eighth of an inch, per annum.....	50.00
Vegetable fountains, per annum.....	5.00
Automatic lawn sprinklers, per annum.....	1.00
Aquariums with water connections, per annum .....	\$2.00 to 10.00

The above named fixtures, except aquariums, shall not be used to exceed four months during the year, nor to exceed an average of four hours per day for such period.

No fountain shall be permitted on any premises where the water is not taken for other purposes, and to an extent sufficient for those purposes; and if the water from the jet or fountain shall be allowed to flow into premises adjacent to or in the neighborhood, where it may be used for other purposes, the supply shall be stopped and the amount of payment forfeited.

CLASS X.

MISCELLANEOUS RATES IN ADDITION TO FRONTAGE RATES.

Bakeries per bbl. of flour or meal used.....	\$ .01
Building purposes, each 1,000 brick.....	.05
Building purposes, each cord of stone.....	.06
Building purposes, each cubic yard of concrete....	.02
Building purposes, each 100 square yards plas- tering.....	.15
Bolt heading machines, each per annum.....	2.00
Bottling establishments, meter meas- urement, or each.....	\$ 3.00 to 10.00
Church organ motors, meter measurement.	

Chemical laboratories, meter measurement, or each, per annum.....	\$ 3 00 to \$12.00
Cooperage, meter measurement, or each, per annum.....	3.00 to 10.00
Convents, private dwelling rates.	
Club rooms, each, per annum.....	3.00 to 6.00
Cells in jails, including inmates, each....	1.00
Fish stalls.....	1.50
Fish packing.....	10.00 to 100.00
Fire department buildings, each per annum, private dwelling rates.	
Fire patrol buildings, each per annum, private dwelling rates.	
Foundries, each per annum, same rates as prescribed in class V.	
Foundries, for use of each hose, per annum.....	\$4.00
Forges, blacksmith, for use of each hose, per annum.....	1.50
Forges, power hammers, for use of each hose, per annum.....	5.00
Gang saws in stone-yards, each per annum.....	\$10.00 to 50.00
Gardens, flower and vegetable, sprinkled with hose, each 1,000 square feet, per annum....	3.00
Hydraulic motors for elevators, each per annum, meter measurement.	
Hydraulic or gas motors for elevators, small, each, per annum.....	\$4.00 to 12.00
Hospitals (private), at private dwelling rates.	
Meat stalls, each, per annum.....	1.00
Milk depots and dairies, each per annum.....	\$3.00 to 10.00
Medical colleges, business rates, class V.	
Photograph galleries, each per annum...\$3.00 to	10.00
Public laundry tubs, each per annum.....	3.00
Police stables, private dwelling rates.	
Public halls, each per annum.....	5.00
Public halls, fixtures for special use of water, private dwelling rates.	
Schools, boarding, boarding-house rates.	
Schools, swimming, meter measurement, or estimated rates.	
Silver-plating establishments, each per annum.....	\$3.00 to 10.00
Steam engines in operation 10 hours per day or less, per horse power.....	4.00
Steam engines in operation over 10 hours per day, a proportionate amount per horse power.	

Steam heating apparatus, for each ton of coal consumed .....	\$ 0.05
Segar manufacturers, each per annum....	\$3.00 to 10.00
Street sprinkling, each tub per month.....	25.00
Tobacco factories, each per annum.....	\$3.00 to 6.00
Telegraph and telephone battery rooms, each per annum .....	\$5.00 to 20.00
Urinal troughs having number of jets, each per annum .....	\$3.00 to 15.00

The above rates are for the general use of water for the purposes specified; when special fixtures are in use on any premises, the rates and conditions for such special use of water shall be the same as prescribed elsewhere for similar purposes.

In all cases where any premises are wholly controlled by meter, meter rates only shall apply, instead of the above enumerated rates.

#### CLASS XI.

##### METER MEASUREMENT RATES.

For each one thousand gallons of water used on each independent premises measured and registered by meter, up to and not exceeding one hundred and sixty-five thousand gallons per month, ten cents per thousand. For each one thousand gallons measured in like manner, in excess of one hundred and sixty-five thousand per month eight cents per thousand gallons; Provided, that in no case shall premises supplied through meter pay a less rate than the per annum frontage rate imposed upon like premises not controlled by meter.

If a meter at any time fails to register the quantity of water, the quantity shall be determined, and the charge made shall be based on the average quantity registered during such preceding period of time prior to the date of failure, as the commissioner of public works may direct. No deductions shall be made from the bills on account of leakage. Bills for meter rates are due and payable monthly. If not paid within fifteen days after date of bills, the supply of water will be stopped until all arrearages and the cost of shutting off are paid. For all water used continuously for any temporary purpose not otherwise specified, the quantity shall be estimated, and the rate shall be three cents per hundred gallons for five hundred up to five thousand gallons per day. For six thousand to ten thousand gallons inclusive per day, used at any one time for temporary purposes, the rate shall be two cents for each and every one hundred gallons, which rates shall be paid in advance.

The daily use of large quantities of water for permanent purposes shall be subject to control by meter only. All meters shall be furnished, connected with the premises, and be maintained at the

cost of the water-taker, and shall be attached at request of the owner or by order of the commissioner of public works.

Gas companies, contractors and others requiring water from the city supply, for puddling trenches, ditches, streets, or for other purposes incident to public or private work, or improvement, or otherwise, shall make application for a permit for use of the water, and pay for the same such rates as are hereinbefore prescribed, said water to be used only upon such conditions and under such restrictions as may be imposed by the commissioner of public works.

#### CLASS XII.

All manufactories or other establishments, using large quantities of water, not specially embraced in the tariff of rates, as:

Breweries, bookbinderies, brickyards, condensing water for steam engines, confectioneries, distilleries, dye and scouring houses, hydraulic elevators, hat factories, malt houses, printing offices, packing houses, public hospitals and other public institutions and buildings, railroad engine and round houses, railroad passenger and freight depots, rectifying establishments, rendering, slaughtering houses, sugar refineries, steamboats, soap factories, soda and other prepared water factories, tugs, tanneries, vinegar factories, wool washing, etc., shall be controlled by water meters, or assessed such rates for general uses of water, and for all fixtures for special use of water as are prescribed elsewhere for similar purposes.

For purposes not specified in the foregoing tariff of rates, and for peculiar or extraordinary purposes, the rates and conditions for the use of water shall be subject to special permit and contract by and with the commissioner of public works.

#### SPRINKLING CARTS.

**1982. License—construction of sprinkler.]** All wagons or carts used for the purpose of street sprinkling within the city, shall be charged for license, each, in the sum of five dollars per annum, which sum shall be in addition to the sum charged for permit to use water from the city hydrants for said vehicle; Provided, however, that before issuing such license the commissioner of public works shall prescribe the kind of vehicle to be used, specifying particularly the capacity of the tank the number and size of the holes in the sprinkler, and the distance of the same from the ground; and also such general regulations as he may deem necessary concerning the use of said vehicles on the public streets, and the use by them of the city hydrants; for the due observance of which he may require from the person taking such license a good and sufficient bond.



## CEMENT SIDEWALKS.

**1983. Cement sidewalks—rates.]** The tariff of water rates for contractors and others requiring water from the city supply for constructing cement sidewalks, or other walks, in which concrete is used, shall be at the rate of nine mills for each square yard of superficial measurement of concrete laid, and applications for permits for use of water shall be made and paid for as in cases of other purposes incident to public or private work or improvement.

**1984. Deposit.]** Before a permit shall be issued the contractor or person applying for the same shall deposit with the commissioner of public works the sum of fifty dollars as a payment on account of such water rates, in advance, and shall on or before the fifth day of each month thereafter file with said commissioner of public works a statement, verified by affidavit, of the number of square yards of such walk, together with the location of the same, laid by him during the then preceding calendar month, and the amount found due for such, and the water rates accrued as estimated upon such statement shall be charged against said deposit, and whenever said commissioner of public works shall deem it advisable to have an additional deposit, he shall require of such contractor or person an additional deposit of fifty dollars to be applied as aforesaid, and whenever such contractor or person shall discontinue such business of laying walks, said commissioner shall account with him for the sum or sums so deposited and the water rates accrued as aforesaid, and shall pay him any balance of such deposits found due.

## ARTICLE III.

## COLLECTION OF WATER RATES.

**1985. Semi-annual payment—districts.]** The water rates or taxes as herein or hereafter established shall be paid semi-annually in advance at the office of the department of public works. The semi-annual payments shall cover a period from the first day of May to the thirty-first day of October, and from the first day of November to the thirtieth day of April, in each and every year. There are hereby created seven water districts, as follows:

First district—Embracing all that portion of the south division of the city comprising the first, second, third, fourth, fifth and sixth wards.

Second district—Embracing all that portion of the west division comprising the seventh, eighth, ninth, tenth, eleventh and twelfth wards.

Third district—Embracing all that portion of the west division comprising the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards.

Fourth district—Embracing all that portion of the north division

comprising the twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards.

Fifth district—Embracing that portion of the city comprising the twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth wards.

Sixth district—Embracing that portion of the city comprising the twenty-ninth, thirtieth and thirty-first wards.

Seventh district—Embracing that portion of the city comprising the thirty-second, thirty-third and thirty-fourth wards.

**1986. Time of payment specified.]** The semi-annual payments of water rates or taxes assessed in the several districts aforesaid shall be due and payable as follows:

First district—Between the first and thirty-first days of May, and the first and thirtieth days of November, respectively, of each and every year.

Second district—Between the first and thirtieth days of June and the first and thirty-first days of December, respectively, of each year.

Third district—Between the first and thirtieth days of June, and the first and thirty-first days of December, respectively, of each year.

Fourth district—Between the first day of May and the fifteenth day of June, and the first day of November and the fifteenth day of December, respectively, of each and every year.

Fifth district—Between the first day of May and the fifteenth day of June, and between the first day of November and the fifteenth day of December, respectively, of each and every year.

Sixth district—Between the first and thirty-first days of May and the first and thirtieth days of November, respectively, of each year.

Seventh district—Between the first and thirty-first days of May, and the first and thirtieth days of November, respectively, of each and every year.

**1987. Rebate.]** Any person who shall pay the water rates or tax at any time within the period hereinbefore described for the respective districts for the current months, commencing on the first days of May and November, respectively, shall be allowed a rebate of fifteen per cent on the whole amount assessed or charged to him for said ensuing six months; Provided, however, that the rate payers may pay water rates or taxes in any of the districts aforesaid prior to the time respectively prescribed, and thereby obtain the rebate named. Every person who shall fail to pay the water rates or taxes assessed or charged to him within the time prescribed herein for the said payment shall not be entitled to any rebate, and every person who shall fail to pay his water rate or tax within two months from and after the expiration of the semi-annual period of each year herein prescribed for the payment of the same shall have the use of the water stopped until the full payment thereof and all arrearages and charges for shutting off and turning on the water is made.

## ARTICLE IV.

## EXEMPTIONS.

**1988. Charitable and educational institutions.]** The commissioner of public works may and he is hereby directed and instructed to remit and cancel all water tax and rates heretofore levied and assessed or which may hereafter be levied or assessed against any and all charitable and educational institutions within the city of Chicago which are not conducted and carried on for the purpose of private gain or profit; Provided, the said commissioner may require every application for a rebate or remission of said water tax or rates to be verified by the affidavit of one or more taxpayers of the city of Chicago.

**1989. Public property.]** No water rates or taxes hereafter be assessed or levied against any property owned or held by the city of Chicago for public use.

**1990. Cook county hospital.]** No water rates or taxes shall hereafter be assessed or levied against the Cook county hospital.

**1991. Military organizations.]** The commissioner of public works is hereby authorized to remit and rebate the water tax and rate assessed against property used and occupied wholly by military organizations or military companies chartered and organized under the laws of the state of Illinois.

**1992. Public drinking fountains.]** Any person, firm or corporation may erect and maintain, or cause to be erected and maintained in front of the premises occupied by such person, firm or corporation, drinking fountains for the use of the public at such places and of such style, form, and material as the commissioner of public works may designate and approve, and no water rates or water taxes shall be levied or assessed against drinking fountains erected and maintained under and in accordance with the provisions of this section.

**1993. Vacant buildings or flats.]** Whenever the owner of any building shall give notice in writing to the superintendent of the water office that any such building is vacant and unoccupied, and shall pay a fee of one dollar for an inspection thereof, the said superintendent shall at once cause an inspection of said building to be made and a report thereof to be filed in his office.

The result of such inspection shall be noted on the books in the water office, and if it shall appear from such report that the said building was vacant and unoccupied at the time of such inspection, and if it shall further appear, at the time when the owner or agent of the said building shall offer to pay the water rates thereon for the next succeeding assessment period, from the affidavit of the owner or agent of said building, that the said building has been vacant and unoccupied continuously since the date of said inspection, up to the time when the water rates for the next assessment period are due, and if the said building shall have then been vacant and unoccupied for the

space of at least two months, the said superintendent shall then give to the owner of such building credit upon the amount of water rates, other than frontage rates, charged against said building for said next succeeding assessment period, in such proportion as the time such building was so vacant and unoccupied bears to the whole of said assessment period.

In case of buildings known as "flat buildings" or "apartment buildings," designed or adapted to use as apartments for two or more families, where water from one flat or apartment cannot be shut off without preventing the supply of water to other flats or apartments in the same building, the owner or agent of such building may give notice in writing, as above provided, of the vacancy of one or more of such flats or apartments in such building and request an inspection thereof, as in the case of other buildings. The cost of such inspection shall be the sum of one dollar for the first flat, and fifty cents for each flat in excess of one, alleged to be vacant, which cost shall be paid in advance by the person applying for such inspection. On such application, an inspection shall be made as hereinbefore provided in this section for other buildings, and the result of such inspection noted on the books in the water office, and credit shall be given upon the amount of water rates assessed against such flat or apartment building other than frontage rates, at the time and upon the conditions and to the same extent as is above provided for other buildings.

In case any agent or owner shall endeavor to escape the payment of water rates, by making a false affidavit in relation to the vacancy or occupancy of any building or flat, then the semi-annual water rates against said building in question shall be assessed and charged at double the rate otherwise chargeable against said building for the current or succeeding semi-annual period.

## CHAPTER LXX.

### WEAPONS.

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#### ARTICLE I.

##### CONCEALED WEAPONS.

**1994. Carrying prohibited.]** It shall be unlawful for any person, within the limits of the city of Chicago, to carry or wear under his clothes, or concealed about his person, any pistol, revolver, deringer, bowie knife, dirk knife or dirk, razor or dagger, slung-shot, metallic knuckles, or other dangerous or deadly weapons of a like character.

**1995. Confiscation.]** Any such weapon or weapons duly adjudged by any police magistrate or justice of the peace of said city to have been worn or carried by any person in violation of the first section of this article, shall be forfeited or confiscated to the said city of Chicago, as hereinafter provided.

**1996. Arrest and detention.]** Any policeman of the city of Chicago may, within the limits of said city, without a warrant arrest any person or persons whom such policeman may find in the act of carrying or wearing under their clothes or concealed about their person, any deadly weapon of the character in this article specified, or any other dangerous or deadly weapon, and detain him, her or them in the city jail or armory until a summons or warrant can be procured on complaint made (under oath or affirmation) for the trial of such person or persons, and for the seizure and confiscation of such of the weapons as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

**1997. Warrant — arrest — hearing.]** Upon complaint made under oath or affirmation, to any magistrate or justice of the peace in said city, that any person has been guilty of violating any of the provisions of the first section of this article, a summons or warrant shall issue for the summoning or arrest of the offender or offenders, returnable forthwith; upon the return of such summons or warrant, such magistrate or justice shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have violated any of the provisions of this article, such magistrate or justice of the peace shall so adjudge, and order that the weapon or weapons shall be confiscated to the city of Chicago.

**1998. Officers excepted.]** The prohibitions of this article shall

not apply to sheriffs, coroners, constables, members of the police force, or other peace officers engaged in the discharge of their official duties, or to any person summoned by any of such officers to assist in making arrest or preserving the peace, while such person so summoned is engaged in assisting such officer.

**1999. Penalty.]** Any person or persons violating any of the provisions of this article shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars.

## ARTICLE II.

### DEADLY WEAPONS.

**2000. Unlawful to sell knuckles, etc.]** Whoever shall have in his or her possession, or sell, give or loan, hire or barter, or whoever shall offer to sell, give, loan, hire or barter, to any person within the city of Chicago, any slung-shot or metallic knuckles, or other deadly weapons of like character, or any person in whose possession such weapons shall be found, shall, upon conviction, be fined in a sum not less than ten dollars nor more than two hundred dollars.

**2001. Unlawful to sell to minor.]** Whoever, not being the father, guardian or employer of the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within the city of Chicago, any pistol, revolver, derringer, bowie knife, dirk, or other deadly weapon of a like character shall be deemed to have been guilty of violating the provisions of this article, and shall be liable to the penalty herein imposed.

**2002. Register.]** All persons dealing in deadly weapons of the kind mentioned in the last preceding section, at retail within this city, shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form:

No. of weapon.	To whom sold or given.	Age of purchaser.	Kind and description of weapon.	For what purpose purchased or obtained.	Price of weapon.
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Said register shall be kept open for the inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours.

**2003. Penalty.]** Any person, firm or corporation violating any of the provisions of this article, where no other or different penalty is imposed, shall, upon conviction be subject to a penalty of not less than ten dollars nor more than two hundred dollars.

## CHAPTER LXXI.

### WEIGHTS AND MEASURES.

**2004. Appointment of inspector.]** There is hereby created the office of inspector of weights and measures, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**2005. How appointed.]** He shall be appointed by the mayor by and with the advice and consent of the city council, on the first Monday in May, 1897, or as soon thereafter as may be, and biennially thereafter.

**2006. Bond.]** Said inspector shall, before entering upon the duties of his office, execute a bond to the city of Chicago, in the sum of five thousand dollars, with two or more sureties to be approved by the mayor, conditioned for the faithful performance of the duties of his office.

**2007. Annual and semi-annual inspections.]** It shall be the duty of said inspector to inspect and examine once in each and every year all weights, measures, scale beams, patent balances, steelyards and other instruments used for weighing and measuring in the city of Chicago, except all track scales and scales of a capacity of three tons or upward, which shall be inspected once in every six months, and to stamp with a suitable seal all weights and measures and scales so used which he may find accurate, and deliver to the owner thereof a certificate of their accuracy.

**2008. Register—report.]** It shall be the duty of the said inspector to make a register of all the weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing, inspected and sealed by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the state. It shall also be the duty of the said inspector of weights and measures, once in every three months, to deliver a copy of the register made or kept by him, as mentioned in the preceding section, to the city council.

**2009. Report violations for prosecutions.]** It shall be the duty of the said inspector of weights and measures, to report forthwith to the prosecuting attorney of the corporation the names and places of business of all persons violating this chapter, and of all persons making use of any fraudulent or unsealed weights or measures, gauge or balances.

**2010. Inspector not to vend.]** It shall not be lawful for the said inspector to vend any weights, measures, scale-beams, patent

balances, steelyards, or other instruments to be used for weighing, or to offer or expose the same for sale in the city of Chicago, under a penalty of fifty dollars for every such offense.

**2011. Incorrect weights.]** It shall be the duty of the said inspector to report forthwith to the city council, the names of all persons whose weights, measures, scale-beams, patent balances, steelyards, or other instruments used for weighing, shall be found to be incorrect.

**2012. Inspection—condemnation—adjustment—seizure.]** Said inspector shall examine and inspect and seal all weights, measures, scale beams, patent balances, steelyards and other instruments used for weighing at the stores and places where the same may be used; but, in case they, or any of them, shall not be conformable to the standard of this state, they shall be marked “condemned,” and the owner thereof shall within ten days thereafter have the same properly adjusted and sealed under a penalty of not more than ten dollars and the inspector may, at any time after the expiration of the time aforesaid, seize and destroy any and all such condemned weights, measures, scale beams, patent balances, steelyards and other instruments used for weighing found in use.

**2013. Fees — limitations.]** It shall not be lawful for the said inspector to make charges for inspecting and examining weights, measures, scale beams, patent balances, steelyards or other instruments used for weighing more than once in each year, except charges for inspecting and examining track scales and scales of a capacity of three tons and upwards, which shall not be made more than once in every six months, unless such weights, measures, scale beams, patent balances, steelyards or other instruments used in weighing and measuring shall be found to be not conformable to the said standard.

**2014. Report to comptroller—salary of inspector.]** The inspector of weights and measures of the city of Chicago shall make to the comptroller on or before the tenth day of each month a report in writing, verified by affidavit, showing in detail the fees and charges collected by him in the preceding month, and he shall retain therefrom, as and for his salary and for the conduct and management of his office, one-half of all such fees and charges so collected by him and, in addition thereto, an amount equal to one-half of all the penalties collected for violation of the ordinances of the city of Chicago pertaining to the inspection and use of weights and measures and the weighing of coal and hay, where such prosecutions and recovery are made by such inspector, and shall, at the same time, pay the residue of such fees and charges into the city treasury for the use of the city of Chicago. A failure to make such a report and to pay over such fees and charges within the time above limited, shall be construed as a resignation of such office and the mayor may thereupon, declare the office vacant and appoint a successor.

**2015. Fees for inspection.]** The inspector of weights and



measures shall be entitled to demand and receive before the delivery of said certificate mentioned in section 2007 the following fees:

For inspecting and sealing railroad or track scales of the capacity of twenty tons and upwards, each, three dollars and fifty cents.

For inspecting and sealing scales of from three to ten tons capacity, each, one dollar.

For inspecting and sealing dormant scales, each, fifty cents.

For inspecting and sealing movable platform scales, each, thirty-five cents.

For inspecting and sealing beams weighing one thousand pounds and upwards, each, thirty-five cents.

For inspecting and sealing hopper scales, each one dollar and twenty-five cents.

For inspecting and sealing counter scales, each, twenty cents.

For inspecting and sealing every patent balance, steelyard, or other instrument for weighing, other than above enumerated, each, twenty cents.

And with each scale sealed by him, he shall inspect and seal one set of weights, without any additional charge or compensation.

For inspecting and sealing any dry measure, each five cents.

For inspecting and sealing liquid measures of a capacity of five gallons and upwards, each, ten cents.

For inspecting and sealing liquid measures of a capacity of not less than one gallon nor more than five gallons, each, ten cents.

For inspecting and sealing one-half gallon and one quart liquid measures, each five cents.

For inspecting and sealing liquid measures of a less capacity than one quart, each, five cents.

For inspecting and sealing any board or cloth measure, each, five cents.

And in every case where he may, at the request of the owner, employ labor or material in making any scale, weight or measure accurate, he shall be entitled to a just compensation therefor.

**2016. Resignation or removal.]** Whenever the inspector of weights and measures shall resign, be removed from office, or remove from the city, it shall be the duty of the person so resigning, removed from office, or removing from the city, to deliver to the city comptroller all the standard beams, weights and measures in his possession.

**2017. Official standard of weights and measures.]** That comptroller, at the expense of the city, shall procure correct and approved standards of weights and measures, of the standard adopted by the state of Illinois, with their necessary subdivisions, together with the proper beams and scales, for the purpose of testing and proving the weights and measures of said standard used in the city.

**2018. Inspection obligatory.]** All persons using weights, measures, scale beams, patent balances, steelyards or any other in-

strument, in weighing or measuring any article intended to be purchased or sold in the city of Chicago, shall cause the same to be inspected and sealed by the inspector of weights and measures, in said city.

**2019. Peddlers and hawkers.]** All itinerant peddlers and hawkers using scales, balances, weights or measures shall take the same to the office of the inspector of weights and measures, before using the same, and have the same sealed and adjusted annually; and any such person or persons failing to comply with the provisions of this section, shall each forfeit and pay to the said city a sum of not less than five nor more than one hundred dollars, with costs of prosecution, for each and every day such person or persons shall use the same without having the same adjusted and sealed as hereinbefore provided. And any itinerant peddler or hawker found using any ice scale, shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

**2020. Prescribing measures and ton weight.]** Any person who shall sell or offer for sale, any fruit, vegetables, berries, or grain of any description, or any article of dry measurement, within the city of Chicago, in wine measures, or in any other than legal dry measures, which shall have been rated by the inspector of weights and measures, whether of pint, quart, or other contents; or who shall practice deceit or fraud in the sale of wood or coal, by selling for a cord of wood less than one hundred and twenty-eight cubic feet of wood, or for a ton of coal less than two thousand pounds of coal, shall be subject to a fine of not less than five nor more than twenty-five dollars for each offense.

**2021. Certificate required.]** Any person who shall, in weighing or measuring any article for purchase or sale within the city of Chicago, use any weight, measure, scale-beam, patent balance, steelyard, or other instrument, not sealed, or without having first obtained the aforesaid certificate from the inspector, as required by this chapter, shall forfeit and pay the sum of not more than twenty-five dollars for each and every offense.

**2022. Incorrect or faulty measures or scales.]** If any person shall use, in the city of Chicago, in weighing or measuring, as aforesaid, any weight, measure, scale-beam, patent balance, steelyard, or other instrument, which shall not be conformable to the standard of this state, or shall use in weighing, as aforesaid, any scale-beam, patent balance, steelyard, or other instrument, which shall be out of order or incorrect, or which shall not balance, he shall forfeit and pay for every such offense the sum of not less than twenty-five dollars.

**2023. Refusal to exhibit.]** No person shall refuse to exhibit any weights, measures, scale-beams, patent balances, steelyards, or other instruments, to said inspector for the purpose of being so inspected and examined, under the penalty of not less than twenty-five dollars for every such offense.

**2024. Interference with officer.]** No person shall in any way or manner obstruct, hinder, or molest the inspector of weights and measures in the performance of his duties as hereby imposed upon him, under a penalty upon every such person of not less than twenty-five dollars for every such offense.

## CHAPTER LXXII.

### WEIGHERS.

**2025. Appointment.]** The mayor shall from time to time appoint so many and such persons to be city weighers as he may think proper, and may remove them.

**2026. Bond—license fee.]** Every city weigher shall execute a bond to the city of Chicago, in the sum of one thousand dollars, with sureties to be approved by the mayor, conditioned for the faithful performance of his duties, and shall pay into the city treasury the sum of ten dollars per annum upon each of his scales as and for an annual license fee or permit.

**2027. Scale—how provided.]** Each of said weighers so appointed shall provide his own scales, which shall be of the most approved pattern in use, and shall locate them and keep them properly adjusted and repaired at his own expense.

**2028. Adjustment and sealing.]** It shall be the duty of the weighers so appointed to have their scales adjusted and sealed by the sealer of weights and measures at least once in every three months, and oftener if required. It shall further be their duty to weigh any coal, hay or any other article, when so requested by the person or persons bringing the same.

**2029. Deputy weighers.]** The weighers so appointed shall have power to appoint all necessary deputies to attend said scales, and the official bond of said weigher shall be holden and answerable for the acts of said deputies.

**2030. Attendance.]** Said weighers shall, either in person or by such deputy, be present at their individual scales during all reasonable hours each day, Sundays and public holidays excepted.

**2031. Charges for weighing.]** The said weighers shall be allowed to charge and receive ten cents for every load or part of a load, or other article of any kind or nature whatsoever weighed by them, and shall keep an account of the weight of every load by them weighed, and shall furnish to the person having such load weighed a certificate for each load, which certificate shall contain the gross and net weight of each load weighed by him.

**2032. Records to be kept.]** The said city weighers shall severally provide themselves with, and each shall keep, a book in which he shall enter the amount of each load, and the name of each person for whom, and the date when the same was weighed; and when the vehicle and load shall be weighed together, the city weigher's certificate shall state the gross weight thereof, and upon the sale or delivery of said load, the vehicle shall again be weighed, without charge, by the city

weigher who weighed the original load, and thus the net weight of the load ascertained.

**2033. Weight of vehicles.]** In no case shall any city weigher state in his said certificate the weight of any vehicle which may have been weighed with any load, until such city weigher shall have ascertained the weight of such vehicle by actually personally weighing the same on his said scales.

**2034. Certificate not to be altered.]** No person shall alter any certificate of any city weigher, or use or attempt to use the same for any other load or parcel than the one for which the same was given, nor, after the weighing and before the sale and delivery of any load or parcel, diminish the quantity thereof.

**2035. Examination of books.]** The city comptroller shall be permitted, by himself or his agent, to examine at his pleasure the books required, as aforesaid, to be kept by the city weighers.

**2036. Street scales prohibited — exception.]** No person shall use or keep any scale in any public place, street or alley, within the city of Chicago for weighing any substance or thing, for the public, except city weighers who shall have complied with all the provisions of this chapter, and any person violating any of said provisions shall be subject to a penalty of not less than ten dollars nor more than fifty dollars for each offense.

## CHAPTER LXXIII.

**2037.]** All public or general ordinances, or parts thereof, not included in this ordinance and passed by the city council prior to March 29, 1897, are hereby repealed, so far as they conflict or are inconsistent with the provisions of this ordinance. Private or special ordinances and local ordinances prohibiting or regulating the sale of liquor in certain districts passed by the city council or by the legislative authorities of cities, towns and villages heretofore annexed are not hereby repealed. Orders and resolutions heretofore passed by the council shall not be considered as being repealed unless repugnant to the provisions of this ordinance. This ordinance shall be known as "The Revised Code of Chicago."

Passed April 8, 1897.

Approved April 9, 1897.

NOTE: The following ordinances are not included in the foregoing, The Revised Code of Chicago, and, having been duly passed by the City Council of the City of Chicago, or by the legislative authorities of cities, towns, or villages heretofore annexed to the city of Chicago, and not being in conflict nor inconsistent with the provisions of said code, are in full force and effect.

## CHAPTER LXXIV.

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### PROHIBITION DISTRICTS.

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#### WEST PULLMAN DISTRICT.

Passed October 18, 1895.

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

2038.] § 1. That no license shall be hereafter issued to keep a saloon or dram shop within that portion of West Pullman, in the City of Chicago, described as follows, to-wit: Commencing on the north line of 123rd street, at the east line of the alley in Block 48, in West Pullman, being a Subdivision in the northwest quarter and the west half of the northeast quarter of Section twenty-eight (28), Township thirty-seven (37) North, Range fourteen (14) East of the Third Principal Meridian; running thence north along the east line of the alley in said Block 48, and in Blocks 25, 24 and 1, in said Subdivision, to the north line of the east and west alley in said Block 1; thence west along the north line of said east and west alley, through said Block 1 and Blocks 2, 3, 4, 5, 6, 7, 8 and 9 in said Subdivision, and along said line, produced, to the west line of the north and south alley in Block 10 in the same Subdivision; thence south along the west line of said north and south alley in said Block 10 to a point opposite the south line of Lot 20 in said Block 10; thence east along the south line of said Lot 20, and along the south line of Lots 29 and 20 in Block 9, and the south line of Lot 29 in Block 8, in said Subdivision, to the easterly line of the north and south alley in said Block 8; thence south along the easterly line of the north and south alley in said Block 8, and along the easterly line of the north and south alley in Block 17 in said Subdivision, to a point opposite the south line of Lot 43 in said Block 17; thence west along the south line of said Lot 43 in Block 17, and along the south line of Lots 4 and 43 in Block 16, and along the north line of Lot 5 in Block 15, to the west line of the north and south alley in said Block 15; thence south along the

west line of said north and south alley in Block 15, and along the west line of the north and south alley in Block 34 to the east line of the right of way of the Pittsburgh, Chicago, Cincinnati & St. Louis Railroad; thence southeasterly along the easterly line of said right of way, to a point opposite the south line of Lot 30 in Block 40 in said Subdivision; thence east along the south line of said Lot 30 and the south line of Lot 19 in said Block 40 to the west line of Wallace street; thence in a direct line to the southwest corner of Lot 30 in Block 41 in said Subdivision; thence east along the south line of Lots 30 and 19 in said Block 41, and along the south line of Lots 30 and 19 in Block 42, to the west line of Butler street; thence south along the west line of Butler street to the north line of 123d street; thence east along the north line of 123d street to the place of beginning; all the said lines being intended to form continuous boundaries, and running across streets and alleys so as to form such continuous lines, whether so specified in the foregoing description or not.

2039.] § 2. The territory lying within the boundaries above mentioned shall be deemed and known as a prohibition district, within which it shall not be lawful for any such license to be granted.

2040.] § 3. This ordinance shall take effect from and after its passage.

DISTRICT BOUNDED BY S. 40TH AV., HARRISON ST., S. 46TH AV. AND  
MADISON ST.

Passed July 27, 1896.

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

2041.] § 1. That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is described as follows, to-wit: Commencing at a point 125 feet west of the west line of South 40th avenue and 125 feet north of the north line of Harrison street; thence west parallel with the north line of Harrison street and 125 feet distant therefrom to a point 125 feet east of the east line of South 46th avenue; thence north parallel with the east line of South 46th avenue and 125 feet distant therefrom to a point 125 feet south of the south line of Madison street; thence east parallel with the south line of Madison street and 125 feet distant therefrom to a point 125 feet west of the west line of South 40th avenue; thence south parallel with South 40th avenue and 125 feet distant therefrom to the place of beginning.

2042.] § 2. This ordinance shall be in force and effect from and after its passage.



DISTRICT BOUNDED BY W. DIVERSEY ST., N. 66TH AV., W. NORTH AV.,  
N. 72 AV.

Passed March 8, 1897.

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

2043.] § 1. Within that portion of the City of Chicago, hereinafter in Section 2 of this ordinance specified and defined, there shall not at any time hereafter be granted by the City of Chicago or any of its officers, any license to keep a saloon, or dram shop, or other place, for the purpose of the sale, barter or giving away of any vinous, malt, spirituous or fermented liquors.

2044.] § 2. The territory in Section 1 of this ordinance referred to and within which it is hereby made unlawful to maintain any place for the sale, barter or giving away of any vinous, malt, spirituous or fermented liquors, is bounded as follows:

Commencing at the intersection of North Seventy-second avenue and West Diversey street, east on West Diversey to North Sixty-sixth avenue (extended); south on North Sixty-sixth avenue extended to West North avenue; west on West North avenue to North Seventy-second avenue; north on North Seventy-second avenue to point of commencement.

2045.] § 3. This ordinance shall be in force and effect from and after its passage.

FERNWOOD DISTRICT.

Passed and approved October 7, 1890.

Be it ordained by the President and Board of Trustees of the Village of Fernwood:

2046.] § 1. That the territory included within the limits of the Village of Fernwood, shall be and the same is hereby declared to be a prohibition district.

2047.] § 2. That it shall be unlawful to open or maintain or cause to be opened or maintained, any saloon, dram shop, or other place for the purpose of selling, giving away or dealing in, in any manner, any intoxicating, malt, vinous, mixed or fermented liquors.

2048.] § 3. Any person convicted of disobeying Section 2, of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be liable to a fine of not less than Twenty-five Dollars and not more than One Hundred Dollars, for each and every day such saloon, dram shop or other place for the sale, dealing in or giving away, such intoxicating, malt, vinous, mixed or fermented liquors is so kept open or maintained.

2049.] § 4. No license shall hereafter be granted at any time, to any person or persons, for the purpose of opening or maintaining any such establishment as is above provided against.

## HYDE PARK.

Passed and approved March 28, 1887.

Revised Municipal Code of the Village of Hyde Park.

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 CHAPTER XV.
 

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Be it ordained by the President and Board of Trustees of the Village of Hyde Park:

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2050.] § 21. Hereafter no license shall be issued to keep a saloon or dram shop within the territory described and bounded as follows, to-wit: Commencing at the northeast corner of the Village of Hyde Park, thence west along the north line of said village to a point two hundred (200) feet east of the east line of State street; thence south and parallel with State street to the center of Fiftieth street; thence east from a point in center of Fiftieth street two hundred (200) feet east of State street to center of Cottage Grove avenue; thence south along center line of Cottage Grove avenue to center of Sixty-seventh street; thence east along center line of Sixty-seventh to the center line of Stony Island avenue; thence north along the center of Stony Island avenue to center line of Fifty-sixth street; thence west on center line of Fifty-sixth street to a point one hundred and twenty-five (125) feet east of east line of Jefferson avenue; thence north parallel to Jefferson avenue, to the center of Fifty-fourth place; thence east to Lake Michigan; thence northwesterly along the shore of Lake Michigan to the point of beginning.

And also commencing at the intersection of Seventy-first street and South Chicago avenue; thence southeasterly along the center line of South Chicago avenue to the center of Greenwood avenue; thence south along the center of Greenwood avenue to the center of Seventy-fifth street; thence west along the center of Seventy-fifth street to the center of Summit street; thence north along the center of Summit street to the center of Seventy-first street; thence east along the center of Seventy-first street to place of beginning.

Also commencing at the intersection of Seventy-first street and St. Lawrence avenue, thence north along the center line of St. Lawrence avenue to the center of Sixty-seventh street; thence west along the center line of Sixty-seventh street to the center of South Park avenue; thence south along the center line of South Park avenue to the center of Seventy-first street; thence east along the center line of Seventy-first street to the place of beginning.

Also the territory described and bounded as follows, to-wit: Commencing at the center line of intersection of Sixty-seventh street and

Lake Michigan, thence west to a line one hundred and fifty (150) feet west of Jeffery avenue; thence along said line one hundred and fifty feet west of parallel with North Jeffery avenue to center line of Eighty-third street; thence east on Eighty-third to Lake Michigan; thence along said lake to the place of beginning, except that piece of land inclosed and known as the World's Pastime Exposition grounds.

Also the territory bounded on the north by Seventy-first street, on the south by Seventy-fifth street, on the west by Woodlawn avenue, and on the east by Jeffery avenue. The said territory shall be known and treated as prohibited districts, within which it shall not be lawful for such licenses to be granted.

HYDE PARK, BURNSIDE DISTRICT.

Passed November 5, 1888.

Be it ordained by the President and Board of Trustees of the Village of Hyde Park:

2051.] § 1. That hereafter no license shall be issued to keep a saloon or dram shop within the territory described and bounded as follows, to-wit: Commencing at the intersection of St. Lawrence avenue and Ninety-third street, thence east along Ninety-third street to the center line of the right of way of the Illinois Central Railroad Company, thence southerly along the center line of such right of way to Ninety-fifth street, thence west along Ninety-fifth street to St. Lawrence avenue, and thence north along St. Lawrence avenue to the place of beginning; and the said territory shall be known and treated as a prohibited district within which it shall not be lawful for such licenses to be granted.

HYDE PARK, STATE STREET DISTRICT.

Passed and approved June 5, 1888.

Be it ordained by the President and Board of Trustees of the Village of Hyde Park:

2052.] § 1. Hereafter no license shall be issued to keep a saloon or dram shop within the territory bounded as follows: Commencing at a point in the center line of Fifty-fourth street two hundred and eleven feet east of the center line of State street, thence east along the center line of Fifty-fourth street to the center line of South Park avenue, thence south along the center line of South Park avenue to the center line of Sixty-third street, thence west along the center line of Sixty-third street to a point two hundred and eleven (211) feet east of the center line of State street, thence north and parallel with the center line of State street to the place of beginning.

JEFFERSON, DISTRICT BOUNDED BY DIVERSEY, WESTERN, CALIFORNIA  
AND FULLERTON AVENUES.

Passed and approved June 27, 1888.

Be it ordained by the President and Board of Trustees of the Village of Jefferson:

2053.] § 1. That the keeping of a saloon or dram shop and the granting of licenses for such purpose, are hereby prohibited within the territory described and bounded as follows, to-wit: Commencing at a point in the center of Diversey avenue one hundred and sixty-six feet west of the center line of Western avenue, thence west along the center line of said Diversey avenue to the center of California avenue, thence south along the center line of California avenue to a point two hundred feet north of the center line of Fullerton avenue, thence east and parallel with Fullerton avenue to a point one hundred and sixty-six feet west of the center line of Western avenue, thence north and parallel with Western avenue to the point of beginning.

2054.] § 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

JEFFERSON, DISTRICT BOUNDED BY MONTROSE, ELSTON, WARNER,  
MILWAUKEE AVE., ETC.

Passed May 29, 1889.

Be it ordained by the President and Board of Trustees of the Village of Jefferson:

2055.] § 1. That the keeping of a saloon or dram shop and the granting of licenses for such purpose are hereby prohibited within the territory described and bounded as follows, to-wit:

Commencing at a point in the center of Montrose boulevard, two hundred feet east of the center line of Jefferson avenue, thence east along the center line of said Montrose boulevard to a point two hundred feet west of the center line of Elston avenue; thence southeasterly on a line parallel to and two hundred feet west of the center line of said Elston avenue to a point two hundred feet south of the center line of Warner avenue; thence west on a line two hundred feet south of the center line of said Warner avenue and parallel thereto, to a point two hundred feet east of the center line of Milwaukee avenue; thence northwesterly on a line parallel to and two hundred feet east of the center line of said Milwaukee avenue to a point two hundred feet east of the center line of Jefferson avenue; thence north on a line two hundred feet east of the center line of and parallel to said Jefferson avenue to the place of beginning.

2056.] § 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

## LAKE VIEW DISTRICT.

Passed June 27, 1889; approved July 1, 1889.

Be it ordained by the City Council of the City of Lake View:

**2057.]** § 1. Within the territory designated in Section 2 of this ordinance, no license shall at any time hereafter be granted to any person or persons to keep a saloon, dram shop or other place for the sale, exchange, giving away or barter of any kind of alcoholic drinks.

**2058.]** § 2. The territory referred to in Section 1 hereof is bounded as follows, to-wit: Commencing at the intersection of Graceland and Southport avenues, running thence east to a point one hundred and fifty (150) feet west of the west line of Clark street, thence northerly one hundred and fifty (150) feet west of and parallel with the west line of Clark street to the north line of Bryn Mawr avenue, thence west along the north line of Bryn Mawr avenue to the center of Western avenue, thence south along the center of Western avenue to a point one hundred and fifty (150) feet east of the easterly line of Lincoln avenue, thence southeasterly along a line 150 feet east of the easterly line of Lincoln avenue to the center of Byron street, thence east along the center of Byron street to the center of Southport avenue, thence north along the center of Southport avenue to the center of Graceland avenue, the place of beginning; the said district shall include all the territory within said boundaries.

**2059.]** § 3. This ordinance shall be in force from and take effect from and after its passage.

## WASHINGTON HEIGHTS DISTRICT.

Passed June 7, 1886.

Be it ordained by the President and Board of Trustees of the Village of Washington Heights:

**2060.]** § 1. No license shall be granted for the keeping of any dram shops or saloon within the Village of Washington Heights at any place which is not situated north of Grove street, and within two hundred feet of Vincennes avenue.

**2061.]** § 2. All ordinance, orders or resolutions, or any part thereof, in so far as the same are inconsistent with and contradictory to the foregoing action, are hereby repealed.

NOTE: See following amendatory ordinance.

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Passed October 18, 1886.

Be it ordained by the President and Board of Trustees of the Village of Washington Heights:

**2062.** § 1. That Section One of an ordinance relating to establishing a district for dram shops in this Village, passed and approved June 7, 1886, be amended so as to read as follows:

No license shall be granted for the keeping of any dram shop or saloon within the Village of Washington Heights, at a place which is not situated within two hundred feet of Vincennes avenue.

2063.] § 2. That this act shall take effect from and after its passage.

WEST RIDGE DISTRICT.

Passed March 17, 1891.

Be it ordained by the President and Board of Trustees of the Village of West Ridge:

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2064.] § 2. No license shall be issued or granted for the keeping of a dram shop or for the sale of intoxicating liquor in any house or place within the following described territory or district, to-wit: All that part of the Village of West Ridge situated, lying and being west of a line drawn parallel to the center line of Ridge Avenue and two hundred feet distant therefrom in a westerly direction. And the selling or giving away of any intoxicating, malt, vinous, fermented or spirituous liquor in quantities less than one gallon, within any of the territory described in this section is hereby prohibited.

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2065.] § 8. This ordinance shall take effect and be in force from and after May 1st, A. D. 1891, and all ordinances heretofore passed in conflict herewith shall thereupon be repealed.

WEST ROSELAND DISTRICT.

Passed and approved October 1, 1889.

Be it ordained by the President and Board of Trustees of the Village of West Roseland:

2066.] § 1. That the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor (except by a druggist for medicinal, mechanical, sacramental and chemical purposes only), within the Village of West Roseland, is hereby prohibited. That no license shall be granted to any person or persons, to keep a dram shop or saloon in the Village of West Roseland. That it shall be unlawful for any person or persons to keep or conduct any dram shop or saloon in said Village, or to directly or indirectly, by himself or herself, or by another either as principal, clerk or servant, sell vinous, spirituous, malt, fermented, mixed or intoxicating liquor in any less quantity than one gallon; or in any quantity to be drunk upon the premises, or in or upon any adjacent room, building, yard, premises or place of public resort in said village.

2067.] § 2. Any person who shall violate any of the provisions of the preceding Section, or do any of the things or acts therein declared

to be unlawful or prohibited, shall be fined not less than twenty dollars (\$20.00) nor more than One hundred dollars (\$100.00).

**2068.] § 3.** That said fine shall be recovered by a suit or prosecution which may be commenced or conducted before any Justice of the Peace or Police Magistrate in Cook County in the State of Illinois, or before any Court of competent jurisdiction in said County.

## CHAPTER LXXV.

### LOCAL OPTION DISTRICTS.

DISTRICT BOUNDED BY OAKWOODS CEMETERY, I. C. R. R., 69TH ST.  
AND 71ST ST.

Be it ordained by the city council of the city of Chicago:

2069.] That the mayor of the city of Chicago shall not grant a license for the keeping of a dram shop within that portion of the city of Chicago which is bounded on the west by Oakwoods cemetery, on the east by the Illinois Central railroad, on the north by a line running parallel with and at all points equally distant one hundred and twenty-five feet north from the north line of Sixty-ninth street and, on the south by a line running parallel with and at all points equally distant three hundred feet south from the south line of Seventy-first street, unless the person applying for the same shall apply to the mayor in writing, furnish sufficient evidence to satisfy the mayor that he or she is a person of good character, and execute to the city of Chicago a bond with at least two sureties, to be approved by the mayor, in the sum of five hundred dollars, conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he or she will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept; and, that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street in to such room, and unless such person so applying shall present to the mayor, with his or her application, a petition signed by a majority of the legal voters of that portion of the city of Chicago hereinbefore defined and asking for the granting of such license.

DISTRICT BOUNDED BY CORNELL AV., I. C. R. R., LAKE MICHIGAN,  
56TH ST.

Passed June 18, 1894.

Be it ordained by the city council of the city of Chicago:

2070.] § I. That the mayor of the city of Chicago shall not grant a license for the keeping of a dram shop within that portion of the city of Chicago, which is bounded as follows, commencing at the northwest corner of Fifty-sixth street and Cornell avenue, and running thence northerly along the west line of Cornell avenue one hundred and sixty-four (164) feet to the alley; thence west to the east line



of the Illinois Central Railroad Company's right of way, thence north-erly along the east line of said right of way to a point that intersects with the south line of block thirty-eight (38) in Hyde Park, being a subdivision in section eleven (11), twelve (12) and fourteen (14) in township thirty-eight (38) north, range fourteen (14) east of the third principal meridian, thence easterly in a direct line along the south lines of blocks thirty-eight (38), thirty-seven (37) and thirty-six (36) in said Hyde Park subdivision to the shore of lake Michigan, thence southerly along the shore of lake Michigan to the north line of Fifty-sixth street, thence westerly along the north line of Fifty-sixth street to the place of beginning; unless the person applying for the same shall present to the mayor, with his application, a petition signed by a majority of the legal voters residing in that portion of the city of Chicago hereinbefore defined asking that such license be granted.

## BUENA PARK DISTRICT.

Passed, May 28, 1894.

Be it ordained by the city council of the city of Chicago:

**2071.]** That the mayor of the city of Chicago shall not grant a license for the keeping of a dram shop within that portion of the city of Chicago which is bounded on the west by Stella street, now occupied by the Chicago, Milwaukee and St. Paul Railway Company for its tracks, on the east by lake Michigan, on the north by a line running parallel with and at all points equally distant one hundred and twenty-five feet north from the north line of Montrose boulevard, formerly called Sulzer street, and on the south by a line running parallel with and at all points equally distant one hundred and twenty-five feet south from the south line of Sheridan road and Byron street as far west as the said Stella street, unless the person applying for the same shall apply to the mayor in writing, furnish sufficient evidence to satisfy the mayor that he or she is a person of good character and execute to the city of Chicago a bond, with at least two sureties to be approved by the mayor, in the sum of five hundred dollars, conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed, during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept, and, that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street in to such room; and unless such person so applying shall present to the mayor, with his application, a petition signed by a majority of the legal voters of that portion of the city of Chicago hereinbefore defined and asking for the granting of such license.

NOTE: See following amendatory ordinances.

Passed June 18, 1894.

Be it ordained by the city council of the city of Chicago:

**2072.]** That the ordinance making a local option district of the territory known as Buena park, passed by the city council of the city of Chicago, May 28th, 1894, be amended so as to read as follows:

That the mayor of the city of Chicago shall not grant a license for the keeping of a dram shop within that portion of the city of Chicago which is bounded on the west by Stella street, now occupied by the Chicago, Milwaukee and St. Paul Railway Company for its tracks, and by the right of way of the Chicago, Milwaukee and St. Paul Railway Company, on the east by Lake Michigan, on the north by Devon street and on the south by a line running parallel with and at all points equally distant one hundred and twenty-five feet south from the south line of Sheridan road and Byron street as far west as the said Stella street, unless the person applying for the same shall apply to the mayor in writing, furnish sufficient evidence to satisfy the mayor that he or she is a person of good character, and execute to the city of Chicago a bond with at least two sureties to be approved by the mayor, in the sum of five hundred dollars, conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept, and that all windows opening upon any street from such bar or room, shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street in to such room; and unless such person so applying shall present to the mayor, with his application, a petition signed by a majority of the legal voters of that portion of the city of Chicago hereinbefore defined and asking for the granting of such license.

NOTE: See following amendatory ordinance.

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Passed July 27, 1896.

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

**2073.]** § 1. That the ordinance making a local option district of the territory known as Buena Park, passed by the City Council of the City of Chicago on May 28th, 1894, and amended by an ordinance passed on June 18th, 1894, be further amended as follows: That the words "Devon street," wherever named or mentioned as the north line of said local option district, be struck out, and that there be inserted in lieu thereof the words "Hayes avenue."

**2074.]** § 2. This ordinance shall be in full force and effect from and after its passage.

DISTRICT BOUNDED BY CLARK ST., LAKE VIEW, DIVERSEY AND FULLERTON AVENUES.

Passed March 8, 1895.

Be it ordained by the city council of the city of Chicago:

2075.] § 1. That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is bounded on the west by the center line of Clark street, on the east by the center line of Lake View avenue, on the north by the center line of Diversey avenue, and on the south by the center line of Fullerton avenue, unless the person applying for the same shall apply to the Mayor in writing, furnish sufficient evidence to satisfy the Mayor that he or she is a person of good character, and execute to the City of Chicago, a bond with at least two sureties, to be approved by the Mayor in the sum of five hundred dollars, conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept; and that all windows opening upon any street from such bar or room, shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room; and unless such person so applying shall present to the Mayor, with his application, a petition signed by a majority of the legal voters of that portion of the City of Chicago hereinbefore defined and asking for the granting of such license.

2076.] § 2. This ordinance shall be in force from and after its passage.

DISTRICT BOUNDED BY 35TH ST., WESTERN AV., C. & A. R. R., AND CALIFORNIA AV.

Passed June 27, 1895.

Be it ordained by the city council of the city of Chicago:

2077.] § 1. That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is bounded on the north by the center line of Thirty-fifth street; on the east by the center line of Western avenue; on the south by the northern boundary line of the right of way of the Chicago and Alton Railroad Company, and on the west by the center line of California avenue, unless the person applying for the same shall apply to the Mayor in writing, furnish sufficient evidence to satisfy the Mayor that he or she is a person of good character, and execute to the City of Chicago a bond with at least two sureties, to be approved by the Mayor in the sum of five hundred dollars, con-

ditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept; and that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room; and unless such person so applying shall present to the Mayor, with his application, a petition signed by the majority of the legal voters of that portion of the City of Chicago hereinbefore defined and asking for the granting of such license.

**2078.]** § 2. This ordinance shall be in force from and after its passage.

DISTRICT BOUNDED BY BYRON ST., LAKE MICHIGAN, DIVERSEY AND EVANSTON AVENUES.

Passed June 27, 1895.

Be it ordained by the city council of the city of Chicago:

**2079.]** § 1. That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is described as follows, to-wit: That part bounded on the north by a line parallel to and distant one hundred and twenty-five (125) feet south from the south line of Byron street; and bounded on the east by Lake Michigan; and bounded on the south by the center line of Diversey street; and bounded on the west by a line running in a northerly and westerly direction, and being parallel with, and one hundred and twenty-five (125) feet distant easterly from the easterly line of Evanston avenue, excepting therefrom that part thereof south of the center line of Surf street, and east of the center line of Lake View avenue, unless the person applying for the same shall apply to the Mayor in writing, furnish sufficient evidence to satisfy the Mayor that he or she is a person of good character, and execute to the City of Chicago a bond with at least two (2) sureties, to be approved by the Mayor, in the sum of five hundred dollars (\$500), conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept; and that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room; and unless such person so applying shall present to the Mayor, with his application, a petition signed by a majority of the legal voters of that portion of the City of Chicago hereinbefore defined and asking for the granting of such license.

**2080.] § 2.** This ordinance shall be in force and effect from and after its passage.

DISTRICT BOUNDED BY 39TH ST., COTTAGE GROVE AV., LAKE MICHIGAN,  
AND N. LINE SECTION 2.

Passed July 15, 1895.

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

**2081.] § 1.** That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is described as follows, to-wit: That part bounded on the north by the north line of Thirty-ninth street, from Cottage Grove avenue to the shore of Lake Michigan, and on the south by the north line of Section two (2), Township thirty-eight (38) North, of Range thirteen (13), East of the Third Principal Meridian, as the same extends from its intersection with the north line of Thirty-ninth street at or near Cottage Grove avenue to Lake Michigan, unless the person applying for the same shall apply to the Mayor in writing, furnish sufficient evidence to satisfy the Mayor that he or she is a person of good character, and execute to the City of Chicago a bond with at least two (2) sureties, to be approved by the Mayor, in the sum of five hundred dollars (\$500), conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sunday all doors opening out upon any street from the bar or room where such dram shop is kept; and that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room; and unless such person so applying shall present to the Mayor, with his application, a petition signed by a majority of the legal voters of that portion of the City of Chicago hereinbefore defined and asking for the granting of such license.

**2082.] § 2.** This ordinance shall be in force and effect from and after its passage.

DISTRICT BOUNDED BY SOUTHPORT AV., C., M. & ST. P. R. R., ROSEMONT  
AND PETERSON AVENUES.

Passed March 1, 1897.

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

**2083.] § 1.** That the Mayor of the City of Chicago shall not grant a license for the keeping of a dram shop within that portion of the City of Chicago which is bounded on the West by Southport avenue,

on the east by the Chicago, Milwaukee and St. Paul Railway tracks, on the north by Rosemont avenue, and on the south by Peterson avenue, unless the person applying for the same shall apply to the Mayor in writing, furnishing sufficient evidence to satisfy the Mayor that he or she is a person of good character, and execute to the City of Chicago a bond with at least two sureties, to be approved by the Mayor, in the sum of five hundred dollars, conditioned that the licensed party shall faithfully observe and keep all ordinances now in force or hereafter to be passed during the period of such license, and that he will keep closed on Sundays all doors opening out upon any street from the bar or room where such dram shop is kept; and that all windows opening upon any street from such bar or room shall, Sundays, be provided with blinds, shutters or curtains, so as to obstruct the view from such street into such room; and unless such person so applying shall present to the Mayor, with his application, a petition signed by a majority of the legal voters of that portion of the City of Chicago hereinbefore defined, and asking for the granting of such license.

**2084.]** § 2. This ordinance shall be in force and effect from and after its passage.

#### HYDE PARK.

Passed and approved April 4, 1889.

Be it ordained by the President and Trustees of the Village of Hyde Park:

**2085.]** § 1. Any person who shall desire to obtain a license to keep a saloon or dram shop shall, in addition to the requirements now provided by ordinance, present his application in writing to the Village Controller for such license, in which shall be stated the name of the person or firm to whom the license is to be issued and the place where such saloon or dram shop is to be kept, which application shall be signed by a majority of the property owners, according to frontage on both sides of the street in the block upon which such dram shop is to be kept, and shall also be signed by a majority of the bona-fide householders and persons or firms living in or doing business on each side of the street in the block upon which such dram shop shall have its main entrance; Provided, however, that any person or firm who shall have made application as aforesaid, and received a license to keep a dram shop shall not be required to present an application as above in order to obtain a renewal of the license to himself or firm unless at least one-quarter ( $\frac{1}{4}$ ) of the property owners or bona-fide householders, persons and firms doing business upon both sides of the street in the block upon which the said dram shop has its main entrance, shall file with the Village Controller, at least thirty days (30) prior to the time for the renewal of such license, a notice stating that the signers thereof object to the granting or renewing of the license to said person or firm. Upon receiving such notice the Village Con-

troller shall notify the Captain of Police that such notice has been filed, and the Captain of Police shall at once notify or cause to be notified the holder or holders of the license. But a failure to give such notification shall not be construed as a waiver of the necessity for filing the application as provided above.

## TOWN OF LAKE.

Revised Ordinances, Town of Lake.

Passed April 3, 1889. In force June 1, 1889.

## CHAPTER LVII.

Be it ordained by the Board of Trustees of the Town of Lake:

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2086.] § 13. No license shall be granted to keep a saloon within 150 feet of any public park, parkway, boulevard, public school or church, nor in all that portion of the west half of section five, township thirty-eight north, range fourteen east of the third principal meridian, which lies more than one hundred feet east of Ashland avenue, excepting therefrom the southwest quarter of the southwest quarter of section five; nor in all that portion of sections sixteen, twenty, twenty-one, twenty-eight and twenty-nine, township thirty-eight north, range fourteen, east of the third principal meridian, bounded as follows, to-wit: Commencing at a point on the south line of Garfield boulevard (55th street) 125 feet west of the west line of State street, and running thence south parallel with said west line of State street to the center line of 68th street, thence east along the center line of the said 68th street to the center line of State street; thence south along the center line of State street to the center line of 79th street; thence west along the center line of 79th street to a point 125 feet west of the west line of Halsted street, running thence north, parallel with the west line of Halsted street to the center line of 68th street, thence east along the center line of 68th street, to a point 125 feet east of the east line of Halsted street; thence north on a line parallel with said east line of said Halsted street to the south line of Garfield boulevard (55th street); thence east on said south line of Garfield boulevard to the place of beginning; nor in all that part of the Town of Lake bounded on the north by the alley between Gordon and 43d streets, on the south by the center line of 49th street, on the west by the alley between Emerald avenue and Halsted street; and on the east by the center line of Stewart avenue; nor in all that portion of the Town of Lake bounded and described as follows, to wit: Beginning at the intersection of the west town line with the center line of 55th street; thence

east along the center line of 55th street to the center line of Western avenue; thence south along the center line of Western avenue to the center line of 71st street; thence west along the center line of 71st street to the west town line; thence north along said west town line to the place of beginning.

2087.] § 14. All applications for license to keep a saloon shall be made to the Board of Trustees in writing, stating the time for which such license is desired, not less than three months nor more than one year, signed by the applicant and accompanied by a petition of a majority of the legal voters of the Town residing within one eighth of a mile from the place where such saloon is to be kept; such petitions shall also state that the place where such saloon is to be kept does not fall within the restrictions prescribed by Section 13 of this Chapter, and the license fee must also accompany each application.

NOTE: See following amandatory ordinance.

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Passed May 14, 1889.

Be it ordained by the Board of Trustees of the Town of Lake:

2088.] § 1. That Section fourteen of Chapter fifty-seven, be and the same is hereby amended by adding thereto the following: Provided, however, that it shall not be necessary for any applicant to file more than one such petition of the majority of said legal voters during each fiscal year.



## CHAPTER LXXVI

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### TRACK ELEVATION.

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Passed February 23, 1893.

AN ORDINANCE for the restoration of highways and streets in the city of Chicago whose surface is occupied by railroad tracks, by the removal of such tracks, and for the removal of railroad tracks from the surface of highways and streets in said city.

**Preamble.]** Whereas, there are terminals of twenty-one trunk lines of railroads within the city of Chicago, the main railroad tracks of which radiate from their respective terminal stations, which are situated in or near the main business center of the city, to the boundaries of the city; and the tracks of said railroads crossing the public highways and streets of the city, to the number of upwards of three thousand, cross such highways and streets at grade; and, whereas, it is estimated that in the aggregate more than three million persons per day, upon the average, cross one or the other of such railroad tracks upon said highways and streets in vehicles and on foot; that over three hundred persons were killed by railroad cars at such crossings in the city of Chicago during the year 1892, and many more than that number were maimed or injured by the same means; that a very large amount of property is annually destroyed at such crossings by the same causes; and, that the amount of expense and loss caused by the delays to vehicles and pedestrians traveling upon such highways and streets at such crossings, by the use of such crossings at grade by railroad engines and cars, amounts to several millions of dollars per year. That the expense and loss to railroad companies by the delays made necessary in operating their railroads at grade in said city, and by their liability for damages for injuries to persons and property, amounts during each year to an enormous sum of money—it being estimated that more than six million freight cars with a tonnage amounting to more than sixty million tons, and more than one million two hundred and fifty thousand passenger cars carrying more than twenty-seven million passengers are during each year moved along said railroad tracks in said city, and, whereas, because of the great growth of said city in population the public necessities require the opening each year of a large number of new streets across said railroads and, also, require and call for more constant use of the railroad tracks of said railroad companies and better and more uninterrupted use thereof;

and the great public evils of such grade crossings and the inevitable dangers of injury to persons and property upon such highways and streets at such crossings are increasing; and, whereas, the continued existence and operation of railroads across or upon highways and streets in said city, at grade, has become and is wholly inconsistent with the safety of the public traveling upon such highways and streets and, necessarily, fraught with great danger to persons and property upon such highways and streets; and it is necessary in order to make such highways and streets at such crossings reasonably safe for persons and property making proper use thereof, and to restore highways and streets occupied by railroad tracks so that they may be safe and convenient for public travel, that the surface of such highways and streets should not be occupied by railroad tracks used for the passage of locomotive engines and railroad cars propelled by steam, and that such railroad tracks should be removed from the surface of such highways and streets with all reasonable speed and dispatch; and, whereas, in view of the great and increasing number of such street crossings, it being estimated that there are now more than fifteen hundred railroad crossings of highways and streets in said city, and in view of the uniform level topography of the city it is impracticable to make such railroad crossings of highways and streets safe by the construction and maintenance of viaducts over said railroads; now, therefore,

**2089. Definitions — districts.]** Be it ordained by the city council of the city of Chicago: § 1. 1. That, for the purpose of brevity and clearness, the terms highways and streets shall not only include highways and streets established in the manner prescribed by the statutes of this state, but as well all those created by user or common law dedication or otherwise.

2. The provisions of this ordinance with respect to the removal of railroad tracks and appurtenances, existing upon the surface of the highways and streets within the city of Chicago, from the surface of such streets and highways and the making and maintaining the railroad crossings of highways and streets so that, at all times, they shall be safe as to persons and property, shall apply as well to highways and streets created subsequently to such railroad tracks and appurtenances as to highways and streets existing at the time of the construction of any such railroad tracks or appurtenances upon or across the same.

3. The words railroad or railroads, railroad track or railroad tracks, means railroad or railroads, railroad track or railroad tracks, upon which property, or both persons and property, are or may be transported for hire, and does not include railroads or railroad tracks devoted wholly to the transportation of persons by means of any motive power other than steam.

4. All that portion of the city of Chicago, bounded as follows, will be hereinafter referred to as the "first district," to wit: Commencing at a point on lake Michigan where the south line of Park row produced intersects the same; thence west along the south line of

Park row to the east line of Michigan avenue; thence south along the east line of Michigan avenue to the south line of Twelfth street; thence west along the south line of Twelfth street, to the east bank of the south branch of the Chicago river; thence north along the east bank of the south branch of the Chicago river to a point four hundred feet south of the south line of Taylor street; thence northeasterly to northwest corner of Taylor street and Fifth avenue; thence along the west line of Fifth avenue to the south line of Harrison street; thence west along the south line of Harrison street to the east bank of the south branch of the Chicago river; thence north along the east bank of the south branch of the Chicago river to the intersection of the north and south branches of the Chicago river; thence east along the main branch of the Chicago river to lake Michigan; thence south along lake Michigan to Park row, the place of beginning.

5. All that portion of the city of Chicago will be hereinafter denominated the "second district" which is bounded as follows: Commencing at lake Michigan and the south line of Sixty-seventh street; thence west along the south line of Sixty-seventh street to the west line of Halsted street; thence north along the west line of Halsted street to the south line of Thirty-ninth street; thence west along the south line of Thirty-ninth street to the west line of Kedzie avenue; thence north on the west line of Kedzie avenue to Diversey avenue; thence east along the north line of Diversey avenue to lake Michigan; thence south along lake Michigan to the place of beginning; excluding therefrom, however, all that territory embraced in the said first district, and, also, all that territory embraced within the following boundaries, to wit: Commencing at the southwest corner of Halsted and Twenty-first streets; thence west on the south line of Twenty-first street to the east line of Kedzie avenue; thence south on the east line of Kedzie avenue to the north bank of the Illinois and Michigan canal; thence northeasterly on the north bank of said canal to its intersection with the south branch of the Chicago river; thence northeasterly along the north bank of the said south branch of the Chicago river to the west line of Halsted street; thence north on said west line of Halsted street to Twenty-first street, the place of beginning.

6. All that portion of Chicago not embraced in said first and second districts will be hereinafter designated as the "third district."

**2090. First district—removal of surface tracks.] § 2.** That all railroads and railroad tracks and structures upon the surface of the streets and highways within the first district shall be removed therefrom on or before the first day of January, 1895, and not thereafter to be relaid, and that on and after the first day of January, 1895, no railroads or railroad tracks shall be permitted to remain, or be used or operated upon the surface of any street or highway within said first district.

**2091. Second district — removal of surface tracks.] § 3.** That all railroads and railroad tracks and structures upon the surface

of the streets and highways within the second district shall be removed therefrom on or before the first day of January, 1897, and not thereafter relaid, and that on and after the first day of January, 1897, no railroads or railroad tracks shall be permitted to remain, or be used or operated upon the surface of any street or highway within said second district.

**2092. Third district—removal of surface tracks.]** § 4. That all railroads and railroad tracks and structures upon the surface of the streets and highways within the third district shall be removed therefrom on or before the first day of January, 1899, and not thereafter relaid, and that on and after the first day of January, 1899, no railroads or railroad tracks shall be permitted to remain on or be used or operated upon the surface of any streets or highways within the said third district.

**2093. Violation of ordinance.]** § 5. That for each and every day, or part thereof, during which any corporation, copartnership or person, shall construct, or maintain any railroad or railroad tracks upon the surface of any street or highway within the limits of said city, as now existing or hereafter extended, contrary to the provisions of the three preceding sections, or either of them, such corporation, persons or person shall be subject and liable to a penalty of two hundred dollars, to be recovered in any court of competent jurisdiction.

**2094. Elevated roads, authority to construct — specifications.]** § 6. Subject to the limitations, conditions, reservations, exceptions and restrictions hereinafter contained, the consent of the city council of said city is hereby given and granted to all persons and corporations now owning or operating any railroad or railroad tracks upon the surface of any of the streets and highways within the limits of said city heretofore constructed upon or across the same, in pursuance of lawful authority to construct, maintain and operate elevated railroads in lieu thereof, to wit:

1. That the roadbeds of such elevated railroads in said streets and highways shall be upheld by cross girders of iron or steel, supported by iron or steel posts or columns.

2. That the transverse diameter of each of said posts or columns (exclusive of fenders) shall not exceed 24 inches at any point within ten feet of the surface of the highway or street in which the same shall be placed and suitable fenders shall be placed around the base of each of said iron or steel posts or columns to prevent collision between such posts or columns and vehicles moving along such highway or street.

3. That the materials for said structures within said highways and streets shall be of iron, steel, stone or brick (except as otherwise above provided) except that the rails shall be of steel; ties and guard rails may be of a suitable quality of selected timbers; the roadbed may be of asphalt or broken stone, supported by buckle plates of iron or steel, and all material used in the construction of said work shall be of suitable quality for the purpose to which it is to be applied and all work shall be done in a good and workmanlike manner.

4. That no part of the girders of the superstructure shall be less than 16 feet above the established grade of the highways and streets in which they shall be situated.

5. That no part of any such elevated railroad shall be constructed lengthwise or longitudinally in any such highway or street but, as nearly as practicable, across the same at right angles.

6. That the width of the elevated railroads in said highways and streets, the construction of which is consented to as aforesaid, shall not exceed that necessary or proper for the placing, maintenance and use thereon of the tracks on the surface owned or operated by the persons or corporations constructing and owning such elevated railroads.

7. That the location of each elevated railroad, the construction of which is consented to as aforesaid, so far as the same shall be situated in any highway or street, shall be fixed by the commissioner of public works of said city, except as herein otherwise provided.

8. That the owners or operators of said elevated railroad, their lessees, successors and assigns, may use such motive power as they shall elect, but such power shall be fully equipped with all modern devices calculated to render it practically noiseless and smokeless, and to prevent the discharge of cinders and sparks, and suitable and practicable devices shall likewise be placed at all highway or street crossings where the road is elevated to intercept and carry off storm water and drippings from melting snow and other sources, by means of suitable instrumentalities to connect the same with the sewers of the city.

9. That the persons and corporations constructing and owning any elevated railroad in pursuance hereof, their lessees, successors or assigns, shall have the right to construct, maintain and use telegraph, telephone and signal devices for their own sole use along and upon the said elevated railroad, provided that the city of Chicago shall have the right to use such elevated railroad for the purpose of placing therein its police, fire alarm, electric light and telephone wires, without any compensation for such right, in such manner, however as not to interfere with the use and operation of such elevated railroads, or telegraph, telephone and signal devices first mentioned in this subdivision, or the maintenance and repair thereof.

10. That the work of constructing each of said elevated railroads within the said first district shall be commenced not later than the first day of July, 1893, and completed not later than the first day of January, 1895.

11. That the work of constructing each of said elevated railroads within the said second district shall be commenced not later than the first day of July, 1895, and completed not later than the first day of January, 1897.

12. That the work of constructing each of said elevated railroads within the said third district shall be commenced not later than the

first day of July, 1897, and completed not later than the first day of January, 1899.

13. That each person or corporation desiring to construct any elevated railroad shall first submit plans and specifications therefor to the commissioner of public works for his approval, and that the construction of such elevated railroads shall be upon plans and specifications approved by such commissioner of public works and not otherwise, except as herein otherwise provided.

14. That the consent herein given and granted shall be subject to all ordinances of the city of Chicago governing railroads now in force, or which shall hereafter be passed, so far as the same are applicable to elevated railroads.

15. That the persons or corporations constructing or owning any elevated railroad in pursuance thereof, as well as their lessees, successors and assigns, shall for ever indemnify and save harmless the said city of Chicago from any and all damages, judgments, decrees, costs and expenses for which it may be made liable, or which may be recovered against it by reason of its having consented to the construction, maintenance and use of such elevated railroad, or of any telegraph, telephone or signal devices placed thereon, or by reason of the construction, maintenance or operation of such elevated railroad or resulting from the passage of this ordinance, or any matter or thing connected therewith, or from the exercise by any of said persons or corporations of any privilege or authority hereof given or granted.

**2095. Surface tracks from district to district for a time limited.]**  
§ 7. The said elevated railroads to be constructed within the said first district may be brought to the surface outside of such district at a gradient to be fixed by the persons or corporations constructing the same, and maintained on the surface until the time limited for the removal of the same from such surface, as aforesaid, and in like manner the elevated railroads to be constructed within the said second district may be brought to the surface in the third district and so operated and maintained until the expiration of the time limited for the removal thereof from such surface. But, the persons or corporations constructing or using or operating such railroads shall raise, depress or bridge any roadway, or crossing of any highway or street so as to carry and maintain the same during said periods across, or under, or over such tracks, as the commissioner of public works of said city may require, and shall pay, indemnify and save harmless the city of Chicago from any and all damages, judgments, decrees, costs and expenses of same, or for or by reason of or growing out of, or resulting from the same.

**2096. Control of streets reserved.]** § 8. It is not intended by the city council, by the provisions of this ordinance, to surrender any of its powers or control over said highways or streets, nor in any manner to limit its authority to regulate the use of railroads upon the surface of said highways and streets, nor its power and authority to cause the removal of said tracks from said streets and highways, or the discon-

tinuance of the use thereof, or prohibiting the use of steam as a motive power upon any or all of said tracks upon the surface of said highways or streets, but all its power and authority shall survive and continue, notwithstanding the provisions of this ordinance, and the exercise of the same shall at all times be free and unrestricted, whether before or after the time or times hereinbefore fixed for the commencement of or completion of said elevated railroads.

**2097. Removal of obstructions.] § 9.** If any bridge, viaduct, approach thereto, or other structure in any of said highways and streets shall be found to constitute an obstruction to or interference with the work of constructing, maintaining or using any elevated roadbed or structure, the construction of which is herein consented to, the commissioner of public works is hereby authorized and directed to promptly remove the same at the expense of said city.

**2098. Ordinance applied to railroads severally.] § 10.** Should any of the provisions of this ordinance be judicially determined to be for any reason invalid, or invalid as to any one or more railroads or as to any one or more crossings, then and in that case, the other provisions of the same or the provisions of the same as to any other railroad or as to any other crossing, shall not, on that account, be deemed invalid; it being the intent of this council hereby to ordain each and singular the provisions of this ordinance as to each and singular the respective railroads and railroad crossings of highways and streets in said city, as to which this ordinance and the provisions thereof, under the circumstances, may by the city council be ordained.

**2099. Surface roads a nuisance — removal.] § 11.** Every railroad track existing or being in any public street or highway at grade thereof, contrary to the provisions of this ordinance is hereby declared to be a nuisance and, after the time herein limited for the removal of such track or tracks, the commissioner of public works is hereby ordered and directed to remove and abate the same and to prevent the further operation or use thereof.

**2100. Grade crossings prohibited, when—exception—penalty.] § 12.** It shall be unlawful for any railroad company or corporation or any officer, agent, employe or servant thereof, or any other person, firm, or copartnership to cause any locomotive engine or steam railroad car to cross any street or highway of the city at the grade of such street or highway, or to operate or use any railroad or railroad tracks upon the surface of any highway or street within the limits of said city, subsequent to the time designated by this ordinance for the removal of such tracks from such highway or street. Every such act is hereby declared to be a nuisance, and it shall be, and is hereby made the duty of the police department of the city to prevent and prohibit the same. For each and every violation of this section the offender shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200). Provided,

however, that (whereas the Illinois Central Railroad north of Fifty-first street is peculiarly situated) this ordinance shall not be taken to apply to or in any way affect the present location and construction of the tracks of the Illinois Central Railroad Company north of Fifty-first street, but neither this proviso nor anything in this ordinance contained shall prejudice or affect the power of the city council, in and by any other ordinance, at any time, to legislate with respect to the portion of the Illinois Central railroad above mentioned, as the public safety and welfare may, under the circumstances, require.

**2101. Prosecutions, institution of.] § 13.** The corporation counsel of said city is hereby authorized, as well as required, to institute and diligently prosecute all suits, actions and proceedings necessary or proper to secure full compliance with the provisions of this ordinance in all respects.

**2102. When in force.] § 14.** This ordinance shall be in force from and after its passage and due publication.



## CHAPTER LXXVII.

### DOCK LINES.

AN ORDINANCE establishing dock lines along the North Branch of the Chicago River, from a point one hundred feet south of Belmont avenue to Lawrence avenue.

Passed March 8, 1895.

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

**2103.] § 1.** That the dock lines of that part of the North Branch of the Chicago River, which lies between a line one hundred (100) feet south of and parallel with Belmont avenue and Lawrence avenue, in the City of Chicago, be and they are hereby established to be those certain lines situated ninety feet distant from, on either side of, and parallel with a line commencing at a point eleven hundred and thirty (1130) feet west and one hundred (100) feet south of the intersection of the center lines of Belmont and Western avenues, and running thence north  $40^{\circ} 17'$  west one hundred and thirty-two (132) feet to a point on the center line of Belmont avenue, and forming an angle of  $129^{\circ} 20'$  from east on center line of Belmont avenue, to northwest on center of proposed docks; said point being 1216.0' west of said intersection of said center lines of Belmont and Western avenues.

Thence north  $40^{\circ} 17'$  west; 330.0 feet.

Thence north  $32^{\circ} 03'$  west; 939.50 feet.

Thence north  $14^{\circ} 26'$  west; 1260'.

Thence north  $0^{\circ} 15'$  west; 389.0' to a point on the center line of Addison street and forming an angle of  $89^{\circ} 59' 40''$  from each on center line of Addison street to south on center line of proposed docks; said point being 2185.10' west of the intersection of the center lines of Addison street and Western avenues.

Thence north  $0^{\circ} 15'$  west; 1350.00'.

Thence north  $18^{\circ} 16'$  east; 701.0'.

Thence north  $39^{\circ} 13'$  east; 620.0'.

Thence north  $2^{\circ} 48'$  east 150.0 to a point on the center line of Irving Park boulevard and forming an angle of  $92^{\circ} 54'$  from east on center line of Irving Park boulevard to south on center line of proposed dock lines; said point being 1642.60' west from the intersection of the center lines of Irving Park boulevard and Western avenue.

Thence north  $2^{\circ} 48'$  east; 1320.50'.

Thence north  $4^{\circ} 54'$  west; 885.0 feet.

Thence north  $12^{\circ} 48'$  west; 455.0' to a point on the center line of Montrose boulevard, and forming an angle of  $80^{\circ} 26' 40''$  from east on center line of Montrose boulevard to north on center line of proposed docks; said point being 1590.0' west of the intersection of the center lines of Montrose boulevard and Western avenue.

Thence north  $12^{\circ} 48'$  west; 360.0 feet.

Thence north  $39^{\circ} 08'$  west; 2840.0 feet, forming an angle of  $54^{\circ} 13' 40''$  from southeast on center line of proposed docks; to east on center line of Lawrence avenue; said point being 3275.0 feet west of the intersection of the center lines of Lawrence and Western avenues.

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AN ORDINANCE straightening dock lines in Elston's Addition.

Passed April 14, 1890.

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

**2104.]** § 1. That for the purpose of straightening the dock line in front of lots 16 to 19, block 25 of Elston's Addition to Chicago, and moving back said present dock line to its legal limits, it is hereby ordered that said present dock line be moved back as follows: Commencing at the east end of the south line of lot 15 of said block 25, thence in a straight line to east end of the south line of lot 19 of said block 25, as shown on plat hereto attached, said work to be done at the expense of the owners of the above described property.

**2105.]** § 2. This ordinance shall be in force from and after its passage.

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AN ORDINANCE establishing dock lines in Section 5 and 6, T. 38 N., R. 14 E.

Passed October 21, 1889.

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

**2106.]** § 1. That the north dock lines of the west fork of the east fork of the south branch of Chicago River in Sections 5 and 6, T. 38, N. R. 14 E., be and the same are hereby established as follows: Commencing at a point in the west line of the east 30 acres of the north 120 acres of the N. W.  $\frac{1}{4}$  Section 6, T. 38, N. R. 14 E., at a point 513 feet south of the north line of said N. W.  $\frac{1}{4}$  of said Section 6; thence east a distance of 665 feet to a point in the west line of lot 6 of the partition of the Beers' estate in the N. E.  $\frac{1}{4}$  of said Section 6, 512 87-100 feet from the north line of said N. E.  $\frac{1}{4}$  of said Section 6; thence southeasterly in a straight line a distance of 1856 8-10 feet to a point in the east line of lot 1 of said partition of the Beers' estate 622 87-100 feet south of the north line of said N. E.  $\frac{1}{4}$  of said Section 6; thence on a straight line 624 75-100 feet to a point 189 41-100 feet west of a point in the center line of Ashland avenue 720 13-100 feet south of the N.

E. corner of said Section 6; thence east on a straight line across Ashland avenue a distance of 266 89-100 feet to a point 77 48-100 feet east of said point in center line of Ashland avenue 720 13-100 feet south of the N. E. corner of said Section 6; thence northeasterly a distance of 315 92-100 feet to a point 378 73-100 feet east of a point in the center line of Ashland avenue 609 43-100 feet south of the N. E. corner of said Section 6; thence in a straight line a distance of 697 3-10 feet to a point in the north line of the N. W.  $\frac{1}{4}$  of Section 5, T. 38, N. R. 14 E., 717 57-100 feet east of the N. W. corner of said Section 5.

2107.] § 2. The south dock line of said West Fork of the East Fork of the South Branch of the Chicago River be and the same is hereby established as follows: Commencing at a point in the west line of the east 30 acres of the north 120 acres of N. W.  $\frac{1}{4}$  Section 6, T. 38, N. R. 14, E., 663 feet from the north line of said Section 6; thence in a straight line a distance of 665 feet to a point in the West line of Lot 6 of the partition of the Beers' estate 663 13-100 feet south of the north line of said Section 6; thence in a straight line a distance of 1856 8-10 feet to a point in the east line of Lot 1 in said partition of the Beers' estate, 773 13-100 feet south of the north line of said Section 6; thence in a straight line a distance of 816 5-10 feet to a point in the center line of Ashland avenue 902 4-10 feet south of the N. E. corner of said Section 6; thence in a straight line northeasterly a distance of 510 6-100 feet to a point 486 9-100 feet east of a point in the center line of Ashland avenue 723 13-100 feet south of the N. E. corner of said Section 6; thence northeasterly in a straight line a distance of 834 97-100 feet to a point in the north line of Section 5, T. 38, N. R. 14, E., 894 63-100 feet east from the N. W. corner of said Section 5.

2108.] § 3. This ordinance shall be in force from and after its passage.

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AN ORDINANCE establishing dock lines in Kinzie's Addition.

Passed December 9, 1885.

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

2109.] § 1. That the dock line in front of Water Lots eighteen, nineteen, twenty, twenty-one and twenty-two, and that portion of Water Lot number seventeen not taken for Rush Street bridge, in Kinzie's Addition to Chicago, be and the same is hereby established as follows:

Commencing at a point where the outer edge of the present dock line of Water Lot number seventeen joins the east wall of the abutment to Rush Street bridge on the north side of the Chicago River, and running thence eastwardly in a straight line in front of Water Lots seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two

to the outer edge of the present dock of Water Lot number twenty-two in Kinzie's Addition aforesaid.

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AN ORDINANCE establishing dock lines along the West bank of the south branch of the Chicago River, from Sebor street to the South line of the North thirty feet of lot 15, in Block 65 of the School Section Addition.

Passed June 27, 1881.

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

2110.] § 1. That the dock line of the west bank of the south branch of the Chicago river, from the north line of Sebor street, as formerly laid out, to the south line of the north 30 feet of Lot 15, in block 65 of the School Section Addition to the City of Chicago be and the same is hereby declared to be on a straight line drawn from a point in the south line of lot 18, in block 66 of School Section Addition aforesaid, 107 feet east of the southwest corner of said lot, to a point in the south line of the north 30 feet of lot 15, in block 65 aforesaid, 127 feet and 6 inches east of the east line of Ellsworth street, as shown on the annexed plat and marked "new dock line."

2111.] § 2. That so much of the south half of Sebor street as lies east of Ellsworth street and west of said new dock line, and shown in red color on the annexed plat, be and the same is hereby declared vacated on the following conditions, namely:

First—The owners of the following described premises, to wit: Of so much of lots 47 and 48 in said block 66, and of so much of the north 30 feet of lot 15, in block 65 aforesaid, as lies east of said new dock line, in the City of Chicago, Illinois, shall execute to the City of Chicago a good and sufficient warranty deed thereof, for the purpose of widening the south branch of the Chicago river.

Secondly—They shall also execute and deliver to the City of Chicago a good and sufficient release and discharge of any and all claims or demands they may or might have against said city for or on account of any failure on the part of said city to dock, protect and keep in repair the end of Sebor street abutting on the south branch of the Chicago river.

Thirdly—They shall also execute and deliver to the City of Chicago an agreement in writing, in and by which they shall undertake that during the year 1881 they will, at their own expense, dock or cause to be docked the premises described in Section 2 of this ordinance, and also said lots 47 and 48, in block 66, and the said north 30 feet of lot 15, in block 65, on said new dock line, and that they will, at their own expense, remove and dredge out the old dock and earth now on said premises east of said new dock line, all of said work to be done under the direction and superintendence and to the satisfaction of the Commissioner of Public Works.

**2112.]** § 3. The vacation of the part of Sebor street described in Section 2 of this ordinance shall not take effect until all and singular the conditions above mentioned shall have been fully complied with and performed.

## CHAPTER LXXVIII.

### MEDALS FOR BRAVERY.

Passed November 9, 1885.

**Preamble—donors.]** Whereas: The Hon. Lambert Tree and the Hon. Carter H. Harrison have generously provided for a series of gold medals to be annually awarded to those members of the police and fire departments of the city who may have distinguished themselves during the year by the performance of the greatest act of bravery in the protection of life or property;

Now, therefore, to the end that a record may be preserved by the respective departments of the evidence upon which such awards may be made,

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

**2113. Merit roll—firemen and policemen.]** § 1. It shall be the duty of the superintendent of police and of the fire marshal respectively to cause a record to be kept, to be known as the "merit roll" upon which shall be entered the names of all the members of their respective departments who shall have performed any distinguished act of bravery in the protection of life or property. Such record shall specify the details and circumstances of such acts, and there shall also be given the names of witnesses, if any, and all facts corroborating the circumstances of the report. Such record shall annually, on December 31st of each year, beginning December 31, 1886, be laid before the mayor, comptroller and city treasurer, *ex-officio*, the trustees of the funds established, and upon the awards being made, the members of the respective departments who shall be awarded the "Tree" medal and the "Harrison" medal shall be notified to appear before the trustees to receive the medals awarded them.

**2114. When in force.]** § 2. This ordinance shall be in force and take effect from and after its passage.

## CHAPTER LXXIX.

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### MISCELLANEOUS ORDINANCES.

Passed between March 29 and April 12, 1897, inclusive.

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### BONDS.

Passed March 29, 1897.

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

**2115. Sureties, withdrawal of.] § 1.** That whenever any individual, individuals, firm or corporation have by ordinance or resolution heretofore passed been required, or by ordinance or resolution hereafter to be passed, shall be required to give a bond conditioned as is in any such ordinance or resolution provided, and such individual, individuals, firm or corporation shall have given, or shall hereafter give such bond, and such individual, individuals, firm or corporation shall desire to give a new bond in the same penalty, and conditioned as is the old or prior bond, that then and in that event, such individual, individuals, firm or corporation shall have and are hereby given the right and authority to give such new bond as a substitute for and in lieu of the old and prior bond, provided such new bond shall be in the same penalty, and shall be conditioned in the same manner as the old or prior bond; and, provided further, that such new bond shall be submitted to and approved by the Mayor and filed in the office of the City Clerk, and the Mayor is hereby authorized and empowered to approve such new bond and the surety or sureties thereon, and from the time that such new bond has been so approved by the Mayor all further or future liability on said old or prior bond shall thereafter cease and terminate, and said old or prior bond shall thereupon be canceled, discharged and surrendered.

**2116. When in force.] § 2.** This ordinance shall be in force from and after its passage.

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Passed March 29, 1897.

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

**2117. City clerk to acknowledge without expense.] § 1.** Whenever any ordinance of the city of Chicago, now in force, or which may hereafter be passed, requires a bond to be filed as a condition precedent to the issuance of a license for any business or occupa-

tion, it shall be the duty of the city clerk to acknowledge said bond free of charge, and also to furnish such licensee a blank form thereof.

**2118. When in force.] § 2.** This ordinance shall be in force and effect from and after its passage.

#### PLUMBING.

Passed March 29, 1897.

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

**2119. Re-vents, branched or dispensed with.] § 1.** That the ordinance passed by the City Council of the City of Chicago on the 23rd day of November, A. D. 1896, amending Sections 36 and 37, Plumbing Ordinance, and said Sections 36 and 37, Plumbing Ordinance, be amended so as to read as follows:

“Where a single water closet or other plumbing fixture is located in a building and has an independent soil or waste pipe of undiminished size, from ground (in building) to roof, the revent may be dispensed with; provided, the trap of said fixture is located not more than five feet from the said soil or waste pipe, and that no other fixture on the floors above or below are connected or will be connected into any pipe from the said single fixture. It is further provided that a non-syphoning trap, tested and approved by the Chief Inspector, shall be used for such work.

“Where two or more plumbing fixtures have an independent soil or waste pipe of undiminished size from ground in building to roof, are located on one floor, the revent pipe from the said fixtures may be branched into the soil or waste pipe, three feet above the floor on which the fixtures are located; provided, that no fixture or fixtures on the floors above or below are connected or will be connected into the soil, waste, vent or revents of the said fixtures. It is further provided that no fixture revented under this rule shall be more than eight feet from the main soil or waste pipe.”

**2120. When in force.] § 2.** That all ordinances and parts of ordinances in conflict with this ordinance be and the same are, respectively, repealed.

#### MISDEMEANORS.

Passed March 29, 1897.

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

**2121. Use of whistling device prohibited.] § 1.** That no peddler, hawker, itinerant or street merchant, showman or other person, shall use any whistle or other device producing a sharp or whistling sound upon the streets of the City of Chicago, for the purpose of attracting custom, or for any other purpose; provided, this ordinance shall not apply to the use by steam railroads of proper signals of warning.



**2122. Penalty.] § 2.** Any person violating the provisions of this ordinance shall be subject to a penalty of not less than ten dollars nor more than twenty-five dollars for each offense.

**2123. When in force.] § 3.** This ordinance shall be in force and effect from and after its passage and due publication.

AN ORDINANCE providing for the repair or destruction of buildings dangerous to the public health.

Passed April 8, 1897.

Whereas, The continued existence of buildings of an unsanitary character in the city of Chicago is often times a menace to the public health; and

Whereas, The only effective means of protecting the inhabitants of this city from disease arising from this source is by the repair or destruction of such buildings; therefore,

Be it ordained by the city council of the city of Chicago:

**2124. Unsanitary building—nuisance.] § 1.** Any building or part thereof, which by reason of its unsanitary condition, or of its being infected with disease, is unfit for human habitation, or which from any other cause is a source of sickness among the inhabitants of this city, or which otherwise endangers the public health, is hereby declared to constitute a public nuisance.

**2125. Examination—notice to abate—demolition.] § 2.** It is hereby made the duty of the commissioner of health to cause an examination to be made of any building alleged to be a public nuisance for any of the foregoing reasons; such examination to be made by a Board of Survey, composed of one medical inspector, one sanitary inspector—both of whom shall be appointed by the Commissioner of Health from his regular force of inspectors—and one building inspector from the regular force of building inspectors, who shall be appointed by the Commissioner of Public Works at the request of the Commissioner of Health. If the said board shall find and report that a public nuisance exists, as defined in the foregoing section, the Commissioner of Health shall serve notice upon the owner of the building, or his agent, directing him to abate the nuisance, and to place the building in a condition which shall not endanger the public health within such reasonable time as the Board of Survey shall recommend. Upon the failure of said owner or agent to obey said notice, the Commissioner of Health shall, after the expiration of the time specified therein, abate the nuisance by ordering the vacation of the said building, or part or parts thereof, when such vacation is required by the public health of this city, and if within 60 days the building or buildings are not put in a sanitary condition, then the Commissioner of Health shall have the power to order the demolition of said building or buildings; and the Chief of the Fire Department is hereby authorized and instructed to furnish the necessary service for such demolition on the request of the Commissioner of Health.

**2126. When in force.] § 3.** This ordinance to be in force and effect from and after its passage.

## CONSTITUTIONAL PROVISIONS.

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### PERTAINING TO CITIES.

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#### ARTICLE II.

**2127. Arrest—procedure.] § 8.** No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy or in the militia when in actual service in time of war or actual danger; Provided that the grand jury may be abolished, by law, in all cases.

**2128. Grade of penalty.] § 11.** All penalties shall be proportioned to the nature of the offense.

**2129. Eminent domain—compensation.] § 13.** Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the state, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

**2130. Public assembly.] § 17.** The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

#### ARTICLE IV.

**2131. Disqualification for office.] § 4.** No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for, and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this state.

**2132. State aid prohibited.] § 20.** The state shall never pay, assume or become responsible for the debts or liabilities of, or, in any manner, give, loan or extend its credit to or in aid of any public or other corporation, association or individual.

**2133. Local or special legislation.] § 22.** The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for \* \* \* changing the names of persons or places; \* \* \* vacating roads, town plats, streets, alleys and public grounds; \* \* \* regulating the jurisdiction and duties of jus-

tices of the peace, police magistrates and constables; incorporating cities, towns or villages, or changing or amending the charter of any town, city or village; \* \* \* providing for the management of common schools; \* \* \* the opening and conducting of any election or designating the place of voting; \* \* \* remitting fines, penalties or forfeitures; creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed; \* \* \* granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

**2134. Release of obligations prohibited.]** § 23. The general assembly shall have no power to release, or extinguish, in whole, or in part, the indebtedness, liability, or obligation of any corporation, or individual, to this state, or to any municipal corporation therein.

**2135. Term of office—extension prohibited.]** § 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

**2136. Drains.]** § 31. The general assembly may pass laws permitting the owners of lands to construct drains, ditches and levees, for agricultural, sanitary or mining purposes, across the lands of others and provide for the organization of drainage districts and vest the authorities thereof with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees, heretofore constructed under the laws of this state, by special assessments upon the property benefited thereby. [As amended, by popular vote, November 5, 1878.]

ARTICLE V.

**2137. Oath of civil officers.]** § 25. All civil officers, except members of the general assembly, and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

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

And no other oath, declaration or test shall be required as a qualification.

ARTICLE VI.

**2138. Judicial powers.]** § 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates and such courts as may be created by law in and for cities and incorporated towns.

**2139. Justices of the peace, etc.]** § 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

**2140. Justices in Chicago city.]** § 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years and until their successors have been commissioned and qualified, but they may be removed, by summary proceeding in the circuit or superior court, for extortion or other malfeasance. \* \* \*

**2141. Officers—residence and compensation.]** § 32. All officers provided for in this article shall \* \* \* respectively, reside in the division, circuit, county or district for which they may be elected or appointed. \* \* \* All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. \* \* \*

#### ARTICLE VII.

**2142. Right of suffrage.]** § 1. Every person having resided in this state one year, in the county ninety days and in the election district thirty days next preceding any election therein, who was an elector in this state on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this state prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

**2143. Vote by ballot.]** § 2. All votes shall be by ballot.

**2144. Privileges of electors.]** § 3. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

**2145. Excluded persons.]** § 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

**2146. Officers must be residents.]** § 6. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States and who shall not have resided in this state one year next preceding the election or appointment.

## ARTICLE VIII.

**2147. Sectarian aid prohibited.]** § 3. Neither the general assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay, from any public fund whatever, anything in aid of any church or sectarian purpose, or to help, support, or sustain, any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant, or donation of land, money, or other personal property ever be made by the state, or any such public corporation, to any church or for any sectarian purpose.

**2148. School officers not to be interested in contracts.]** § 4. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state, with which such officer or teacher may be connected, under such penalties as may be provided by the general assembly.

## ARTICLE IX.

**2149. Exemption from taxation.]** § 3. The property of the state, counties and other municipal corporations, both real and personal, \* \* \* may be exempted from taxation; but such exemption shall be only by general law. \* \* \*

**2150. Release from taxes prohibited.]** § 6. The general assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

**2151. Municipal taxation and special assessment.]** § 9. The general assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessments, or by special taxation of contiguous property or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

**2152. State taxation of municipal corporations prohibited.]** § 10. The general assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the

same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

**2153. Officers—eligibility and compensation.] § 11.** No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

**2154. Limitation of indebtedness.] § 12.** No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment, for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation incurring any indebtedness as aforesaid shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

**2155. World's Columbian Exposition—bonds.] § 13.** The corporate authorities of the city of Chicago are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an act of Congress of the United States.

Provided, That if at the election for the adoption of this amendment to the constitution a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment.

And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid, provided that said authorities may take in whole or in part of the sum coming to them any permanent improvements placed on land held or controlled by them.

And provided further, That no such indebtedness so created shall

in any part thereof be paid by the state, or from any state revenue, tax or fund, but the same shall be paid by the said city of Chicago alone.\*

## ARTICLE XI.

**2156. Use of streets for railroads.]** § 4. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

## ARTICLE XIII.

**2157. Public warehouses.]** § 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

**2158. Duties of warehousemen in cities, etc.]** § 2. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than 100,000 inhabitants, shall make weekly statements, under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse, and the different grades of grain shipped in separate lots shall not be mixed with inferior or superior grades without the consent of the owner or consignee thereof.

## MUNICIPAL SUBSCRIPTIONS TO RAILROADS, ETC.

No county, city, town, township or other municipality shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation; Provided, however, that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

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\*This section was proposed by the general assembly at the special session, 1890, ratified by a vote of the people November 4th, 1890, and at such election a majority of the votes cast within the limits of the city of Chicago were cast in favor of its adoption, and it was proclaimed adopted by the governor.

# GENERAL ACT FOR INCORPORATION OF CITIES AND VILLAGES.

AN ACT to provide for the incorporation of cities and villages. [Approved April 10, 1872. In force July 1, 1872. Adopted by the city of Chicago, April 23, 1875.]

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

## ARTICLE I.

### OF THE ORGANIZATION OF CITIES.

**2159. How city may be incorporated under this act.] § 1.** That any city now existing in this State may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city voting at the last preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of said city or at a special election to be designated by them, and to give the notice required by law. [As amended by Act approved June 21, 1895. In force July 1, 1895.]

**2160. Notice of election.] § 2.** The mayor of such city shall give at least thirty days' notice of such election by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

**2161. The ballot—result.] § 3.** The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

**2162. How towns may become cities.] § 4.** Any incorpo-



rated town or village in this state having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities. [As amended by act approved May 25, 1877. In force July 1, 1877.]

**2163. Organizing a city — petition — election — result.] § 5.** Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: Provided, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

**2164. Courts to take judicial notice of organization, etc.] § 6.** All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

**2165. Election of officers.] § 7.** It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

**2166. When county judge to give notice of election, etc.] § 8.** In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.

**2167. Term of first officers.] § 9.** The city officers elected under either of the preceding sections shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

**2168. Corporate name—powers.] § 10.** Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

**2169. Prior ordinances, etc., in force until, etc.] § 11.** All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

**2170. Rights, etc., of old corporations to vest in new.] § 12.** All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made: Provided, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such

city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

**2171. Record of result of election.]** § 13. The corporate authorities of any city or village which may become organized under this act shall, within three (3) months after organization hereunder, cause to be filed in the office of the recorder of deeds of the county in which such city or village is situated a certified copy of the record of the county court or of the city or village in the matter of such organization, showing the canvass of the votes and the result of the election whereby such city or village became so organized, and the recorder of deeds shall record the same. And upon such record having been duly recorded by the recorder of deeds aforesaid, he shall immediately transmit the same to the secretary of state, together with his certificate of such recordation endorsed thereon or annexed thereto, and it appearing from the recitals in said record that the provisions of this act have been duly complied with, the secretary of state shall file the same and charter said city or village by his certificate duly authenticated under his hand and the great seal of state. The secretary of state shall keep a register of cities and villages organized under the provisions of this act. [As amended by Act approved June 7, 1895. In force July 1, 1895.]

**2172. City register's office abolished.]** § 14. If any city organized or which may hereafter organize under this act shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books and papers in the office of the recorder of deeds of the county in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records and books and papers shall from thereafter be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom shall have like force and effect as evidence as other records of said recorder's office. [As amended by act approved May 15, 1879. In force July 1, 1879.]

## ARTICLE II.

### OF THE MAYOR.

**2173. Mayor—his qualifications.]** § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United

States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

**2174. Vacancy one year or over.] § 2.** Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

**2175. Vacancy less than year.] § 3.** If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

**2176. Mayor pro tem.] § 4.** During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor.

**2177. Vacancy by removal from city.] § 5.** If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

**2178. Mayor to preside—casting vote.] § 6.** The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

**2179. When he may remove officers.] § 7.** The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ( $\frac{2}{3}$ ) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense. [As amended by Act approved May 31, 1879. In force July 1, 1879.]

**2180. His power to keep peace.] § 8.** He may exercise, within the city limits, the powers conferred upon sheriffs to suppress disorder and keep the peace.

**2181. Release of prisoners.] § 9.** He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

**2182. General duties.] § 10.** He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

**2183. Power to examine records, etc.] § 11.** He shall have power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city.

**2184. Messages to council.] § 12.** The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

**2185. To call out militia, etc.—riots, etc.] § 13.** He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

**2186. Misconduct, etc., of mayor or other officer—penalty.] § 14.** In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

**2187. Revising ordinances after change of organization.] § 15.** He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

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## MAYOR'S BILL.

AN ACT concerning the appointment and removal of city officers in all cities in this state, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities. [Approved and in force April 10, 1875.]

**2188. Power of mayor and council—repeal.] § 1.** Be it enacted by the people of the State of Illinois represented in the General Assembly.

NOTE: All of this section except the enacting clause is repealed by act approved May 28, 1879. In force July 1, 1879.

**2189. Approval and veto of ordinances.] § 2.** All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall

sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

**2190. Passage over mayor's veto.]** § 3. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays and entered on the journal.

**2191. Emergency.]** § 4. Whereas, the legislative authorities in many cities pass their appropriation bills before the first day of July next, and mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect, and be in force from and after its passage.

(Act of 1872 resumed.)

### ARTICLE III.

#### OF THE CITY COUNCIL.

**2192. Council—how composed.]** § 1. The city council shall consist of the mayor and aldermen.

**2193. Aldermen.]** § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000, but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, fourteen aldermen; and two additional aldermen for every 20,000 inhabitants over 30,000: Provided, however, that in cities of over 350,000 inhabitants there shall be elected forty-eight aldermen and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of forty-eight aldermen, in which case and as often as new territory shall be annexed to such city, as aforesaid, containing three or more square miles of territory or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such an-

nexed territory, which said aldermen in such annexed territory shall be additional to said forty-eight aldermen, and who shall possess all the qualifications of, and be elected at the time and in the manner provided in the said act, of which this is an amendment: Provided, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or more. The number of inhabitants to be determined by the last preceding national, state or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: Provided, further, that when the number of aldermen in any such city shall reach seventy by reason of such annexed territory, the city council shall redistrict said city into thirty-five new wards and no more; and when said number of aldermen shall reach seventy, if any new territory is thereafter annexed which shall contain 25,000 inhabitants, or more, as determined by the last preceding national, state, school or other census authorized by law to be taken, then said city council shall redistrict said city into thirty-five wards: Provided, further, that whenever after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is redistricted shall be preserved and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city, and make said new ward larger or smaller, to comply with the requirements of said act as to compactness and equality of inhabitants: And provided, further, if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in accordance with such new redistricting: Provided that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then, in such case, it shall be determined by lot in presence of the city council, in such manner as they shall direct, which alderman shall hold over for such ward. [As amended by act approved and in force June 4, 1889.]

**2194. Term of office.] § 3.** Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

**2195. Vacancy.] § 4.** If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

**2196. Qualifications of aldermen.] § 5.** No person shall be eligible to the office of alderman unless he shall be a qualified elector, and

reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

**2197. Council judge of its members.]** § 6. The city council shall be judge of the election and qualification of its own members.

**2198. Rules—expulsion—bribery.]** § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: Provided, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

**2199. Quorum—compelling attendance.]** § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

**2200. Meetings.]** § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

**2201. Chairman pro tem.]** § 10. It may elect a temporary chairman in the absence of the mayor.

**2202. Open doors.]** § 11. It shall sit with open doors.

**2203. Journal.]** § 12. It shall keep a journal of its own proceedings.

**2204. Yeas and nays—record—vote required.]** § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: Provided, It shall require two-thirds of all the aldermen elect to sell any city or school property.

**2205. Not to rescind vote at special meeting, unless, etc.]** § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.



**2206. When report laid over.]** § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

**2207. Territorial jurisdiction.]** § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

**2208. Special meeting.]** § 17. The mayor or any three aldermen may call special meetings of the city council.

**2209. Ordinances — approval — veto.]** § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

**2210. Reconsideration—passing over veto.]** § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

#### ARTICLE IV.

##### ELECTIONS.

**2211. Annual election.]** § 1. A general election for city officers shall be held on the third Tuesday of April of each year. Provided, that in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. [As amended by act approved and in force March 9, 1877.]

**2212. Election of mayor, city clerk, attorney and treasurer.]** § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: Provided, that no person shall be elected to the office of city treasurer for two terms in succession. [As amended by act approved and in force March 26, 1877.]

**2213. Who entitled to vote.]** § 3. All persons entitled to vote

at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

**2214. Wards.]** § 4. The city council of any city in this state, whether organized under this act or under any special law of this state, may, from time to time, divide the city into one half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**2215. Aldermen at first election—classified.]** § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: Those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

**2216. Minority representation.]** § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of minority representation in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the city council," or "against minority representation in the city council," and at any subsequent time on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: Provided, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for equal representation in the city council, then the members of the city council, or legislative authority of such city, shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain as near as practicable an equal number of inhabitants: And, provided, further, that where

said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this state to be of as much validity and binding force as if they had been elected from wards or districts. [As amended by act approved and in force April 1, 1883.]

**2217. Aldermen under minority plan.] § 7.** Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: Provided, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same or equal parts thereof, among the candidates as he shall see fit, and the candidate highest in votes shall be declared elected. [As amended by act approved and in force April 1, 1883.]

**2218. Aldermen when minority plan not adopted.] § 8.** If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

**2219. Place of election—notice.] § 9.** The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

**2220. Manner of conducting elections, etc.] § 10.** The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the

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

**2221. Result—tie.] § 11.** The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

**2222. Notice to persons elected or appointed.] § 12.** It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

**2223. When no quorum in office—special election.] § 13.** If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

**2224. Special elections.] § 14.** If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

## ARTICLE V.

### OF THE POWERS OF THE CITY COUNCIL.

**2225.] § 1.** The city council in cities, and president and the board of trustees in villages, shall have the following powers:

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

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

Third—To levy and collect taxes for general and special purposes on real and personal property.

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

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted

in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment, for the state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

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

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

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

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

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

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

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

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

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

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

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

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

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

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

Twenty-second—To regulate the numbering of houses and lots.

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

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

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

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

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

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

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cess pools and to regulate the use thereof.

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

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

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

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

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

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

Thirty-sixth—To fix the rate of wharfage and dockage.

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

Thirty-eighth—To make regulations in regard to use of harbors, towing of vessels, opening and passing of bridges.

Thirty-ninth—To appoint harbor masters and define their duties.

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

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

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

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

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

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

Forty-sixth—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: Provided, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: Provided, further, that in granting licenses such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of licenses.

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

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

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

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

Fifty-first—To prevent and punish forestalling and regrating.

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

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

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

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

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

Fifty-eighth—To regulate places of amusement.

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

Sixtieth—To regulate partition fences and party walls.

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

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

Sixty-third—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the de-



posit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

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

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

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

Sixty-seventh—To provide for the inspection of steam boilers.

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

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

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

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

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

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

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

Seventy-sixth—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

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

Seventy-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or other-

wise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

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

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

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

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

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

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

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

Eighty-seven—To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon.

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

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

Ninetieth—The city council or board of trustees shall have no power to grant the use of or the right to lay down any railroad tracks in any street of the city to any steam, dummy, electric, cable, horse or other railroad company, whether the same shall be incorporated under any general or special law of the State, now or hereafter in force, except upon the petition of the owners of the land representing more than one half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the own-

ers of the land representing more than one half of the frontage of each mile and of the fraction of a mile if any in excess of the whole miles measuring from the initial point named in such petition, of such street or of the part thereof sought to be used for railroad purposes.

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

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

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

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

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

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: Provided, no fine or penalty shall exceed \$200.00, and no imprisonment shall exceed six months for one offense. [As amended by act approved and in force March 30, 1887.]

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AN ACT to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns. [Approved June 16, 1887. In force July 1, 1887.]

**2225a. Power to license, tax, etc., itinerant merchants, etc.]**

§ 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to license, tax, regulate, suppress or prohibit itinerant merchants and transient vendors of merchandise.

(Act of 1872 resumed.)

**2226. Style of ordinances.]** § 2. The style of the ordinances in cities shall be: "Be it ordained by the City Council of....."

**2227. Publication of ordinances—when take effect.]** § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolu-

tions shall take effect from and after their passage, unless otherwise provided therein.

**2228. Proof of ordinances.]** § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees of the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

**2229. Suits for violating ordinances.]** § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

**2230. Fines and licenses — paid to treasurer.]** § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

**2231. Summons — affidavit — punishment.]** § 7. In all actions for the violation of any ordinance, the first process shall be a summons: Provided, however, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, workhouse, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: Provided, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

**2232. Jurisdiction of justices, etc.] § 8.** Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

**2233. Constable or sheriff may serve process, etc.] § 9.** Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

**2234. Jurisdiction over waters—street labor.] § 10.** The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state; and may, by ordinance, require every able-bodied male inhabitant of such city or village, above the age of twenty-one years and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day. [As amended by act approved April 10, 1875. In force July 1, 1875.]

## ARTICLE VI.

### OFFICERS—THEIR POWERS AND DUTIES.

**2235. Officers.] § 1.** There shall be elected, in all cities organized under this act, the following officers, viz.: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

**2236. Other officers—duties of city marshal.] § 2.** The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

**2237. Appointments—vacancies—duties—powers.] § 3.** All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the ad-

vice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: Provided, the term shall not exceed two years.

**2238. Oath—bond.] § 4.** All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

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

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: Provided, however, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

**2239. Commission—certificate—delivery to successors.] § 5.** All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

**2240. Qualification of officers.] § 6.** No person shall be eligible to any office who is not a qualified elector of the city or village and who shall not have resided therein at least one year next preceding his election or appointment. Nor shall any person be eligible to any office who is a defaulter to the corporation: Provided, however, this shall not apply to the appointment or election of city engineer in incorporated cities and villages: And provided, that the same shall

not apply to appointment of attorneys in incorporated villages, if such appointee be not a defaulter to the corporation. [As amended by Act approved June 21, 1895. In force July 1, 1895].

**2241. Not interested in contracts, etc.] § 7.** No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

**2242. Bribery—penalty.] § 8.** Every person who shall promise offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000 or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

**2243. Mayor, etc., not to hold other office.] § 9.** No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government during his term of office.

**2244. Duties of clerk.] § 10.** The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other rec-

ords and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

**2245. Record of ordinances.] § 11.** The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

**2246. Conservators of the peace—powers of.] § 12.** The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen in cities, if any such be appointed, shall be conservators of the peace, and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the State, commit for examination and, if necessary, detain such persons in custody over night or Sunday in the watch house or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by act approved June 14, 1883. In force July 1, 1883.]

**2247. Compensation of mayor.] § 13.** The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

**2248. Compensation of aldermen and trustees.] § 14.** The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: Provided, however, such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change during his term of office.

**2249. Compensation of other officers.] § 15.** All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensa-



tion shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

**2250. Administering oaths.]** § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

## ARTICLE VII.

### OF FINANCE.

**2251. Fiscal year.]** § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

**2252. Annual appropriation ordinance.]** § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

**2253. Limitation—emergency—borrowing money.]** § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: Provided, however, that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close

of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

**2254. Contracting liabilities limited.]** § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

**2255. Duties of treasurer.]** § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

**2256. Separate accounts.]** § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

**2257. Receipts.]** § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

**2258. Monthly statements—warrants—vouchers—register.]** § 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such account with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

**2259. Deposit of funds—separate from his.]** § 9. The treasurer may be required to keep all moneys in his hands, belonging to the

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

**2260. Treasurer's annual report—publication.]** § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

**2261. Warrants.]** § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

**2262. Special assessment funds kept separate.]** § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

#### CITY COLLECTOR.

**2263. His duties.]** § 13. It shall be the duty of the collector, when

one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed.

**2264. He shall report, etc.—publication.]** § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer.

**2265. Not to detain money—penalty.]** § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office.

**2266. Examination of his books—paying over.]** § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

#### CITY COMPTROLLER.

**2267. His powers and duties.]** § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge,

custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

**2268. Council may define the duties—transfer of clerk's financial duties.]** § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

**2269. Record of bonds issued by city.]** § 19. The comptroller when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

## GENERAL PROVISIONS.

**2270. Further duties may be required.]** § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

**2271. Appeal to finance committee.]** § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

**2272. Who may appoint subordinates.]** § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

**2273. Foreign insurance companies—license, etc.—penalties.]** § 23. All corporations, companies or associations not incorporated under the laws of this state, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk,) a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment,

and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: Provided, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

## ARTICLE VIII.

### OF THE ASSESSMENT AND COLLECTION OF TAXES.

**2274. Ordinance levying tax—limitation.]** § 1. The city council in cities and boards of trustees in villages may levy and collect taxes for corporate purposes in the manner following: The city council or boards of trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied, and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector or collectors of State and county taxes, within such city or village. And where the corporate limits of any city or village shall lie partly in two or more counties the city council or board of trustees shall ascertain the total amount of all taxable property lying within the corporate limits of said city or village in each county, as the same is assessed and equalized for State and county purposes for the current year, and certify the amount of taxable property in each county within said city or village under the seal of said city or village, to the county clerk of the county where the seat of government of such city or village is situate, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, ascertained as aforesaid, will produce a net amount not less than the amount so directed to be levied, and said clerk shall as soon as said rate per cent. of taxation is ascertained, certify under his hand and seal of office to the county clerk of any other county wherein

a portion of said city or village is situate, such rate 1 er cent. and it shall be the duty of such county clerk to whom such rate per cent. is certified to extend such tax in a separate column upon the book or books of the collector or collectors of the State and county taxes for such county against all property in his county within the limits of said city or village: Provided, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or interest thereon, shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes for the preceding year. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2275. Manner of collecting.]** § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

**2276. Time of paying [over.]** § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

**2277. When tax levied for particular purpose.]** [§ 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

**2278. Uniformity.]** § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

## ARTICLE IX.

### SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

**2279. Powers conferred.]** § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of



contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

**2280. Ordinance for improvement.]** § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

**2281. When property is taken, etc.]** § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

**2282. Petition.]** § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county, in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

**2283. Form of petition.]** § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

**2284. Summons—publication—notice.]** § 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.]

**2285. Hearing—jury.]** § 7. Upon the return of said summons,

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

**2286. Jury to ascertain compensation—admitting other parties.]** § 8 Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: Provided, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

**2287. Viewing premises—ownership, etc.]** § 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein. [As amended by act approved and in force March 30, 1874.]

**2288. Judgment—new parties—further proceedings.]** § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

**2289. Powers of court.]** § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so

ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings enter such order, rule, judgment or decree as the nature of the case may require.

**2290. Ownership—further powers of court.] § 12.** No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

**2291. Persons under disability.] § 13.** When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem* for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

**2292. Judgment—effect—appeal, etc.] § 14.** Any final judgment or judgments rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

**2293. Order for possession.] § 15.** The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error,) shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

**2294. When improvement made by general tax.] § 16.** When

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

**2295. Special taxation.]** § 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the section of this act providing for the mode of making, levying, assessing and collecting special assessments: Provided, that no special tax shall be levied or assessed upon any property to pay for any local improvement in an amount in excess of the special benefit which such property shall receive from such improvement. Such ordinance shall not be deemed conclusive of such benefit, but the question of such benefit and of the amount of such special tax shall be subject to the review and determination of the county court, and be tried in the same manner as in proceedings by special assessments. [As amended by Act approved June 21, 1895. In force July 1, 1895.]

#### SPECIAL ASSESSMENT.

**2296. How made.]** § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act [article] from 18 to 51, inclusive.

**2297. Ordinance — for sidewalks — owners' rights.]** § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: Provided, that where the owners of a majority of the property in any block abutting on any street, alley, park or public place, shall petition the common council in cities, or board of trustees in villages for any local improvements, it shall be the duty of said council, or board of trustees to pass an ordinance for said improvement: Provided, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment; Provided, that the work so to be done shall in all respects conform to the requirements of such ordinance. [As amended by act approved June 1, 1889. In force July 1, 1889.]

**2298. Estimate of cost.]** § 20. The city council or board of trustees shall appoint three of its members, or any other three com-

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

**2299. Order for proceedings in court.]** § 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

**2300. Petition to court.]** § 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

**2301. Appointment of commissioners—oath.]** § 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

State of Illinois. }  
 .....County. }<sup>ss</sup>

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

**2302. Duty of commissioners.]** § 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: Provided, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited; And, provided further, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.]

§ 25 repealed by act approved April 25, 1873.

**2303. Assessment roll—return.]** § 26. They shall also make or cause to be made an assessment roll, in which shall appear the

names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.]

**2304. Notice by mail—posting and publication.] § 27.** It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

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

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

(Here give date.) ..... Commissioners.

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

#### SPECIAL ASSESSMENT NOTICE.

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

(Here give date.) ..... Commissioners.

As amended by act approved June 26, 1885. In force July 1, 1885.]

**2305. Proof of notice.] § 28.** On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name

and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1872. In force July 1, 1873.]

**2306. Continuance when notice not in time.]** § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

**2307. Objections—judgment by default.]** § 30. Any person interested in any real estate to be affected by such assessment may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

**2308. Hearing—jury.]** § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

**2309. Precedence.]** § 32. The hearing in all cases arising under this act may be had at either a law or a probate term of said court, and shall have precedence over all cases in such court except criminal cases. (As amended by act approved and in force June 15, 1893.)

**2310. Court may modify, etc., the assessment.]** § 33. The court before which any such proceeding may be pending, shall have authority, at any time before final adjournment (judgment), to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be

necessary, continue the application for that purpose as to the whole or any part of the premises.

**2311. Judgment several—appeal, etc.—lien.]** § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

**2312. Judgment certified to city clerk—filing—warrant.]** § 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the officer of such city or village authorized to collect such special assessments, or if there has been an appeal or writ of error taken on any part of such judgment then he shall certify such part of the judgment as is not included in such appeal or writ of error, and such certificate shall be filed in his office by the officer receiving the same. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. [As amended by act approved June 26, 1885. In force July 1, 1885.]

**2313. Form of warrant.]** § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

**2314. Collector's notice—form of.]** § 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvements. Such notices may be, substantially, in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO. —.

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

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

[As amended by act approved June 26, 1885. In force July 1, 1885.]

**2315. Manner of collecting—entry of payment.]** § 38. It shall be the duty of the collector into whose hands the warrant shall so come,



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

**2316. Report of delinquent list to county collector—evidence—defense.]** § 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of. . . . . (or village of. . . . . as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

**2317. Application for judgment—what laws govern.]** § 40. When said general office[r] shall receive the report provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land, and property, for said special assessments remaining due and unpaid, at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State,

except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made. [As amended by act approved June 18, 1882. In force July 1, 1883.]

**2318. Return of sales—redemption.] § 41.** After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state.

**2319. Penalty when lands are sold for tax, etc.] § 42.** If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

**2320. Paying over—compensation.] § 43.** The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

**2321. General revenue laws apply.] § 44.** The general revenue laws of this state in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

**2322. City or village may buy in.] § 45.** Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make

it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

**2323. When assessment set aside—new assessment.]** § 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

**2324. Supplemental assessments.]** § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

**2325. New assessments against delinquents—lien—limitation.]** § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

**2326. Contracts payable from assessments.]** § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon

the city or village in any event, except from the collections of the special assessments made for the work contracted for.

**2327. How contracts let—approval.] § 50.** All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: Provided, however, any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

**2328. Lien.] § 51.** All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

**2329. Collection by suit.] § 52.** At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be prima facie evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a scire facias against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such scire facias, good cause is not shown why execution should not issue, the court may award

execution against such person or persons in the usual form of execution upon judgments at law.

**2330. Supplemental petition to assess damages in condemnation case—pending cause—payment of.] § 53.** Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceedings a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged with the costs of the proceeding. The said court shall have power, at any time after such supplemental petition shall have been filed, to appoint three commissioners to make such assessment and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such cost to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases: Provided, however, in all proceedings heretofore commenced, where the property has not been fully paid for, or that shall hereafter be commenced, said city or village shall take and pay for the lands sought to be taken or damaged within two years of the entry of judgment in such condemnation proceedings. And after the expiration of such time the court in which the proceedings may have been had, upon a motion of any person interested in the lands, may enquire in a summary manner whether the lands in which such person is interested have been taken or damaged and paid for; and if the court finds that such lands have not been taken or damaged and not been paid for, it shall enter an order requiring the city or village to pay for such lands within a short day, to be fixed by the court; and in default thereof shall dismiss such proceedings as far as they relate to lands of such person. If, however, the court finds that such city or village has taken possession of the land and has not paid therefor, it shall enter an order requiring such city or village to pay the amount of the condemnation judgment, with interest from the time of such taking, within a short day to be fixed by the court; and in default thereof, to dismiss the proceedings and enter a several judgment in favor of such land owners for interest from the day of such taking, and direct the issue of a writ of possession in favor of the several owners or their legal representatives or grantees respectively. And such dismissal as aforesaid shall operate as a bar to further proceedings under such ordinance against the land affected by such dismissal. And every such cause shall be considered as pending in the court in which the same has been, or shall be commenced, until all the lands sought

to be taken are paid for or until the proceedings are dismissed where the lands have not been taken. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2331. Adoption of this article.] § 54.** Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

**2332. May be divided into installments — payment of interest.] § 55.** That the amount of any special assessment for any local improvement in any city, incorporated town or village, may be divided into installments, when so provided for by the ordinance providing for the said improvement, the first of which shall not exceed the sum of twenty-five per cent. of the total of said assessment, and which shall be due and payable from and after confirmation of said assessment. The remaining portion of said assessment, after deducting the said first installment, shall be divided into four equal annual installments, which said installments shall be payable annually thereafter, and collected in the same manner that other assessments are now collected and the annual interest herein provided for on all of said installments which may at any time remain unpaid, shall also be payable annually thereafter and collected in the same manner that other assessments are now collected. Each of said four last named installments shall bear interest at the rate of six per cent. per annum, payable in each year, from and after the first day of July next succeeding the confirmation of said assessment, when such confirmation shall be had between the first day of November and the first day of March; and when such confirmation is had between the first day of March and the first day of July, then each of the said four last named installments shall bear interest at the rate of six per cent. per annum in each year, from and after the first day of October next succeeding such confirmation of assessment; and when such confirmation is had between the first day of July and the first day of November, then each of said four last named installments shall bear interest at the rate of six per cent. per annum, from and after the first day of January next succeeding such confirmation of assessment. Such interest shall be payable in each year at the time when the installments are payable: Provided, that in cities containing a population of fifty thousand or more this and the following sections shall not apply except in cases where any such special assessments shall exceed in the aggregate the sum of fifteen thousand dollars. [Added by act approved and in force April 29, 1887. As amended by act approved June 15, 1891. In force July 1, 1891.]

**2333. May be paid before maturity—interest.] § 56.** That any installment or installments which may be assessed against any tract, lot, block or piece of land may be paid at any time before maturity, in which case interest shall be charged only to the time of

payment, and upon such payment the property for which said payment is made shall be discharged from the lien to the extent of such payment. [Added by act approved and in force April 29, 1887.]

**2334. When by installment — ordinance.] § 57.** Whenever any city, incorporated town or village desires to make the collection of any special assessment, as aforesaid, by installments under the provision of this act, the ordinance providing for said improvement shall also state that the same shall be collected by installments, and fix the amount of the first installment. [Added by act approved and in force April 29, 1887.]

**2335. Assessment roll—what to contain.] § 58.** Upon the assessment roll to be returned by the commissioners shall be designated, in appropriate columns, first the amount of each installment, second the total amount of the assessment, which said items shall be carried out and set opposite each tract, lot or piece of property so assessed. [Added by act approved and in force April 29, 1887.]

**2336. Notice—what to contain.] § 59.** The notice to be given by the collector as now provided for by law when the assessment is under the provisions of this act, in addition to what is now required shall contain the amount of each installment, the rate of interest deferred installments bear, the date of payment and that the whole of said assessment, or any installment thereof, may be paid at any time at the option of the owner or owners of said lot, block, piece or tract. [Added by act approved and in force April 29, 1887.]

**2337. Order of confirmation.] § 60.** The order of confirmation that shall be entered upon the return of any such assessment roll shall apply to all of the installments thereof, and may be entered in one order. [Added by act approved and in force April 29, 1887.]

**2338. Warrant for collection.] § 61.** The warrant for the collection of any such special assessment to be made hereunder shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of lands assessed and the respective amounts assessed upon each lot, tract, piece or parcel of land, and the year in which each installment is payable. [Added by act approved and in force April 29, 1887.]

**2339. Proceedings for judgment.] § 62.** Proceedings for judgment and sale against lots, tracts, pieces and parcels of land for which the assessments has not been paid shall be had in the same manner as now provided upon each installment in the respective years in which they become due and payable, and the laws now in force in so far as they are applicable shall apply. [Added by act approved and in force April 29, 1887.]

**2340. Payment for improvement done — voucher.] § 63.** Payment for any improvement done or performed under the provisions of this act shall be made in the following manner: From the amount of the first payment when it shall be collected shall first be paid all the costs of making the said assessment, including court costs.

The remainder of said payment shall then be paid to the person or persons entitled thereto on the contract for said work. The amount remaining due upon the contract for said improvement shall then be divided into four equal parts, and the authorities of any city, incorporated town or village shall issue a voucher to the person or persons entitled thereto for each part, payable in the same order and manner that the installments are payable, and said vouchers shall bear the same rate of interest per annum that the said installments bear, which interest shall be paid on the first day of July, October or January, annually after their date, according to the date of the confirmation of the respective assessments, to the person holding such voucher.

Said vouchers shall be made payable to the order of the person or persons entitled thereto, and state the improvement and the installment for which they are issued.

They shall also contain the following:

In consideration of the issuing of this voucher, I hereby for.....  
 .....sel.....heirs, executors, administrators and assigns, accept the same in full payment of the amount herein stated, and relinquish any and all claims or liens I have against the (city, incorporated town or village) of.....for the work mentioned herein, or for the payment of this voucher, except from the collection of the installment herein named.

.....  
 (Signature of person receiving the same.)

[Added by act approved and in force April 29, 1887. As amended by act approved June 15, 1891. In force July 1, 1891.]

**2341. Person accepting vouchers.] § 64.** Any person or persons accepting the vouchers, as provided herein, for work done or performed upon any local or public improvement shall have no claim or lien upon the city, incorporated town or village in any event for the payment of said vouchers or the interest, except from the collection of the installments for which said vouchers are issued, and provided, that this section shall apply to all holders of any of said vouchers, whether the original contractor or their assigns. [Added by act approved and in force April 29, 1887.]

**2342. Surplus remaining--notice.] § 65.** If upon the payment of the money and issuance of the vouchers, as provided for in the last section hereof, there shall be any surplus remaining of said special assessment over and above the payment aforesaid, it shall be the duty of the proper authorities of said city, incorporated town or village to at once cause the respective installments to be credited with their respective proportion of said surplus, and in case any person or persons have, before said credit has been entered, paid his assessment or any part thereof, without having received the benefit of said credit, the proper authorities shall at once cause notice of such over-payment to be sent by mail to the person by whom such over-payment was made, and upon proper proofs the same shall be repaid. [Added by act approved and in force April 29, 1887.]

**2343. Special assessment--when city may advance to pay damages.] § 66.** In case said special assessment shall be made for



the purpose of paying the compensation awarded for the taking or damaging of private property for public use, payments may be made as provided herein, in the case of contracts let and the acceptance by the owner of any lot, piece or tract taken or damaged of the vouchers issued shall be deemed payment to said owner or owners of said compensation, and upon proof thereof, an order of possession may be entered, as is now provided: Provided, that after a special assessment has been confirmed to pay for property taken or damaged for public use, the city council in cities and the president and board of trustees in villages may appropriate and advance a sufficient amount to pay the compensation awarded, or so much of the same as shall not have been paid by acceptance of vouchers as herein provided: Provided, however, that such appropriation and advancement shall in no way affect the collection of said assessment, but the same shall be collected in the same manner, as though said appropriation had not been made: And, provided, further, that when such assessment shall have been collected, that the same, together with the interest thereon, shall be paid into the general fund of said city, incorporated town or village in liquidation of the amount so advanced. [Added by act approved and in force April 29, 1887.]

**2344. When collected by installment.]** § 67. In all cases where special assessments shall have been made, but not confirmed, it shall be lawful for any city, incorporated town or village, through its legislative body, to provide by ordinance that said assessment may be collected by installments, under the provisions of this act. [Added by act approved and in force April 29, 1887.]

**2345. Emergency.]** “§ 68. It is hereby declared that an emergency exists, and therefore this act shall be in force from and after its passage.” [Added by act approved and in force April 29, 1887.]

## ARTICLE X.

### MISCELLANEOUS PROVISIONS—WATER.

**2346. Water—borrow money.]** § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

**2347. Acquiring property for water works—jurisdiction over.]** § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have

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

**2348. Regulations — rates, taxation, etc.]** § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: Provided, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

**2349. Tax-payer may enforce rights in name of city, etc.]** § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: Provided, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

**2350. Maps — approval of.]** § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

**2351. Inhabitants competent as jurors, etc.]** § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in

any action or proceeding in which said city or village may be a party in interest.

**2352. Population — census.]** § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken.

**2353. Municipal year.]** § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections unless otherwise provided by ordinance.

**2354. City or village need not give appeal bond.]** § 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

## ARTICLE XI.

### OF THE ORGANIZATION OF VILLAGES.

**2355. By incorporated towns.]** § 1. Any town in this State incorporated, either under any general law for the incorporation of towns and acts amendatory thereof, or under any special act for the incorporation of any town or village, or any town which may be organized out of territory which may be disconnected from any incorporated town under the provisions of an act entitled "An act to provide for the division of incorporated towns," may become organized as a village under this act in the manner following: Whenever any thirty voters in such town shall petition the corporate authorities thereof to submit the question whether such town will become organized as a village under this act, to the decision of the legal voters thereof, it shall be the duty of such corporate authorities to submit the same accordingly and to fix a time and place within such town for holding such election and to appoint the judges to hold such election, and to give notice of the time, place and purpose of such election by causing at least five notices thereof to be posted in public places in such town for at least fifteen days prior to holding such election. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2356. Ballot.]** § 2. Each qualified voter, resident within such town or proposed village, shall have the right to cast a ballot at such

election, with the words thereon, "For village organization under the general law," or "Against village organization under the general law."

**2357. Returns—canvass—record.] § 3.** The judges of such election shall make returns thereof to the president and trustees of the town, as soon as practicable after such election is held; and it shall be the duty of the president and trustees to canvass such returns, and cause a statement of the result of such election to be entered upon the records of the town.

**2358. Result — old officers continue until, etc.] § 4.** If a majority of the votes cast at such election are for village organization under the general law, such town shall, from thenceforth, be deemed to be duly incorporated as a village under this act; but the town officers then in office shall continue as like officers of such village until their successors shall be elected or appointed under the provisions of this act.

**2359. New organization — how effected.] § 5.** Whenever any area of contiguous territory, not exceeding two square miles, shall have resident thereon a population of at least three hundred inhabitants, and which territory is not included within the limits of any incorporated town, village or city, the same may become incorporated as a village, under this act, in the manner following: Any thirty legal voters resident within the limits of such proposed village may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed village, whether they will organize as a village under this act. And if the territory described in said petition shall be situated in more than one county, then the petition shall be addressed to the judge of the county court of the county where a greater part of such territory is situated. Such petition shall be addressed to the county judge, contain a definite description of the lands intended to be embraced in such village, the number of inhabitants resident therein, and the name of such proposed village.

**2360. Petition — election — returns.] § 6.** Upon the filing such petition in the office of the county clerk, it shall be the duty of such judge to perform the same duties in reference to fixing the time and place of such election, giving notice appointing judges thereof, as is above required to be performed by the president and trustees in towns already incorporated. The returns of such election shall be made to the county judge, who shall call to his assistance any two justices of the peace, and canvass such returns, and cause a statement of the result of such election to be entered upon the records of the county court. The second section of this article shall be applicable to such election.

**2361. Result — election of officers, etc.] § 7.** If a majority of the votes cast at such election is for village organization under the general law, such proposed village, with the boundaries and name mentioned in the petition, shall, from thenceforth, be deemed

an organized village under this act, and the county judge shall, thereupon, call, and fix the time and place of an election to elect village officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election, in like manner, as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities. But the term of office of trustees elected at such election shall terminate as soon as their successors are elected and qualified, at the regular annual election.

**2362. Trustees — corporate name — powers.] § 8.** In each village organized under this act, there shall be elected by the qualified directors therein six trustees, who shall hold their office until their successors are elected and qualified. At the first election held hereafter there shall be elected the full number of trustees. At the first meeting of the board of trustees held after said first election, the trustees elected shall be divided by lot into two classes; those of the first class shall continue in office for one year, and those of the second for two years from the date of the annual election for that municipal year, and annually thereafter there shall be elected three trustees, who shall hold their office for the term of two years, and until their successors are elected and qualified. The trustees shall choose one of their own number president; and such village shall from the time of the first election held by it under said act be considered in law and equity, a body corporate and politic, by the name and style of "The village of . . . . .," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a common seal and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act, the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable. [As amended by act approved May 28, 1879. In force July 1, 1879.]

**2363. Powers and duties of president and trustees.] § 9.** The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city, and shall receive as compensation therefor a salary to be fixed by the board of trustees, which salary shall in no case exceed two thousand dollars (\$2,000) per annum; and the trustees shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city, and the board of trustees may pass ordinances over such veto in like manner as a city council. [As amended by act approved and in force May 22, 1889.]

**2364. Style of ordinances.]** § 10. The style of ordinances passed in villages shall be as follows: "Be it ordained by the President and Board of Trustees of the Village of . . . . .," (as the case may be).

**2365. Appointment of officers—prescribe duties and fees.]** § 11. The president and board of trustees may appoint a clerk *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village constable, and such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds as may be prescribed by ordinance.

**2366. Powers of constable.]** § 12. The village constable shall have the same powers to make arrests, execute process, and perform other official acts as other constables under the general laws of the state, together with such other powers as may be conferred on him by ordinance.

**2367. Annual elections.]** § 13. An annual election for three trustees, and a clerk of villages shall be held on the third Tuesday of April in each year: Provided, that in villages, the territorial limits of which coincide with the territorial limits of any township, an election for trustees, and a clerk of villages, shall be held at the same time, and at the same polling places as the annual township election, to-wit: on the first Tuesday of April in each year. Special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies, and for other purposes. [As amended by act approved and in force March 11, 1881.]

**2368. Suits — jurisdiction— fines, etc.]** § 14. Suits and prosecutions for the violations of any village ordinance may be prosecuted in the name of "The Village of . . . . .," and justices of the peace and police magistrates shall have jurisdiction over such suits; and all fines and money so collected shall be paid into the village treasury.

**2369. Police magistrates.]** § 15. There may be a police magistrate elected at a regular annual election in each village, who shall give bonds, qualify, and have the same jurisdiction as other justices of the peace, and hold his office for four years, and until his successor is elected and qualified.

**2370. No incorporation allowed under former laws.]** § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities.

**2371. Changing from city to village.]** § —. That it shall be the duty of the mayor and common council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days' previous notice of such application by the city clerk published in some newspaper printed in said city, or by posting such notices in

five of the most public places within said city, for said period in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50), fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the tickets shall be written or printed "*For Village Organization,*" or "*Against Village Organization,*" and if there shall be a majority of the votes cast at said election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all the rights and be liable for all the debts and legal liabilities of said city, and the mayor of said city shall, within ten days after said election, give notice of the time and place for the election of trustees as near as may be, as provided for under section one hundred and eighty-four (184) and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election. Provided, that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed. [This section added to the above act by amendment approved May 29, 1879. In force July 1, 1879.]

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## MISCELLANEOUS STATUTES RELATING TO MUNICIPAL GOVERNMENT.

### ANIMALS RUNNING AT LARGE.

AN ACT in relation to domestic animals running at large within the State of Illinois. [Approved June 21, 1895. In force July 1, 1895. L. 1895, p. 4.]

**2372. Unlawful to run at large.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That hereafter it shall be unlawful for any animal of the species of horse, ass, mule, cattle, sheep, goat, swine or geese to run at large in the State of Illinois.

**2373. What deemed a running at large.] § 2.** Whoever being the owner or having control of any domestic animal of the species mentioned in section 1 of this act shall suffer the same to run at large shall be fined not less than two dollars nor more than ten dollars for each offense, and for every day he shall permit the same to run at large after having once been convicted under this act. The herding of any such animals upon uninclosed lands without the consent of the owner or person having control of such lands shall be deemed a running at large under this act.

**2374. Pound—poundmaster—fees — duties of poundmaster.]**  
 § 3. It shall be the duty of the commissioners of highways in townships in counties under township organizations, and the boards of county commissioners in counties not under township organization, as soon as this act takes effect, to select and prepare a suitable pound near the center of each township or voting district in counties under township organization, and near the center of each voting precinct in counties not under township organization; appoint a poundmaster, and fix his fees and charges, which shall remain as fixed until the next annual election, at which time the same may be changed or amended by a majority vote of the electors present, who shall at the same time elect a poundmaster for the ensuing year. Said poundmaster shall hold his office for one year and until his successor is duly elected: Provided, however, That in case the person so elected shall fail to act, or a vacancy occurs through resignation, removal, death or any other cause whatever, the commissioners of highways shall fill such vacancy by appointing a person to act as poundmaster until the next annual election.

**2375. Poundmaster to enforce act — penalty.]** § 4. It shall be the duty of the poundmaster to enforce the provisions of this act in his district; and for any failure so to do, he shall be liable to a fine of not less than three dollars nor more than twenty dollars.

**2376. What counties or townships not affected by this act.]**  
 § 5. Nothing in this act shall be construed to affect counties or townships which already have in force a law restraining the animals mentioned in this act from running at large.

**2377. Repeal.]** § 6. An act entitled "An act to revise the law in relation to permitting animals to run at large," approved March 30, 1874, in force July 1, 1874, and an act entitled "An act to prevent male animals running at large and for their restraint," approved March 8, 1872, in force July 1, 1872, and an act entitled "An act to prevent animals running at large within the corporate limits of incorporated cities, villages and towns," approved June 16, 1891, in force July 1, 1891, are hereby repealed.

#### ANNEXING AND EXCLUDING TERRITORY.

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

**2378. Petition to be annexed—annexation.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly. That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance annex such terri-



tory to such city, village or town, upon filing a copy of such ordinance with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: Provided, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

**2379. Annexing one corporation to another.] § 2.** Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: Provided, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: Provided, however, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: And, provided, also, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

**2380. Proceedings by corporation to annex territory.] § 3.** When any incorporated city, village or town shall desire to annex any contiguous territory thereto and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: Provided, that nothing in this section

contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifteen inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

**2381. Notice of proceedings.] § 4.** When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

**2382. Objections to annexation — trial.] § 5.** The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

**2383. Finding — costs, etc.] § 6.** If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: Provided, that new trials may be granted as in other jury cases.

**2384. Proceedings by owner to be annexed.] § 7.** When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition in writing, signed by them, and filed in the circuit court of the county where such territory or a major

part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: Provided, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

**2385. Proceedings to disconnect.]** § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceeding shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: Provided, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

**2386. Map and ordinance recorded.]** § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be), to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

**2387. School districts.]** § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act.

**2388. Judicial notice.]** § 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

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AN ACT in relation to the disconnection of territory from cities and villages.  
 [Approved and in force May 29, 1879. L. 1879, p. 77.]

**2389. Disconnecting territory.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a

certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city or trustees of such village may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village: Provided, however, that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

**2390. Ordinance recorded.] § 2.** A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

**2391. Judicial notice.] § 3.** All courts in this State shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

**2392. Repeal.] § 4.** All acts and parts of acts in conflict with this act are hereby repealed.

**2393. Emergency.] § 5.** Whereas, there is no valid law in force in this State enabling cities and villages to decrease their corporate limits, and special legislation therefor by the General Assembly is forbidden by the Constitution of this State, therefore an emergency exists why this act should take effect immediately; therefore this act shall take effect and be in force from and after its passage.

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## ANNEXATION OF CITIES, INCORPORATED TOWNS AND VILLAGES.

AN ACT to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages. [Approved and in force April 25, 1889. L. 1889, p. 67.]

**2394. Petition to—how question submitted—returns.] § 1.** Be it enacted by the People of the State of Illinois, represented in

the General Assembly: That where an incorporated city, town or village adjoins another incorporated city, town or village, it may be annexed thereto in the manner following, that is to say:

A petition shall be presented to the judge of the County Court of the county wherein such incorporated city, town or village to which such annexation is sought is situated, asking that the question of annexation be submitted to the legal voters of the city, village or incorporated town sought to be annexed, and the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such petition shall be signed by not less than two hundred and fifty (250) of the legal voters of the city, village or incorporated town sought to be annexed, unless the votes cast in said city, village or incorporated town at the last preceding general election numbered less than five hundred (500), in which case the petition shall be signed by one-third (1-3) of the legal voters of such city, village or incorporated town, and thereupon said county judge shall cause to be submitted the question of annexation to the voters of the incorporated city, town or village sought to be annexed, and to the voters of the incorporated city, town or village, to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county, within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen (15) days before such election, by the clerk of the County Court. The ballots cast at such election to be written or printed, or partly written or partly printed, "For annexation," "of" (here name the city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or, "Against annexation" "of," (here name city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) respectively, to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages, and the officers who are charged by law with the duty of canvassing such votes, shall file, or cause to be filed, with the clerk of the County Court of such county a certificate of the result of such canvass immediately upon ascertaining the result thereof, and if it shall appear that a majority of the voters of each incorporated city, town or village so voting upon the question of annexation, at such election vote for annexation, thereupon the jurisdiction of the incorporated city, village or town, to which such other incorporated city, village or town is annexed, shall extend over said territory; but if it shall appear that a majority of the voters of any incorporated city, town or village so voting upon the question of annexation, when such question is first submitted, vote against an-

nexation, any petition thereafter presented to the judge of the County Court shall be signed by not less than one-eighth of the legal voters of the incorporated city, town or village, which is sought to be annexed to an adjoining city, village or incorporated town so voting against annexation.

**2395. When inhabitants of territory desire to be annexed--proceedings.]** § 2. When the inhabitants of any territory not less than one-half square mile in extent, and less than the whole of an incorporated city, village or town, and which territory shall be contiguous to and adjoining the territory of another incorporated city, village or town, desire to be annexed to such other incorporated city, village or town, such annexation may be effected as follows: A petition shall be presented to the judge of the county court wherein such incorporated city, town or village is situated to which annexation is desired, signed by not less than one hundred of the legal voters of the territory sought to be annexed, asking that the question of annexation of the territory described in the petition may be submitted to the legal voters of the city, village or incorporated town from which said territory is to be taken, and to the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such territory shall be described in said petition, and thereupon said county judge shall cause to be submitted the question of the annexation of such territory to the voters of the incorporated city, town or village from which it is sought to disconnect territory, and to the voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen days before such election, by the clerk of the County Court, the ballots cast at such election to be written or printed, or partly written and partly printed, "For annexation of (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or "Against annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) respectively, to be received, canvassed and returned to same as ballots for municipal officers of such incorporated cities, towns or villages; and the officers who are charged by law with the duty of canvassing such votes shall file, or cause to be filed, with the clerk of the County Court of such county, a certificate of the result of such canvass, immediately upon ascertaining the result thereof; and if it shall appear that a majority of the voters of each city, village or incorporated town so

voting upon the question of annexation at such election vote for annexation, thereupon the jurisdiction of the incorporated city, town or village shall extend over said territory so annexed, but if it shall appear that a majority of the voters of any territory, less than the whole, of an incorporated city, village or town, so voting upon the question of annexation, when said question is first submitted, vote against annexation, any petition thereafter presented to the judge of the County Court for the annexation of the same territory shall be signed by not less than one-eighth of the legal voters of the territory so voting against annexation.

**2396. When petitions are presented to annex the whole and also a part of a city, etc.]** § 3. If petitions are presented to the county judge, as described in this act, for the annexation of the whole and also for the annexation of a part or parts of a city, village or incorporated town to a city, village or incorporated town, the said county judge shall submit such question as petitioned for by each petition, and if at such election the result of the votes shall be against annexation of the whole, but shall be in favor of annexation of a part or parts, and such parts combined as one territory are contiguous to such city, village or incorporated town, or if any such part be contiguous to such city, village or incorporated town, then such contiguous territory shall be annexed the same as though no proposition had been submitted to annex the whole thereof.

**2397. Effect of annexation — payment of debts — division of property, etc.]** § 4. The city, village or incorporated town to which the whole of another city, village or incorporated town is annexed under the provisions of this act shall assume and pay any and all debts, liabilities, bonds or obligations and interests thereon of the city, incorporated town or village so annexed, and shall become vested with title and ownership of all property belonging to said city, village or incorporated town so annexed, to be held for the same purposes and for the same uses, subject to the same conditions as theretofore, and if the public schools of such enlarged city, village or incorporated town are all in charge and under the control of one board of education, the said enlarged city, village or incorporated town shall assume and pay the indebtedness of each school district or township lying wholly therein, and shall become vested with the title and ownership of all property belonging to any school district or township lying wholly therein, to be held for the same purposes and to the same uses and subject to the same conditions as theretofore. If the bonds of said city, village or incorporated town so annexed, or of any school district or township lying wholly therein, have been registered in the office of the State Auditor of Public Accounts, in accordance with the statute, the county clerk shall certify the fact of such annexation forthwith to said State Auditor, and said State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any such rate for the payment of said bonds or interest thereon upon

the taxable property of such city, town or village so annexed, or school district or township. All debts, bonds and obligations of the united municipality to be paid by the enlarged city, village or incorporated town. And if there be a portion of a school district or township lying within and a portion lying without such annexed territory, the debts of such school district or township shall be paid and the property divided in the same manner as is provided for paying debts and dividing property in section eight (8) of this act, where parts of cities, villages or incorporated towns are annexed to other cities, villages or incorporated towns.

**2398. Annual appropriation ordinance — tax levy.] § 5.** When the whole of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act, and the corporate authorities of such city, village or incorporated town so annexed shall have passed an ordinance termed the annual appropriation ordinance, but not an ordinance levying a tax for the purpose of collecting a sufficient sum of money to defray the total amount of appropriations for all corporate purposes for that fiscal year, then the corporate authorities of the city, village or incorporated town to which such territory is annexed shall have the right to include the amount of such appropriations in the annual tax levy of such city, village or incorporated town, the same as though such appropriations had been made by the city, village or incorporated town to which such other city, village or incorporated town is annexed. The said taxes may be used by the city, village or incorporated town to which annexation is had for the purpose for which such appropriation was made by the city, village or incorporated town so annexed.

**2399. Annexation not to stay tax levy.] § 6.** When the whole of an incorporated town, city or village shall be annexed to another city, village or incorporated town it shall not arrest, stay or interfere with any proceedings for the collection or enforcement of any tax, special assessment or special tax, but the same shall proceed and be carried to a finality as though no such annexation had taken place, and the proceeds thereof shall be paid over to the treasurer of the city, village or incorporated town to which such other village, city or incorporated town is annexed, to be used for the purpose for which the tax was levied or the proceedings instituted.

**2400. Pending suits — how defended and prosecuted.] § 7.** All suits pending in any court on behalf of or against any village, city or incorporated town, the whole of which is under the provisions of this act annexed to another city, village or incorporated town, may be prosecuted or defended in the name of the city, village or incorporated town so annexed, and all judgments, fines, decrees or recoveries obtained for or on behalf of any village, city or incorporated town so annexed to another may be collected and enforced with like force and effect as though such annexation had not taken place in the name of the city, village or incorporated town so annexed.



**2401. Division of public property — payment of indebtedness.] § 8.** When a part of the territory of a city, village or incorporated town is taken therefrom and annexed to another city, village or incorporated town under the provisions of this act, then the proportionate share of any indebtedness, contract or liability of such city, village or incorporated town from which such territory is taken shall be assumed and paid by such enlarged city, village or incorporated town, according to the taxable property in such disconnected territory as the same existed immediately before such annexation, and if the public schools of such enlarged city, village or incorporated town shall be in charge and control of one board of education, then the proportionate share of any indebtedness of any school district or township shall be assumed and paid by such enlarged city, village or incorporated town according to the taxable property in such part of such disconnected territory within such school district or township, as the same existed immediately before such annexation and if the whole of a school district or township is annexed, then such municipality shall assume and pay all the indebtedness of such school district or township. The amount of the said indebtedness to be paid by said enlarged city, town or village shall be determined and agreed upon by the city council of the city or trustees of the village or incorporated town to which such territory is annexed, and the city council of the city or trustees of the village or incorporated town from which such territory is taken, or the school authorities of the school district or township of which such disconnected territory was a part, as the case may be, in such manner as they shall elect, if they can not agree, then the matter shall be determined by the Circuit or County Court of the county in which such municipal corporation may be to which annexation is made, by petition of either municipal corporation or of any taxpayer of either municipality. The court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right and equity of the matter may demand. If the respective corporate authorities shall agree as to the amount to be paid by such enlarged city, town or village, then each shall pass an ordinance or a resolution reciting the amount thereof to be paid, a copy of which said ordinance or resolution shall be duly certified by the clerk of the city, village or incorporated town to which such territory is annexed, and filed with the county clerk of the county wherein such enlarged city, town or village may lie, and by him certified to the State Auditor of Public Accounts, and which said ordinance or resolution shall be final and conclusive in all proceedings as to the amount of indebtedness so to be paid. If a judgment or decree shall be entered by a Circuit or County Court as herein provided, then a certified copy thereof shall be made by the clerk of said court and filed with the clerk of each of the said municipal corporations and with the county clerk, and by the county clerk certified to the State Auditor of Public Accounts and such judgment shall be final and conclusive in all proceedings as to the

amount of indebtedness to be paid by each municipality. The State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any rate upon the taxable property of said annexed territory for the payment of any of said bonds or interest thereon so issued by the city, incorporated town or village from which it is disconnected. Said enlarged city, town or village shall be vested with the title and ownership of all the public and school property in such annexed territory, and shall be charged therewith in the division of the public property of such dismembered city, incorporated town or village, or school district or township, between said municipalities, or between said enlarged city, town or village and any dismembered school district or township, as the case may be, and the territory not annexed shall be charged with all the public property within such territory, and all the public funds in the hands of the corporate authorities, such division to be agreed upon by the same authorities or settled by the court in the same manner and upon the same basis as above provided for in dividing the indebtedness of said dismembered municipality or school district or township.

**2402. Tax levy made before annexation.] § 9.** When a part of a city, village or incorporated town is annexed to another city, village or incorporated town, and before such annexation the municipal authorities of the city, village or incorporated town from which the territory is detached had made an annual tax levy, then in such case there shall be paid over to the treasurer of the city, village or incorporated town to which such territory is annexed the *pro rata* share paid by such territory of said tax levy for said year, according to the taxable property therein, as the same existed immediately before such annexation, and charging such territory its proportionate share for the expired part of the fiscal year.

**2403. Proceedings instituted before annexation to improve streets, etc.] § 10.** When a part of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act, and prior to such annexation proceedings had been instituted for the purpose of improving any streets within such detached portion by special assessment or special taxation, then in such case such proceedings may be carried to a finality, whether the whole improvement be within the detached portion or not. If the whole improvement is to be made within the detached portion, then the amount collected by such proceedings shall be paid over to the city, village, or incorporated town to which such territory is annexed, to be used by such city, village or incorporated town for the purpose for which such proceedings were instituted. If only a part of such improvement is to be made within the detached territory, then the city, village or incorporated town from which such territory is detached may proceed with the same as though such annexation had not taken place.

**2404. Proceedings instituted to take land for opening street or alley before annexation.] § 11.** When a part of a city, vil-

lage or incorporated town is annexed to another under the provisions of this act, then in that case any proceedings instituted for the purpose of taking land for the purpose of opening any street or alley, or other public way, within the territory so annexed, shall not be arrested or stayed, but the same may proceed to a finality, if the city, village or incorporated town to which such territory is annexed so elect, and all moneys received from any special assessment or tax levied or assessed for such purpose shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by it for the purposes for which the same was collected, such proceedings to be continued in the name of the city, village or town from which the territory is detached with like force and effect as though the said territory had not been detached therefrom.

**2405. Use of water works, gas or electric light system.] § 12.** If a part of a city, village or incorporated town be annexed to another village, city or incorporated town, then such part of the city, village or incorporated town shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation; and on the same terms, conditions and restrictions said territory not annexed may thereafter receive the use and benefit thereof; and if a portion of the territory of any city, village or incorporated town be annexed to another city, village or incorporated town, then the portion of the city, village or incorporated town not annexed shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation on the same terms, conditions and restrictions that it had before such annexation, and on the same terms, conditions and restrictions said territory annexed may thereafter receive the use and benefit thereof. Either part of such village, city or incorporated town receiving such benefit as aforesaid may have its said rights and benefits waived by the city council or board of trustees of the city, village or incorporated town to and from which said territory is annexed and detached upon such just and equitable terms as they may agree, and if they can not agree, then the matter shall be determined by the Circuit or County Court of the county within which such city, village or incorporated town to which territory is annexed may lie, on petition of any person interested therein. Said court shall determine the matter aforesaid in a summary manner and without formal proceedings pronounce judgment as the right and equity of the case may require, and such judgment shall be final and conclusive.

**2406. Disputes as to division of property.] § 13.** When a part of a city, village or incorporated town shall be under the provisions of this act annexed to another city, village or incorporated town, then, in case the municipal authorities of the municipal corporation from which the territory is detached and of the municipal corporation to which it is attached can not by ordinance agree as to the division

of the property or the settlement of their respective rights and all matters arising out of said annexation within sixty days thereafter, then the Circuit or County Court of the county within which either municipal corporation may be, shall hear and determine all matters so in dispute, and give judgment or decree, as the right of the matter may demand, on petition of either municipal corporation, and such judgment shall be final and conclusive.

**2407. Transfer of books, documents and papers.] § 14.** All public books, papers and documents, when the whole of an incorporated city, town or village is annexed under the provisions of this act, on file in any office or with any officer thereof, shall be transferred to and filed with the appropriate officer or department of the city, incorporated town or village to which such annexation is made, as the city council or board of trustees thereof, as the case may be, shall direct; and it shall be the duty of all persons having charge of such books, papers and documents, to deliver the same to and file the same with the appropriate officer or department as in this section provided.

**2408. Provision as to continuation of officers.] § 15.** When a part of a city, village or incorporated town shall be annexed to another city, village or incorporated town, and any mayor, president, alderman or trustee, clerk, treasurer or attorney for such municipality from which the territory is detached shall reside in the territory so detached, then he shall continue in office as an officer of such municipal corporation until the next annual municipal election of such city, village or incorporated town, as the case may be.

**2409. Provision as to justices of the peace and their jurisdiction.] § 16.** When the whole or any part of such city, village or incorporated town shall be annexed to another city, village or incorporated town under the provisions of this act, then any justice of the peace or police magistrate, duly elected, qualified and acting at the time that annexation shall take effect shall continue to hold their offices for the terms for which they were respectively elected. All suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending in the territory annexed before any justice of the peace shall be heard and determined as though annexation had not taken place, and the said justices of the peace shall continue to exercise, within said territory, the functions of their respective offices until the term thereof shall respectively expire or otherwise sooner be determined, in the same manner as though annexation had not taken place, and the powers and jurisdiction of said justices within said territory and their fees and emoluments and methods of procedure shall be as though annexation had not taken place. But nothing in this section contained shall authorize any service of process issued by a justice of the peace or police magistrate of the city, village or incorporated town, or give any such justice of the peace jurisdiction outside of the territory to which his jurisdiction was limited before such annexation, or interfere with the jurisdiction of any justice of the peace or police magistrate of the city to which it is annexed over the

territory annexed. At the expiration of the term of such justices of the peace or police magistrates all dockets and books, papers and files of their respective offices shall be filed and deposited with any justice of the peace of the city, village or incorporated town to which said territory is annexed, that the Circuit Court of the county shall designate by order of the court.

**2410. Transfer of firemen and policemen.]** § 17. All policemen and firemen lawfully in the employ of any city, village or incorporated town, the whole of which may be annexed to another, as provided in this act, shall be transferred to and become a part of the police and fire department force of such city, village or incorporated town.

**2411. License to keep dramshop—submission of question.]** § 18. When a part or the whole of an incorporated town, village or city is annexed, under the provisions of this act, to another city, village or incorporated town, and prior to such annexation an ordinance was in force prohibiting the issuing of licenses to keep dramshops within said territory so annexed, or any part thereof, or providing that such licenses shall not be issued except upon petition of a majority of the voters residing within a certain district of such proposed dramshops, then such ordinance shall continue in full force and effect, notwithstanding such annexation: Provided, the city council or board of trustees, as the case may be, may, on petition of one fourth of the voters of the territory over which said ordinance extends, submit at an annual municipal election, but not oftener than every other municipal election, the question to the voters of such territory whether or not an ordinance shall be passed authorizing the issuing of dramshop licenses for such territory: And provided further, that upon petition in such case of one fourth of the voters within any part of said annexed territory not less than one half square mile in extent, asking that any such ordinance shall be continued in force in said portion of said annexed territory, said question of issuing dramshop licenses shall be submitted separately to the voters of said portion of said annexed territory, and if a majority of the voters voting on such question vote against dramshops, then said ordinance shall continue in force in said portion of said territory, otherwise not. The ballots cast at such election shall be written or printed, or partly written and partly printed, "For dramshops," or "Against dramshops," respectively, and shall be received, canvassed and returned the same as ballots cast at said election for municipal officers, and if it shall appear that a majority of the voters so voting upon the question vote "For dramshops," then licenses may be issued for said territory on the same terms and conditions as licenses are granted by ordinance within other parts of the municipality. It is intended by this section to continue in full force and effect all ordinances of any municipality, the whole or part of which is annexed to another city, incorporated town or village, whereby the licensing of dramshops is prohibited or regulated within said city, village or incorporated town, or any part thereof, without the voters of the terri-

tory so affected consent, as hereby provided, to the repeal of such ordinance by the city, village or incorporated town to which the territory is annexed.

**2412. What constitutes a ward—election of aldermen.] § 19.** Whenever the whole or a part of any city, village or incorporated town is annexed to a city having 30,000 inhabitants or more and such annexed territory is three or more square miles in extent, or contains 15,000 inhabitants and not more than 25,000 inhabitants, then such annexed territory shall constitute a ward of the city to which it is annexed, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen from such annexed territory shall be additional aldermen to the number theretofore required in such city, and shall possess all the qualifications of and be elected at the time and in the manner provided by law: Provided, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for a fraction of 15,000 inhabitants or more, the number of inhabitants to be determined by the last preceding National, State or school census of such annexed territory, and if any such annexed territory has less than 15,000 inhabitants, and is less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: Provided further, that nothing herein shall prevent the city council from re-districting such city according to law.

**2413. Sewers and drainage — special assessments.] § 20.** When the whole of a city, village or incorporated town, or part of the same, is annexed to another city, village or incorporated town under the provisions of this act, and within such territory so annexed sewers were before such annexation laid or built by special assessment, then in such cases the city, village or incorporated town to which such territory is annexed may continue to lay or build sewers or establish a drainage system by drainage districts within such annexed territory by special assessment or special taxation, if it shall so elect.

**2414. Jurisdiction of county board to annex part of city to town, etc.] § 21.** Whenever any territory, being a part of a city, village or incorporated town, has been annexed to an adjoining town, which is wholly within the limits of a city, village or incorporated town under the provisions of an act entitled, "An act to amend sections 2, 4, 6, 7, 10, 11, and 12 of article 3 of an act entitled, 'An act to revise the law in relation to township organization, approved and in force March 4, 1874,' approved June 15, 1887, in force July 1, 1887," then and in such cases such territory which has been so annexed may be annexed to and become a part of the city, village or incorporated town within which such town lies to which such territory has been annexed in the manner following, viz.: A petition may be presented to the county board of the county

within which such city may lie, signed by a majority of the legal voters of the territory so annexed to such town, and thereupon, if said county board shall find that such petition is signed by a majority of the legal voters of said territory, the county board shall thereupon, by resolution, annex such territory to said city, village or incorporated town. And upon such declaration by the county board the limits of said city, village or incorporated town shall thereupon be extended to include the territory annexed to said town: Provided, this section shall not be held to prohibit the annexation of such territory in any other manner as provided in this act.

**2415. Repeal.]** § 22. All acts and parts of acts in conflict herewith are hereby repealed.

**2416. Emergency.]** § 23. Whereas an emergency exists, therefore this act shall be in force and take effect from and after its passage.

## BONDS.

AN ACT to enable counties, cities, towns, townships, school districts and other municipal corporations to fund, retire and purchase their outstanding bonds and other evidences of indebtedness, and to provide for the registration of new bonds or other evidences of indebtedness in the office of the auditor of public accounts. [Approved February 13, 1865. Title as amended by act approved and in force April 27, 1877.]

**2417. New bonds may be issued for indebtedness or in place of old ones.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obligations of such county, city, town, township, school district, or other municipal corporation, and the same or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest, not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: Provided, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent. per annum. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all of such

outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style throughout the state, to be prescribed by the state auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for, namely: The first class to consist of bonds, of which only the interest is payable annually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually, and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second, at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum in the aggregate, than the principal and accrued or earned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the state auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made to negotiate the same, at not less than par value, and on the best terms which can be obtained: Provided, always, that any such county, city, town, township, school district or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value without the intervention of the Auditor of State: And, provided, further, That no new bonds, or other evidences of indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation voting at some general election, or special election held for that purpose. [As amended June 4, 1879.]

**· 2418. Valuation of taxable property to be indorsed on bond.]**  
§ 2. In all cases where any county, city, town, township, school district, or other municipal corporation shall issue any bonds or evidences of indebtedness, under this act, it shall be the duty of the county clerk of such county, or other officer to whom, or to whose



office, the assessment rolls for state taxation of the property within such county, city, town, township, school district, or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the Auditor of Public Accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district, or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the Auditor of Public Accounts to place on the back of all new bonds, or other evidences of indebtedness issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specifically distinguishing the value of real estate and personal property, and being based on the return provided for, in this section, or, if there should be no such return made by the county clerk to the State Auditor, then based on an affidavit made by the officials of the corporation issuing the bonds. [As amended June 4, 1879.]

**2419. Election — notice.] § 3.** It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election, which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the rate of interest, under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read "For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act or in the acts to which this is an amendment, shall be held to repeal, or in any wise affect the power of the city of Chicago, to issue new bonds of said city conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in any wise affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof. [As amended June 4, 1879.]

**2420. Registration.] § 4.** Upon the surrender of any bond, or other evidence of indebtedness, under this act, the same shall be endorsed, canceled, and shall from time to time, be destroyed, under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof, in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this act, at the office of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person, or persons, presenting the same for registration, and for such registration the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor, until a sworn certificate shall have been filed with him, showing that all the requirements of this act, have been fully complied with, in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township. In case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto, which may be demanded by the Auditor of Public Accounts. [As amended June 4, 1879.]

**2421. Auditor to certify rate required.] § 5.** When the

bonds, or other evidences of indebtedness, of any county, city, town, township, school district, or other municipal corporation, shall be so registered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum, upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the State, of the collection and disbursement of the same, to be estimated by the auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district, or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city, town, township, school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum which is or may be levied, or provided by law, for the purposes of State revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided; Provided, That it shall be lawful for the county collector at any time before settlement with the State Treasurer to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the State Treasurer the county collector shall be credited with such paid coupons and bonds the same as money. [As amended June 4, 1879.]

**2422. State custodian — collection — payment.] § 6.** The State shall be deemed the custodian only of the tax so collected, and shall not be deemed, in any manner, liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The

State shall, annually collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness, of any such county, city, town, township, school district, or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the State is, or may be collected, or paid, and in like moneys as shall be receivable in payment of State taxes; and moneys so paid upon the principal of any such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State Treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, shall be returned to one of said officers, and shall be canceled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law. [As amended June 4, 1879.]

**2423. How money disbursed.] § 7.** The state may, out of such fund, first retain or satisfy the ordinary cost to the state, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the State debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation of the current or ensuing year, and be considered by the auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancellation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act. [As amended June 4, 1870.]

**2424. When registered bonds mature and are not paid.] § 8.** Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the Auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evi-

dences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned, as hereinbefore provided. [As amended June 4, 1879.]

**2425. Entry of payment.] § 9.** Upon the payment of any such registered bond, or evidence of indebtedness, and presentation therefor to the Auditor, he shall cause due entry therefor to be made in his office. [As amended June 4, 1879.]

**2426. Fees—collector's bond.] § 10.** There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over State taxes, and where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected. [As amended June 4, 1879.]

**2427. Bonds—by whom executed.] § 11.** All bonds issued under this act shall be executed on behalf of the municipalities issuing the same by the following named officers, viz: On behalf of counties under the township organization laws of this State, by the chairman of the board of supervisors and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization by the acting chairman of the board of county commissioners together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk, together with the seal of the city; on behalf of towns organized under the township organization law of this State, by the supervisor or supervisors of such town (as the case may be) and the town clerk of such towns. On behalf of all other municipalities hereinbefore mentioned by the president, chairman, or chief executive officer thereof, together with the clerk or secretary thereof. Provided, that nothing herein contained shall be so construed as to authorize the officers herein mentioned to issue bonds under this act except upon a majority vote of the voters as hereinbefore provided. [Added by amendment approved May 28, 1879. In force July 1, 1879.]

AN ACT to enable counties, cities, townships, school districts, and other municipal corporations, to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same. [Approved and in force March 26, 1872. L. 1871-2, p. 202.]

**2428. New bonds for old indebtedness.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cases where any county, city, town, township, school district, or other municipal corporation, have issued bonds or other evidences of indebtedness for money, on account of any subscription to the capital stock of any railroad company, or on ac-

count of, or in aid of any public buildings or other public improvement, or for any other purposes which are now binding or subsisting legal obligations against any county, city, town, township, school district, or other municipal corporations, and remaining outstanding, and which are properly authorized by law, the proper authorities of any such county, city, town, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, not exceeding ten per cent., as may be agreed upon with such holders or owners; and such new bonds or other evidences of indebtedness, so issued shall show on their face that they are issued under this act: Provided, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of a majority of the legal voters of such county, city, town, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation: And provided, further, that such bonds, or other evidences of indebtedness, shall not be issued so as to increase the aggregate indebtedness of such municipal corporation beyond five per centum on the value of the taxable property therein—to be ascertained by the last assessment for state and county taxes, prior to the issuing of such bonds or other evidences of indebtedness. Nothing contained in this act, or in the act to which this is an amendment, shall be held to repeal or in anywise affect the power of the city of Chicago to issue new bonds to an amount sufficient to retire and satisfy maturing bonds of said city, conferred by section 38 of an act of the General Assembly, approved February 13, 1863, amending the charter of said city. [As amended by act approved April 14, 1875. In force July 1, 1875. L. 1875, p. 100.]

**2429. Emergency.]** §2. Whereas some counties, cities, townships and other municipal corporations in this state, have outstanding bonds and other evidences of indebtedness that will soon fall due, and are without any remedy for renewing or funding the same, therefore this act shall be in force from and after its passage.

#### SINKING FUND FOR LOCAL INDEBTEDNESS.

AN ACT to provide a sinking fund for local indebtedness. [Approved May 28, 1881. In force July 1, 1881. Laws 1881, p. 113.]

**2430. Sinking fund—how created.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any county, township, city, town or school district shall owe any bonded debt not due, which is registered in the office of the Auditor of this State, the board of supervisors,

or board of county commissioners, town auditors, city council, town trustees, or school directors of such county, township, city, town or school district, as the case may be, may, by resolution spread upon their records, and certified to the auditor, request said auditor to create a sinking fund to meet any such debt, or any installment thereof, by the time the same shall become due and payable. Said resolution shall specify the principal amount to be so provided for, the time when the same shall become due, and the amount they desire raised annually to meet the same.

**2431. Auditor to fix rate for sinking fund tax.]** § 2. Upon the receipt of such resolution the auditor shall file in his office the same, and thereafter it shall be his duty, in certifying the amount of taxes to be raised within said district, to fix and certify a rate, to be denominated "Sinking Fund Tax," sufficient to produce the amount annually required in said resolution, and the same shall be levied, extended and collected and paid into the State Treasury the same as other State taxes.

**2432. Fund—how invested.]** § 3. The State Treasurer shall receive said taxes so collected and shall invest the same in U. S. Government bonds, or in the bonds of the county, township, city, village or school district, to which said fund belongs, and for which it is created, at the lowest price for which such bonds can be purchased, not, however, to exceed the par value and accrued interest, and such county commissioners, supervisors, town auditors, city council, town or village trustees, or school directors, shall have the right to determine the kind of bonds they will authorize to be purchased, and to fix the maximum price that may be paid for the same, and in case of the purchase of government bonds, then the treasurer shall receive the interest as it accrues on said bonds and re-invest it in the same kind of securities, and in case of the purchase of the bonds for which the sinking fund is raised, then such purchased bonds shall be returned to the county, township, city, village or school district and be cancelled or destroyed by the proper authorities.

AN ACT making provision for the refunding of surplus funds that are now or hereafter may be in State Treasury to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations, having bonds registered in the office of the Auditor of Public Accounts, when such bonds have been paid and canceled. [Approved and in force June 14, 1883. L. 1883. p. 121.]

**2433. Payment of surplus fund.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That whenever all the bonds of any county, township, city, town, school district or other municipal corporation, that may have been registered, in pursuance of law, in the office of the Auditor of Public Accounts, have been paid, and cancelled upon the records of said Auditor, and there remains in State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation, it shall

be the duty of the Auditor of Public Accounts, on receipt of certified copy of resolution as provided for in section two (2) of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay same out of the proper fund.

**2434. Certified copy of resolution—before warrant drawn.]** § 2. Before any warrant can be drawn for balance in State treasury to the credit of the bond fund of any county, township, city, town, school district or other municipal corporation, it will be necessary for the corporate authorities of such county, township, city, town, school district or other municipal corporation, to pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon State Treasurer for the amount of said balance, payable to the order of the proper custodian of funds of said county, township, city, town, school district or other municipal corporation, who shall be named in said resolution, and to have a certified copy of same furnished said Auditor.

**2435. Emergency.]** § 3. Whereas, large sums of money are now idle in the state treasury which ought to be paid back to the municipalities to whose credit the same stand, and there is at present no provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

#### REFUNDING SURPLUS FUNDS.

AN ACT making provision for the refunding of surplus funds that are now, or hereafter may be, in the State Treasury to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations having bonds registered in the office of the Auditor of Public Accounts when such bonds have been paid and canceled, or when bonds purporting to have been issued by any county, township, city, town, school district or other municipal corporation, and registered in the office of the auditor aforesaid shall be held void or the law under which such bonds purport to have been issued shall be held void by the Supreme Court of this State or the Supreme Court of the United States. [Approved and in force June 10, 1885.]

**2436. Registered bonds — payment of surplus funds.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That whenever all the bonds of any county, township, city, town, school district, or other municipal corporation, that may have been registered in pursuance of law, in the office of the Auditor of Public Accounts have been paid, and canceled upon the records of said Auditor and there remains in the State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation, it shall be the duty of the Auditor of Public Accounts, on receipt of copy of resolution as provided for in section three of this act, to draw his warrant upon the State treasurer for the amount of said balance, who is hereby authorized to pay the same out of the proper fund.



**2437. Bonds held void—warrant draw for balances.] § 2.** Whenever the Supreme Court of this State or the Supreme Court of the United States shall hold any bonds void purporting to be issued by any county, township, city, town, school district or other municipal corporation registered in pursuance of law in the office of the Auditor of Public Accounts, or whenever the act under which such bonds purport to have been issued shall be held to be void by the Supreme Court of this State or the Supreme Court of the United States, and there remains in the State Treasury a balance of funds to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation purporting to have issued said bonds, and there are no other valid bonds issued by such county, township, city, town, school district, or other municipal corporation registered in the office of the Auditor of Public Accounts in pursuance of law to which said balance of funds may be applied, it shall be the duty of the Auditor on receipt of a certified copy of resolution provided for in section three of this act to draw his warrant upon the State Treasurer for the amount of said balance who is hereby authorized to pay the same out of the proper fund.

**2438. City, etc., to pass resolution before warrant drawn.] § 3.** Before any warrant shall be drawn on the State Treasurer as provided in sections one and two of this act for any balance to the credit of the bond fund of any county, township, city, town, school district, or other municipal corporation, to which such balance is due, such county, township, city, town, school district, or other municipal corporation, shall by its proper corporate authorities pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon the State Treasurer for the amount of such balance, payable to the proper custodian of the funds of such county, township, city, town, school district, or other municipal corporation, which said resolution shall contain the name of such proper custodian, and a certified copy of the same shall be furnished said Auditor: Provided, that in towns under township organization the board of town auditors is hereby authorized to pass the resolution herein provided for, and the Auditor of Public Accounts, upon a receipt of a certified copy of such resolution, may draw his warrant on the State Treasurer for such balance in favor of the proper custodian of such fund.

**2439. Refusal of auditor to draw warrant—mandamus.] § 4.** In all cases where the Auditor of Public Accounts shall refuse to draw his warrant on the State Treasurer, as provided in sections one and two of this act, the county, township, city, town, school district, or other municipal corporation having funds to the credit of its bond fund in the State treasury, may, after serving said Auditor with a certified copy of resolution provided for in section three of this act, file its petition in any court of competent jurisdiction for mandamus to compel said Auditor to draw his warrant on the State Treasurer for such balance, and such proceedings may thereupon be had and taken on such petition as is now provided, or may hereafter be provided, to be had

and taken in proceedings on petitions for mandamus under the laws of this State.

**2440. Emergency.] § 5.** Whereas, large sums of money are now idle in the State treasury, which ought to be paid back to the municipalities to whose credit the same stands, and there is at present no provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

#### OFFICIAL BONDS.

AN ACT to revise the law in relation to official bonds. [Approved March 13, 1874. In force July 1, 1874.]

**2441. When additional or new bonds may be required.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all official bonds required by law to be given by any public officer, or public employe, including executors, administrators, guardians and conservators, in this State, shall be signed and sealed by any said officer, employe, executor, administrator, guardian or conservator and his securities, and acknowledged before some officer authorized by law to take acknowledgments of instruments under seal, which said acknowledgments shall be substantially in the following form:

State of..... }  
County of..... } ss.

I, ....., hereby certify that....., who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and.....seal, this.....day of....., A. D. ....

Which acknowledgment shall be deemed and taken as *prima-facie* evidence that the instrument was signed, sealed and acknowledged in the manner therein set forth, and such acknowledgments shall have the same force and affect as evidence in all legal proceedings, as that given to acknowledgments of deeds of conveyance of real estate. That all public officers or employes who are compelled to give official bonds may be required by the court, officer, or board whose duty it is to take or approve such bonds, to give additional security or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties of any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employe failing to give bond when required, pursuant to this section, within ten days after he is notified in writing of such request, shall be deemed to have vacated his office. [As amended by act approved May 31, 1879. In force July 1, 1879.]

**2442. Release of sureties.] § 10.** When a surety upon the official bond of any state officer or agent, county, town, city, village, incorporated town or other public officer, or the heir, executor or administrator of such surety, desires to be released from such bond, he

may give notice in writing to the officer upon whose bond he is surety that he desires to be so released, and that such officer give a new bond with sufficient sureties within ten days after receiving such notice, and may within five days after the service of such notice deliver a copy of the same, with an affidavit showing the time and manner of service, to the court, officer, or board authorized to approve the bonds of such officers. And if such officer shall not within ten days after receiving such notice, or within such further time, not exceeding twenty days, as the court, officer or board shall allow, give a new bond with sufficient security, approved as required by law, his office shall become vacant, and the vacancy shall be filled as provided by law.

**2443. Effect of new bond.] § 11.** If a new bond shall be given by any officer, as provided in the foregoing sections of this act, then the former sureties shall be entirely released and discharged from all liabilities incurred by any such officer in consequence of business which may have come to hand from and after the time of the approval of the said new bond, and the sureties to the new bond are hereby declared to be liable for all the official delinquencies of said officer, whether of omission or commission, which may occur after the approval of the new bond as aforesaid; but the provisions of this act shall not be so construed as to operate as a release of the sureties of any of the aforesaid officers, for liabilities incurred previous to the filing of a new bond, as required in the foregoing sections of this act.

**2444. When effects to be delivered to sureties.] § 12.** It shall be the duty of such officer, if he shall fail to give bond as provided for in this act, forthwith to deliver over to his sureties all books, moneys, vouchers, papers, and every description of property whatever pertaining to his office, and the said sureties may, at any time after said failure to file said bond, maintain an action of replevin, or other appropriate action, to recover such property, money or effects from their said principal.

**2445. Suit on bond—executors, etc.] § 13.** Whenever the condition of the bond of any public officer shall be violated, suit may be instituted on such bond, and prosecuted to final judgment against such officer, and any or all of the sureties, or against one or more of them, jointly and severally, without first establishing the liability of the principal by obtaining judgment against him alone. The provisions of this section shall extend to the official bonds of executors, administrators, guardians and conservators, and in suits thereon it shall not be necessary to a recovery that a devastavit should have previously been established against the principal.

**2446. Execution—lien.] § 14.** Execution may issue on any judgment so rendered as in ordinary cases, but the officer executing the same shall not levy upon the property of the sureties until he shall fail to find sufficient property of the principal to satisfy such execution: Provided, however, the judgment and execution shall be a lien upon the property of the sureties as in ordinary cases.

## BUILDINGS.

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

**2447. Doors to open outward.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theaters, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

**2448. Penalty.]** § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

**2449. When public buildings may be closed.]** § 3. That in all cities and towns having a population of two thousand inhabitants, and upwards, the mayor, or other corporate authorities of said town or city, shall be empowered and he is hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this act.

## CEMETERIES.

AN ACT to provide for the removal of cemeteries. [Approved April 24, 1873. In force July 1, 1873.]

**2450. When cemetery may be removed — expense.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any cemetery shall be embraced within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: Provided, said corporate authority shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof: And, provided, further, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application.

AN ACT in relation to the control of public graveyards. [Approved May 29, 1879. In force July 1, 1879.]

**2451. Control by corporate authorities.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: That public graveyards in this state, not under the control of any corporation sole, organization or society and located within the limits of cities, villages, town, townships, or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, township or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees, to be elected annually by the voters of such town at the annual town meeting therein.

AN ACT to amend an act entitled, "An act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, amended by an act approved May 25, 1877, in force July 1, 1877. [Approved and in force June 14, 1883.]

**2452. Enacting clause.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an act entitled "An act to enable cities and villages to establish and regulate cemeteries" approved March 24, 1874, and amended by an act approved May 25, 1877, be, and the same is so amended, as to read as follows:

**2453. Power of city, village or township to establish.] § 1.** That any city, village, or township in this State may establish and maintain cemeteries, within and without its corporate limits, and acquire lands therefor, by condemnation or otherwise, and may lay out lots of convenient size for families; and may sell lots for family burying ground, or to individuals for burial purposes.

**2454. Power of two or more cities, villages, or townships to establish jointly.] § 2.** That any two or more cities, villages or townships in this State may jointly unite in establishing and maintaining cemeteries within and without the corporate limits of either, and acquire lands therefor in common, by purchase, condemnation or otherwise, and may lay out lots of convenient size for families, and may sell lots for family burying ground or to individuals for burial purposes.

AN ACT to enable the mayor and aldermen of certain cities to lease or convey real estate. [Approved April 15, 1875. In force July 1, 1875.]

**2455. When land leased or sold for cemetery purposes.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cities of which the mayor and aldermen have heretofore been incorporated by any special act, as a cemetery association or body politic, it shall be lawful, a majority of their number assenting thereto, for such association or body politic, to demise for a term of years, or to convey in perpetuity any real estate which it may have acquired by purchase or otherwise; and the

real estate so conveyed shall be devoted exclusively for burial or cemetery purposes by the grantee or lessee thereof.

CHICAGO ERRING WOMEN'S REFUGE.

AN ACT for the benefit of the Chicago Erring Women's Refuge for Reform and the House of the Good Shepherd of Chicago. [Approved March 31, 1869.]

**2456.** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all the fines collected by the city of Chicago, from keepers, inmates and visitors of houses of prostitution and from any person in any way connected therewith, shall be set aside by said city of Chicago for the sole use and benefit of the Chicago Erring Women's Refuge for reform and the House of the Good Shepherd, in said city, and shall be equally divided between said two institutions.

**2457.** § 2. The board of trustees of said Erring Women's Refuge, and the superior and assistant of said House of the Good Shepherd, shall have power to draw, monthly, upon said fund, by their respective checks—that of the former to be drawn by the president, and countersigned by the secretary, and that of the latter to be drawn by the superior, and countersigned by the assistant superior; said checks to be drawn upon the treasurer or other custodian having said moneys in control or possession.

**2458.** § 3. Each of the aforesaid institutions shall render an annual account of the expenditures and receipts to the common council of said city.

**2459.** § 4. This act shall take effect and be in force from and after its passage.

CITY COURTS.

AN ACT in relation to courts of record in cities. [Approved March 26, 1874. In force July 1, 1874.]

**2460. Style of court—jurisdiction.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, The several courts of record now existing in and for cities, and such as may hereafter be established by law, in and for any city in this state, shall severally be styled "The City Court of (name of city)," and shall have concurrent jurisdiction with the circuit courts within the city in which the same may be, in all civil cases, and in all criminal cases except treason and murder, and in appeals from justices of the peace in said city; and the course of proceedings and practice in such courts shall be the same as in the circuit courts, so far as may be.

**2461. Seal.]** § 2. Such courts shall have a seal, and may, from time to time, as may be necessary, renew the same; the expense of such seal, and renewing the same, shall be paid by the city in which such court is or may be established.

**2462. Place of holding.]** § 3. Such court shall be held at such place in said city as may be provided by the corporate authorities thereof; but if such place shall become unfit, or if no place shall be provided by such authorities, the court may, by an order to be entered of record, adjourn to or convene at a suitable place for the holding of a court within said city, and at such place may hold said court until a suitable place therefor be furnished by such corporate authorities, the expense whereof shall be borne by said city.

**2463. Stationery.]** § 4. All blanks, books, papers, stationery and furniture necessary to the keeping of a record of the proceedings of such court, and the transaction of the business thereof, shall be furnished the officers of such court by the corporate authorities, at the expense of the city.

**2464. Election and qualification of judges — powers — vacancy.]** § 5. The judges of such courts, respectively, shall be elected by the qualified voters of such city in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall qualify and be commissioned in the same manner, be vested with the same powers and perform the same duties as circuit judges, and be styled "Judge of the City Court of (name of city)." Vacancies in such office shall be filled for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the governor. [As amended by act approved May 21, 1877. In force July 1, 1877.]

**2465. Exchange, etc.]** § 6. Such judges, with like privileges as circuit judges, may interchange with each other, and with the judges of circuit courts, and may hold court for each other, and perform each other's duties when they find it necessary or convenient.

**2466. Clerks.]** § 7. There shall be elected, in like manner as judges are elected, for each of such courts, a clerk, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall be commissioned, have the same powers, perform the same duties, be subject to the same liabilities, and be entitled to like fees as are now, or may hereafter, from time to time, be provided by law in regard to circuit clerks, in the county in which such city may be situate. Vacancies in such office shall be filled, for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by the court: Provided, That a clerk, *pro tempore*, may be appointed by the judge thereof, when necessary.

**2467. Duties of Sheriff—state's attorney.]** § 8. The sheriff and state's attorney of the county in which such city may be situate,

shall each perform the same duties in said court, and in respect thereto and the process thereof, and have the same powers, be subject to the same liabilities and penalties, and be entitled to the same fees as in the circuit court of such county; and the sheriff shall appoint one or more deputies for such court, for the convenience of the business therein, who shall reside in the city where such court is established; and the judge of such court shall have power to appoint a state's attorney, *pro tempore*, in any of the cases where the circuit court or the judge thereof may appoint.

**2468. Master in chancery.]** § 9. A master in chancery for such court shall be appointed by the judge thereof, who shall hold his office for the same time, qualify in the same manner, be subject to the same liabilities, have the same powers, perform the same duties, and be entitled to the same fees and compensation with respect to said court and matters therein as other masters in chancery.

**2469. Terms of court.]** § 10. There shall be two or more regular terms of such court in each year to be held at such times as may be fixed by an order of the court from time to time, and entered of record, which order shall be published in some newspaper published in such city at least forty days before holding the first term of court under the same; and said order shall not be changed subsequently, except by an order of court entered of record at the term preceding said change, and published in a like manner. Special terms may be called and held in the same manner and with like effect as special terms of the circuit courts and subject to the same limitations: Provided, That in the city of Chicago, should such a court be established therein, there shall be held a term of such court every month in the year commencing upon the first Monday of each month and no order of court or publication shall be necessary in order to hold such terms. [As amended by act approved May 21, 1877. In force July 1, 1877.]

**2470. Adjournments, etc.]** § 11. The same rules in regard to the adjournment of such courts upon the non-attendance of a judge thereof, as are or may be provided by law in regard to circuit courts, shall apply to such courts; and the said city courts, and the judges thereof, shall have the same power, with respect to adjournments, as the circuit courts and the judges thereof now or hereafter may have by law, and the adjournment of a term in such courts shall have the like effect of an adjournment in the circuit courts.

**2471. Appeals from justices of the peace — certiorari.]** § 12. Appeals may be taken from the judgment of justices of the peace or police magistrates in such city to the city court, and writs of *certiorari* may issue to remove causes from before such officers to the city court, and there be heard and determined as in like cases in the circuit court.

**2472. Recognizances—city prison, etc.]** § 13. All recognizances taken by any justice of the peace, police magistrate, or other officer in the city, in criminal cases, when the offense is committed in the city, except treason and murder, may be made return-



able to the city court of such city; and in all such cases the defendant shall be temporarily detained in the city prison or bridewell, instead of the county jail.

**2473. Venue.] § 14.** Change of venue from city courts, for the same causes and in the same manner, may be taken as from circuit courts, and the cases sent to the circuit court of the county, or to some other convenient court of record, where the cause complained of does not exist.

**2474. Writs — orders — judgments, etc. — lien after transcript filed in circuit court.] § 15.** The writs and process of city courts shall be issued and executed in the same manner, and shall have the same force and effect, except as limited by this act, as the writs and process of circuit courts. Orders, judgments and decrees of city courts shall have the same force, be of the same effect, and be executed and enforced in the same manner as the judgments, orders and decrees of circuit courts; but such judgments and decrees shall be a lien upon real estate in such city, and the county wherein such city is situate, only after a certified transcript of the same shall have been filed in the office of the circuit clerk of the county; which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment, or the general nature and effect of the decree, as the case may be, and the term and time at which the suit was disposed of.

**2475. Transcript book.] § 16.** The clerk of the circuit court of the county shall provide and keep in his office, for each city court in his county, a well-bound book or books for entering therein an alphabetical docket of all judgments and decrees rendered in said city courts, as is now required by law for docketing judgments and decrees rendered in the circuit court; and shall forthwith, after the filing of any such certificate, enter the same therein, together with the hour, day, month and year of the filing of such certificate and the general number thereof.

**2476. Transcript fees.] § 17.** In addition to the fees now allowed by law, the clerk of the said city courts shall be allowed to charge and receive a fee of fifty cents for each certified transcript, as aforesaid, and the clerk of the circuit court shall be allowed to charge and receive a fee of fifty cents for filing and entering the same.

**2477. Appeals—error.] § 18.** Appeals may be taken and writs of error prosecuted from city courts to the supreme court, the same as in like cases from circuit courts.

**2478. Fees of jurors — how paid.] § 19.** The fees of the grand and petit jurors of such courts shall be paid out of the city treasury of the city in which such courts are respectively situated, upon the certificate of the clerk of the respective courts.

**2479. Courts continued.] § 20.** The several courts of record now established in and for cities, are hereby continued, under the name and style of "The City Court of (name of city)," with all the powers and jurisdiction conferred by this act.

**2480. Courts—how established and abolished.] § 21.** A city court consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, may be organized and established under this act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at such election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such courts. Such elections shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same modes of procedure shall be requisite and necessary and be resorted to as for the organization of such court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof shall transfer and deliver to the Circuit Court of the county in which such city court is situated, all records, judgments and processes in possession of himself or of any other officer of said City Court, and the Circuit Court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments or process relate, and may be dealt with as original records of such Circuit Court: Provided, it shall be lawful for the city council in any city where a City Court has been established under this act, and there is no judge or clerk of such court residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court and authorize the city clerk of such city to transfer and deliver the records, judgments and process of such court to the Circuit Court of the county in which such city is situated in like manner and with like effect as if such had been transferred by the clerk of such City Court. [As amended by act approved June 5, 1880. In force July 1, 1889.]

**2481. Election of judge and clerk.] § 22.** Whenever the establishment of a City Court shall be authorized, as provided in the foregoing section, it shall be the duty of the corporate authorities to order an election for judge and clerk; and when the judge and clerk shall be duly elected, qualified and commissioned, such court shall be deemed organized and established according to law.

AN ACT concerning fees and salaries, and to classify the several counties of this state with reference thereto. [Approved March 29, 1872. In force July 1, 1872. L. 1871-2, p. 420. Title as amended by act approved March 28, 1874. In force July 1, 1874.]

**2482. Salaries of officers.] § 1.** Be it enacted by the

People of the State of Illinois, represented in the General Assembly, That there shall be allowed and paid an annual salary, in lieu of all other salaries, fees, perquisite, benefit or compensation, in any form whatsoever, to each of the officers herein named, the following sums respectively:

**2483. Judges of city courts — county judges.] § 5.** Judges of inferior courts of record in towns and cities shall be allowed, and receive in lieu of, all other fees, perquisites or benefits whatsoever, in cities or towns having a population not exceeding five thousand (5,000) inhabitants, five hundred dollars (\$500); and in cities or towns having more than five thousand (5,000) inhabitants, fifteen hundred dollars (\$1,500), to be paid out of the city or town treasury: Provided, That in cities having a population of one hundred thousand (100,000) or more, the city or common council may give such additional compensation, to be paid out of the city or town treasury, to the judge or judges of such court, as shall be deemed reasonable, not exceeding a sum sufficient to make the entire salary five thousand dollars (\$5,000), which additional compensation shall be fixed prior to the election of such judge or judges, and shall be provided for in the annual appropriation ordinance of each year, and shall not be increased or diminished during the term of office of such judge or judges. County judges shall be allowed such salary as shall be fixed by their respective boards, to be paid out of the county treasury. [As amended by act approved May 11, 1877. In force July 1, 1877.]

**2484. Prosecuting attorneys of city courts.] § 6.** That each prosecuting attorney of such inferior court, other than the state's attorney, shall be allowed and receive in full compensation for all services rendered as prosecuting attorney of such court, an annual salary of \$250, to be paid by the town or city.

CIVIL SERVICE ACT.

AN ACT to regulate the civil service of cities. [Approved and in force March 20, 1895.]

**2485. Commissioners appointed—oath.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, The Mayor of each city in this State which shall adopt this act as hereinafter provided shall, not less than forty nor more than ninety days after the taking effect of this act in such city, appoint three persons, who shall constitute and be known as the Civil Service Commissioners of such city, one for three years, one for two years and one for one year from the time of appointment and until their respective successors are appointed and qualified; and in every year thereafter the mayor shall, in like manner, appoint one person as the successor of the commissioner whose term shall expire in that year to serve as such commissioner for three years and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. All appointments to said commission, both orig-

inal and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this State.

**2486. Removal of commissioners — vacancy.] § 2.** The mayor may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The mayor shall within ten days report in writing any such removal to the city council, with his reasons therefor. Any vacancy in the office of commissioner shall be filled by appointment by the mayor.

**2487. Classification.] § 3.** Said commissioners shall classify all the offices and places of employment in such city with reference to the examinations hereinafter provided for, except those offices and places mentioned in section eleven of this act. The offices and places so classified by the commission shall constitute the classified civil service of such city; and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned.

**2488. Rules.] § 4.** Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules.

**2489. Publication of rules — time of taking effect.] § 5.** All rules made as hereinbefore provided, and all changes therein shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers, published in such city, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation.

**2490. Examinations.] § 6.** All applicants for offices or places in said classified service, except those mentioned in section eleven, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the

official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

**2491. Notice of examinations.] § 7.** Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in such city, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examinations may be given as the commission shall prescribe.

**2492. Registers.] § 8.** From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

**2493. Promotions.] § 9.** The commission shall, by its rules provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination, and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointment.

**2494. Appointments to classified service.] § 10.** The head of the department or office in which a position classified under this act is to be filled shall notify said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. In making such certification sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. The appoint-

ing officer shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. Said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said commission, discharge him upon assigning in writing his reason therefor to said commission. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may with the approval of the commission make temporary appointment to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this act can be made.

**2495. Officers excepted from classified service.] § 11.** Officers who are elected by the people, or who are elected by the city council pursuant to the city charter, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of any Board of Education, the superintendent and teachers of schools, heads of any principal department of the city, members of the law department, and one private secretary of the mayor, shall not be included in such classified service.

**2496. Removals.] § 12.** No officer or employe in the classified civil service of any city who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission, or by or before some officer or board appointed by said commission, to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission, and of any board so appointed by it, and any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Nothing in this section shall be construed to require such charges or investigation in cases of laborers or persons having the custody of public money, for the safe keeping of which another person has given bonds.

**2497. Reports to commission.] § 13.** Immediate notice in writing shall be given by the appointing power, to said commission, and all appointments, permanent or temporary, made in such classified

civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

**2498. Investigations.]** § 14. The commission shall investigate the enforcement of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in its city, and may enquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations.

**2499. Report by commission.]** § 15. Said commission shall, on or before the fifteenth day of January of each year, make to the mayor for transmission to the city council a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said commission at any other time.

**2500. Chief Examiner.]** § 16. Said commission shall employ a chief examiner, whose duty it shall be, under the direction of the commission, to superintend any examination held in such city under this act, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be ex-officio secretary of said commission, under the direction of such commission; he, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe.

**2501. Officers to aid—rooms.]** § 17. All officers of any city which shall have adopted this act shall aid said commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such examinations. The mayor of such city shall cause suitable rooms to be provided for said commission at the expense of such city.

**2502. Salaries and expenses.]** § 18. In cities having a population of one hundred thousand inhabitants or more, each of said commissioners shall receive a salary of three thousand dollars a year, the chief examiner shall receive a salary of three thousand dollars a year. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board at

the rate of five dollars per day, and said commission may, in such city, also incur expenses not exceeding five thousand dollars per year, for clerk hire, printing, stationery and other incidental matters. In cities having a population of fifty thousand inhabitants and less than one hundred thousand, such commissioners shall receive an annual salary of one thousand dollars each, the chief examiner shall receive an annual salary of one thousand dollars. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board at the rate of three dollars per day, and said commission may, in such city, also incur expenses not exceeding two thousand dollars a year for clerk hire, printing, stationery and other incidental matters. In cities having a population of twenty-five thousand and less than fifty thousand inhabitants such commissioners shall receive an annual salary of one hundred dollars each, and the chief examiner shall receive an annual salary of five hundred dollars.

In cities having a population of less than twenty-five thousand inhabitants such commissioners shall receive an annual salary to be fixed by the city council of such cities, not to exceed fifty dollars each; the chief examiner shall receive an annual salary to be fixed by the city council of such cities not to exceed one hundred dollars. In cities having a population of less than fifty thousand inhabitants any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board at the rate of two dollars per day, and said commission may, in such city, also incur expenses not exceeding two hundred dollars per year, for clerk hire, printing, stationery and other incidental matters. [As amended by Act approved June 13, 1895. In force July 1, 1895.]

**2503. Appropriations.]** § 19. A sufficient sum of money shall be appropriated each year by each city which shall adopt this act, to carry out the provisions of this act in such city. In such cities as shall have already made the annual appropriation for municipal purposes for the current fiscal year, the mayor is authorized and required to pay the salaries and expenses as herein provided for such fiscal year out of the moneys appropriated for contingent purposes by such municipality, or out of any moneys not otherwise appropriated.

**2504. Frauds prohibited.]** § 20. No person or officer shall willfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or willfully or corruptly make any false representation concerning the same, or concerning the person examined, or willfully or corruptly furnish to any person any



special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted.

**2505. No officer to solicit or receive political contributions.]** § 21. No officer or employe of such city shall solicit, orally or by letter, or receive or pay, or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose whatever.

**2506. No person to solicit political contributions from officers or employes.]** § 22. No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment for any party or any political purpose whatever, from any officer or employe in any department of the city government of any city which shall adopt this act.

**2507. Assessments and contributions in public offices forbidden.]** § 23. No person shall in any room or building occupied for the discharge of official duties by any officer or employe in any city, which shall adopt this act, solicit, orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employe under the government of such city, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving notice of any political assessments.

**2508. Payments of political assessments to public officers prohibited.]** § 24. No officer or employe in the service of such city shall, directly or indirectly, give or hand over to any officer or employe in said service, or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing, on account of or to be applied to the promotion of any party or political object whatever.

**2509. Abuse of official influence prohibited.]** § 25. ~~25.000~~<sup>25.000</sup> No officer or employe of such city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

**2510. Payment for places prohibited.]** § 26. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment and no officer or employe shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

**2511. Recommendations in consideration of political services**

prohibited.] § 27. No applicant for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employe in said service, or of any person upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

2512. Abuse of political influence prohibited.] § 28. No person while holding any office in the government of such city, or in nomination for, or while seeking a nomination for, or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

2513. Auditing officer.] § 29. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

2514. Appointments and removals to be certified to the comptroller.] § 30. The commission shall certify to the comptroller or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal or resignation or death, and all findings made or approved by the commission under the provisions of section twelve of this act, that a person shall be discharged from the classified civil service.

2515. Comptroller to pay salaries only after certification.] § 31. No comptroller or no other auditing officer of a city which has adopted this act shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employe of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

2516. Paymasters, etc., to pay salaries only after certification.] § 32. No paymaster, treasurer or other officer or agent of a city which has adopted this act shall willfully pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employe of such city unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

2517. Compelling testimony of witnesses—production of books and papers.] § 33. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioner or by any board or person acting under the orders of the commission in the course of

an investigation conducted either under the provisions of section twelve or section fourteen of this act, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section thirty-four of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State and shall be paid from the appropriation for the expenses of the commission. Any circuit court of this State or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer or board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths shall swear or affirm willfully, corruptly and falsely shall be guilty of perjury and upon conviction shall be punished accordingly.

**2518. Penalties.] § 34.** Any person who shall willfully, or through culpable negligence violate any of the provisions of this act or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment in the discretion of the court.

**2519. Penalties — disqualification to hold office.] § 35.** If any person shall be convicted under the next preceding section, any public office or place of public employment, which such person may hold shall, by force of such conviction be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

**2520. What officers to prosecute.] § 36.** Prosecutions for violations of this act may be instituted either by the Attorney General, the State's Attorney for the county in which the offense is alleged to have been committed, or by the commission, acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.

**2521. Repeal.] § 37.** All laws or parts of laws which are inconsistent with this act, or any of the provisions thereof are hereby repealed.

**2522. Adoption.] § 38.** The electors of any city now existing or hereafter existing in this state, may adopt and become entitled to the benefit of this act in the following manner: Whenever one thousand of the legal voters of such city, voting at the last preceding

election shall petition the judge of the county court of the county, in which said city is located, to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general state, county or city election, and if such proposition is not adopted at such election the same shall in like manner be submitted to a vote of the electors of such city by such county court upon like application at any general state, county or city election, thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid.

If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election.

**2523. Notice of election—submission of act to vote—proclamation.] § 39.** The judge of such county court shall give at least ten days' notice of election at which such proposition is to be submitted by publishing such notice in one or more newspapers published within such city for at least five times, the first publication to be at least ten days before the day of the election; and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward at least ten days before such election. Such election shall be held under the election law in force in such city, except as herein otherwise provided. The proposition so to be voted for shall appear in plain, prominent type at the head of every ticket and preceding the names of persons to be voted upon for any office at such election. If a majority of the votes cast upon such proposition shall be for such proposition, this act shall thereby be adopted by such city, and the mayor shall thereupon issue a proclamation declaring this act in force in such city.

**2524. Emergency.] § 40.** Whereas, an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

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## DRAINAGE.

### PROTECTION OF SITES AGAINST OVERFLOW.

AN ACT to authorize cities, towns and villages to protect the site thereof from overflow and inundation, and to regulate and control private levees, private wharves and landing places, or embankments, and to compel the repairs and improvements of such levees or embankments, and to cause low lots, blocks or parcels of land within the corporate limits to be

filled so as to prevent standing water thereon, and to authorize cities, towns and villages to purchase or condemn lands, sand banks, gravel pits, and rock quarries, for any of the purposes above named. [Approved and in force May 19, 1883.]

**2525. Authorized to protect from overflow.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all cities, towns and villages in this State, whether incorporated under the general incorporation act for cities, towns and villages or under any special charter that are subject to overflow or inundation shall have power to protect the site of such city, town or village from overflow or inundation by levees, dykes, or embankments of such height and dimensions as the corporate authorities of such city, town or village may deem proper.

**2526. May purchase or condemn lands, etc.]** § 2. Such city, town or village may purchase or enter upon and condemn lands for the location and construction of any such levee, or for the repairs of any levee, or dyke now built, or surrounding any such city, town or village, in the same manner that lands and right of way is now condemned for railroad purposes.

**2527. City may order private levees repaired.]** § 3. In all instances where any city, town or village in this State is now, or shall hereafter be surrounded in whole or in part by any levee, dyke, embankment or other structure, which is used or permitted to be used as a protection to any such city, town or village from overflow and inundation, and which is owned or claimed, in whole or in part, by any individual, private corporation or trust company, and whose duty it is in law or equity to keep up and maintain such levee, dyke, embankment or other structure, and the same shall be found to be insufficient in width or height, or too steep of grade, or which shall become impaired by wash or abrasion of the rivers, by caving banks, by impairment of the base or surface of the slope, or any other injury that may happen to any such levee, dyke, embankment or other structure, that, in the judgment of the city council, or board of trustees, or other municipal authorities of any such city, town or village, shall become unsafe or insecure for the purpose for which it was erected or used, and the party whose duty it is in law or equity to protect, maintain, and keep in repair such levees, embankments or dykes, shall not repair, enlarge, or heighten the same, as the case shall demand, it shall be the duty of the city council, or board of trustees of any such city, town or village, to cause notice to be served upon the owner or person in charge of any such levee, dyke, embankment or structure, or any agent of any such owner or person in charge thereof, of the condition, impairment or insufficiency of any such levee, dyke, embankment or other structure, and that the same must be repaired or improved as directed in said notice.

**2528. When may be repaired by city, etc.]** § 4. If the owner, or agent or person in possession of any levee, dyke, em-

bankment or other structure, shall not within ten days from the date of service of any such notice, in good faith commence the work so to be done, and continue the same with all reasonable diligence until it is completed, any such city, town or village may declare such levee a nuisance, and proceed to repair or improve the same so as to make such levee, dyke or embankment secure and sufficient for the purposes for which it was intended or used.

**2529. City, etc., may enter on lands, etc., to repair.] § 5.** For the purpose of making any such repairs or improvement, any such city, town or village may enter upon any of the adjacent lands of the owner of any such levee, dyke or embankment and take therefrom any earth, sand, stone or other material for the purpose of making such improvement or repairs, without being liable for trespass or the value thereof.

**2530. Work to be charged to party liable and to be a lien.] § 6.** All such work done upon any such levee, dyke or embankment, by any city, town or village, shall be charged up to the party liable therefor, and shall be a lien upon any such levee, dyke, or embankment, and any connecting levee, dyke or embankment which forms a part of the system of levee protection intended for such city, town or village, belonging to the party so liable, notwithstanding the lines of levees may be disconnected by intervening ownerships.

**2531. How lien enforced.] § 7.** If the expense incurred by any such city, town or village is not paid by such owner or person liable, within twenty days of the presentation of the bill therefor by the city, town or village clerk, when directed by the City Council or Board of Trustees, then such city, town or village may enforce the lien hereby created in any court of competent jurisdiction, in the same manner as mechanics' liens are now enforced under the statute of this State, provided the sales under the decree for sale of any such levee, dyke or embankment shall be absolute and without redemption.

**2532. Who may purchase at sale.] § 8.** Any such city, town or village may become purchaser at any such sale, and when so purchased, the city, town or village may take immediate possession thereof, and use, own and contract as to the same in the same manner as if it had been originally built by the city, but if purchased by any other person or corporation, then such levee or embankment shall be subject to this statute in the same manner as it was in the hands of the original owner.

**2533. Repairs heretofore made—enforcing payment for—lien.] § 9.** Where any city, town or village has heretofore built or repaired any part of any levee, dyke or embankment, when the original levee or embankment had been destroyed, or become insecure by the wash or abrasion of the rivers or the caving in of the banks, and the part so built or repaired formed a part of a system or levees surrounding any such city, town or village for the purposes men-

tioned in this act, and the same is, or was, owned and controlled by any person or corporation or trustee, and such system of levees, dykes or embankments was originally intended by the builder or builders, and was necessary, as a protection to the site of any such city, town or village, and it was, at the time of the making of the improvements mentioned in this section, the duty of any such owner, either in law or equity, to maintain and keep in repair such system of levees or embankments, and that at the time of making such improvement or repairs there appeared to be an emergency for the performance of such work, then any such city, town or village may have its action to recover back what it has expended in that regard, and may file its bill or petition as in case of mechanics' lien, and the amount so expended shall be a lien upon the whole of such levee system belonging to the party so defaulting at the time of the filing of such bill, from the date of the filing of any such bill or petition, and it shall be no answer or defense that any such city, town or village made such expenditure, or did such work as was done, without authority of law, or the owners of the original levee.

**2534. Landing places—ordinances—tolls—grade—penalty.]**  
 § 10. Whenever the site of any city, town or village in this State is or has been located upon any of the navigable waters of this State or any of the navigable waters bordering this State, and the site thereof has been surrounded by levees or embankments to prevent overflow or inundation, and such levees are owned or controlled by private persons, corporations or trustees, and any part of such levee or embankment has been by the owner or owners thereof set apart for a landing place for vessels and water craft, and the place so set apart for a landing place, has been used by the public free of charge, by footmen, or for wagons, drays and other vehicles conveying persons or property to and from said landing for a term of twenty years or more, and the owner thereof claims the right to collect wharfage, tolls or a reasonable compensation for the landing of steamboats or other water craft at any such landing place, then any such city, town or village may, by ordinance, determine the slope or grade of any such levee, so used for public landing purposes, and the payment thereof, and the rate of toll or compensation to be charged at such landing. It shall be the duty of the owner thereof to grade, pave and keep such slope in repair as directed by ordinance, and may enforce the same by proper penalties, or forfeitures of any right to collect wharfage at any such landing until the ordinances in that regard have been complied with, and may enforce the powers herein granted, by proper ordinances.

**2535. Stagnant water—nuisance—abatement.]** § 11. Any city, town or village in this State wherein there are lots, blocks, or places wherein stagnant water is liable to stand, from surface water, or sipe water, or overflow, so that the same becomes a nuisance, or is dangerous to the public health of any such city, town or village, the corporate authorities thereof, may declare such lots, block or places

of land to be nuisances, and order the same filled to grade, or to such height as will prevent such standing water, and for the purpose of filling any such lots, blocks or places, such city, town or village may purchase or condemn lands, sand banks, or gravel, in the same manner as in other cases under this act.

**2536. Liability of proprietors for damages — insufficient levees.]** § 12. In all cases where any person or persons, trustees, company or corporation, has heretofore, or shall hereafter lay out any city, town or village within this State, the site whereof is liable to overflow, and is surrounded in whole, or in part by a levee or embankment, and the owner or proprietors of the site of such city, town or village shall, or shall have, in laying out and platting the same, reserve or reserved, retain or retained, as private property, a strip or strips of land surrounding the site thereof for the purpose of building such levees or embankments thereon, and shall actually build such levees or embankments, and such persons or owners so laying out such city, town or village as aforesaid, shall, after the building of such levees or embankments to protect the site of any such city, town or village from overflow, sell, lease or convey by quit claim or deed in fee, or otherwise, any lots, blocks or lands within the district or territory surrounded by such levees or embankments, it shall from thenceforward become the duty of any such owner or person and their agents, representatives or assigns to keep and maintain in good repair such levees and embankments, and upon their failure so to do such persons, owners or assigns shall be liable to the owner or owners of any lots, blocks or lands lying within such levees, whether held by the original purchaser or his assigns, and such persons or owners of such levees or embankments shall be liable in damages to the owners of any personal property that may be injured by the giving away or insufficiency of any such levees or embankments, and may have their action on the case for any damage they may suffer by reason of the insufficiency, impairment or giving away of any such levees or embankment; or any number of such owners of lots, blocks or land, and owners of personal property damaged as aforesaid, may join in a petition to any court of record of competent jurisdiction in this State for redress of grievances under this section, setting forth the claims of each, and the aggregate of such claims; and such claims shall be a lien upon such levees or embankments, and all the unsold lands or lots of the proprietors of such city, town or village within such levee inclosure, from the date of the filing of such petition; and the proceeding shall be the same as in mechanics' lien.

**2537. Proceedings where land below grade.]** § 13. In any city, village or town in this State wherein there are lots, blocks or parcels of land within the district or districts where the grade shall have been established and fixed as provided for in section II, below such grade whereon water is liable to drain or accumulate from such drainage, or from rains or sipe water, and stand thereon, thereby endanger-



ing the public health, it shall be lawful for the city council in cities, and the board of trustees in towns and villages, by ordinance, to declare all such lots, blocks or parcels of land, a public nuisance, and order notice to be served on the owner or owners of such lots, blocks or parcels of land so declared to be a public nuisance, to fill the same to the grade established for such streets under the provisions of section 11, within ten days. In case the owner or owners reside without this State, such notice may be served on their agent or agents, if such reside in this State, and if neither the agent nor owner resides in this State, then such notice may be given by publication for twenty days in a newspaper published in the city, town or village; and the specified time for the performance of such work shall begin to run from the date of the last publication. In case the owner or owners of any such lot, block or parcel of land shall fail to comply with the said order, and fill the same within the time allowed for the doing thereof, it shall be lawful for the city, town or village to do said filling at the least possible cost, and the expense thereof shall be a first lien in favor of such city, town or village upon the entire interest of the owner or owners in said lot, block or parcel of land; and for the purpose of enforcing said lien, any city, town or village may file its petition in the circuit court of the county where such city, town or village is situated, which court is hereby given exclusive jurisdiction thereof, stating the passage of the ordinance declaring such lot a nuisance, the giving of the notice aforesaid, the failure of the owner or owners to comply therewith, the expense incurred by the city, town or village in filling the same, and on proof thereof, and that the owner has been notified of the pendency of the proceedings, in the same manner as now provided by law for notifying defendants of the pendency of chancery causes, the court shall decree the payment of such sum with interest and costs within twenty days, and that such city, town or village have a lien on the lot, etc., therefor, and also that said lot, etc., be sold in the manner and by the officer designated by the court, on failure to pay said sum found due with interest and costs, without redemption, and the court shall direct a deed to be made to the purchaser by the officer so making the sale, which shall vest in the purchaser all the right, title and interest of the owner or owners of any such lot, block or parcel of land. Any mortgagee of any such lot, block or parcel of land shall be taken and considered an owner thereof within the meaning of this act.

**2538. Emergency.]** § 14. Whereas, the unprecedented high waters of the Ohio river and its tributaries, has occasioned great injury to many levees and embankments, and the work of repairs and improvements should commence as soon as the high water recedes: therefore, an emergency exists, and this act shall take effect, and be in force, from and after its passage.

## IMPROVEMENT DISTRICTS.

AN ACT to divide cities and villages subject to overflow and inundation into improvement districts, and to provide ways and means to raise the streets, lots and blocks above the line of overflow. [Approved and in force May 29, 1883.]

**2539. Improvement districts—grade—special assessments.]**  
 § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: Any city or village of this State incorporated under the general law for the incorporation of cities and villages, or under any special charter, the site of which is wholly or partially subject to overflow, and which site is or may be surrounded in whole or in part by levees, dykes or embankments to prevent overflow, may lay off such city or village, or any part thereof into what shall be known or called improvement districts, and may fix the grade of the streets, avenues, alleys or public grounds within such improvement district or districts, at a height above the natural surface of the earth to correspond with the height of the levees, dykes or embankments surrounding or partially surrounding such city or village, or above, if deemed necessary, in such manner and to such height as will give a surface drainage from such improvement district to the river or rivers which cause such overflow, and may require low lots, blocks or parts of blocks or lots, within such improvement district, to be filled in such manner as to prevent water from standing thereon, and so as to prevent the same from becoming a nuisance or injurious to the public health, in the judgment of the corporate authorities of such city or village. The work hereby authorized shall be done by special assessment or special taxation, and all the power in relation to special assessments or special taxation heretofore granted to any city or village in this State, or to any drainage or improvement district in this State, is hereby granted to such cities and villages under this act.

**2540. Survey—cost of work.]** § 2. When any such improvement district shall be created by ordinance under this act, it shall be the duty of the corporate authorities to cause an accurate survey of the work contemplated to be done or made, to be made by a competent civil engineer, and cause plats, profiles, and estimates of the work to be done, including the cost of all walls or other structures necessary to be built or constructed to hold the earth to its proper place, and the cost of the work opposite to, or adjacent to each lot in such district and the cost of the fill upon each and every lot within such district necessary to be filled to be used in estimating the benefits to be charged against the lot or block, or parts thereof, within such improvement district; and in estimating such benefits it shall be proper to take into consideration the benefit any such lot, block or parts thereof will receive by reason of being secured from overflow, or sipe water.

**2541. Improvement district may issue bonds—style and manner of proceeding.]** § 3. When any such improvement district or districts has or have been laid out and defined by any such city or

village, and the cost of the improvement estimated and ascertained by a competent engineer, and the benefits to the lots, blocks or parts thereof have been assessed, then such city or village may cause a series of bonds to be issued sufficient to pay the special assessments, or special tax, so ascertained for such district, and which bonds when so issued and endorsed as hereinafter provided for, shall be a lien upon the lots, blocks or parts thereof which shall be designated in such bond or bonds, such bond or bonds, to bear interest at a rate not exceeding six per cent., and may run for any term not exceeding twenty years, the style of the bond to be fixed and designated by ordinance; but before any bond shall issue, or be put in circulation, the owner or owners of any such lot or lots to be charged with such special assessment or assessments, or special tax, shall endorse upon the back of such bond or bonds, his or her consent thereto, in words in substance as follows:

I hereby endorse the within bond, and consent that the lot or lots, or parts thereof therein designated, shall become liable for the interest and principal therein named, and the same shall be a lien upon said property from this date until paid off and discharged.

This.....day of.....188...  
 .....[Seal.]

Said bond when prepared and executed by such city or village, and endorsed by the owner or owners of the property to be charged with the special assessment or special tax, shall be recorded in the recorder's office of the county in which such city or village is located, and when so recorded such record shall be notice of the lien thereby created, to the same extent that records of mortgages are notices of the mortgage lien, and shall have the same force and effect. No coupon need be recorded; the face of the bond and endorsement shall be sufficient.

**2542. Principal and interest of such bonds—how to be paid.] § 4.** It shall be the duty of any city or village, issuing bonds under this act, to provide by ordinance for the collection of the interest and principal of such bonds from the property so charged with the special assessment or special tax, and shall be placed upon the tax books in the same manner that special assessments or special taxes now are, for collection, and shall be treated in the same manner and have the same effect as special assessments or special-tax now have under the statute—and such city or village shall not be liable for the interest or principal of any such bond or bonds, out of any fund except the special fund of the improvement district, to which the bond or bonds apply, and for the faithful enforcement of the ordinances providing for the collection of the interest and principal thereof.

**2543. When railroad company to share cost.] § 5.** If any steam or horse railroad shall be located upon, or across any street in any such improvement district, then, in estimating the cost of the work, such railroad shall be charged with the fill upon such street or crossing in the proportion or amount that it would require or cost such railroad to make an independent embankment of the same height to receive its

track or tracks upon such street or crossing: Provided, that any such railroad shall have the same right to build its embankment, or make its proportion of the improvement as is allowed to individuals. If any such steam or horse railroad shall fail, or refuse to comply with the ordinances of any such city or village, in this regard, the track or tracks of any such delinquent railroad shall be taken and deemed to be a nuisance, and all rights of any such railroad upon any such street or crossing shall be forfeited, and the rails and ties removed as the work progresses.

**2544. When property belongs to persons under disability.]** § 6. If any property within any improvement district created under this act, shall belong to minor heirs, idiots, lunatics, or any person otherwise incapacitated to contract, the guardian, conservator, or other person in charge of any such estate, may apply to the circuit court of the county in which such city or village is located, by petition, for leave to endorse such bond or bonds, and when indorsed by order of the court, such endorsement shall have full force and effect in law.

**2545. Act enforced by ordinance.]** § 7. All the powers hereby granted to the corporate authorities of such cities and villages, may be put into full force and effect by proper ordinances, and the powers hereby granted shall be liberally construed by all courts in this State in order that full force and effect shall be given to this act.

**2546. Rights of the holders of bonds.]** § 8. The owner or holder of any such bond may, in addition to the powers hereby given to the cities or villages, under this act, to collect the interest and principal, have his or her personal remedy in any court upon the endorser upon his endorsement, for failure to pay interest or principal; and in case of two successive failures by any person liable to pay the interest on any such bond, such bond shall be held to be due, and the holder may enforce his lien for interest and principal by foreclosure in any court of this State of competent jurisdiction.

**2547. Emergency.]** § 9. Whereas there are cities and villages in this State that are subject to overflow, and have suffered severely by the recent floods and inundations, and the best time for successful work in filling is in the spring months, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

#### DRAINS AND PUMPING WORKS FOR DRAINAGE.

AN ACT to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes by special assessment upon the property benefited thereby. [Approved June 22, 1885. In force July 1, 1885.]

**2548. Cities and villages empowered to construct drains, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the corporate authorities of cities and villages are hereby vested with power to construct drains,

ditches, levees and dykes, to erect pumping works, and to acquire the necessary land and machinery for such purposes, and otherwise to provide for draining any portion of the lands within their corporate limits, by special assessment upon the property benefited thereby.

**2549. Drainage improvements [paid by special assessments.]**

§ 2. That the corporate authorities of cities and villages are hereby vested with the power to maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvement by special assessment upon the property benefited thereby: Provided, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair.

**2550. Proceedings in.]** § 3. All the proceedings for the making of the improvements in this act mentioned, and for the maintenance and repair thereof, and for the levy and collection of the special assessments to defray the cost of the same, shall be in accordance with the provisions of article nine of the general act for the incorporation of cities and villages, approved April 10, 1872.

CHICAGO A DRAINAGE DISTRICT.

AN ACT to organize the city of Chicago into a drainage district and to define the powers and duties of the corporate authorities thereof. [Approved June 6, 1887. In force July 1, 1887.]

**2551. Organizes [Chicago] into a drainage district.]** § 1.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the City of Chicago is hereby organized as a drainage district, and the corporate authorities of such city may exercise the powers conferred by an act entitled "An act to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes, by special assessment upon the property benefited thereby," approved June 22, 1885, and are hereby vested with the further powers hereinafter granted.

**2552. Power of corporate authorities — location of cut-off.]**

§ 2. Such corporate authorities may lay out, construct and maintain a cut-off drain or ditch for the diversion of the flood waters of the Desplaines river into Lake Michigan at some point north of the city of Chicago, for the relief and in aid of the drainage system established or to be established within said district, the location and route, dimensions and capacity of such cut-off to be determined by said corporate authorities. If the location of such cut-off shall occupy a portion of the North Branch of the Chicago river, said North Branch may be widened and deepened as shall be required. Such cut-off or diversion may be so constructed and maintained as to answer the purpose of a drain for the lands through which it shall pass, and such corporate authorities may allow said lands to be drained into the same upon such terms and conditions as they may

determine: Provided, such corporate authorities shall not be allowed to interfere with any right of drainage which the owners of land have or would have, if such cut-off had not been made.

**2553. Desplaines river — diversion of water.] § 3.** No more of the water of the Desplaines river shall be diverted by any such cut-off than the excess above the ordinary water mark in said stream. At the point of diversion there shall be constructed and maintained such dams and sluices as shall control and regulate the amount of such diversion at all times. During dry weather no water shall be diverted into Lake Michigan and during floods no more water shall be allowed to pass said point of diversion down the river than three thousand (3,000) cubic feet per second.

**2554. May construct dam across Mud Lake Valley.] § 4.** Such corporate authorities may construct and maintain, if the same shall be found desirable and expedient, a dam across what is known as the Mud Lake Valley on or near the west line of sections 6 and 7, township 38 north, range 13, east of the third principal meridian, of such dimensions and elevation as may be determined upon.

**2555. Right of way.] § 5.** Such corporate authorities may acquire by purchase, gift, condemnation or otherwise all the real and personal property, rights of way and easements within or without the district necessary for the construction and maintenance of the works hereby authorized, and shall have the same control and jurisdiction of the property without as of that within the district. They shall have the right to construct the cut-off herein authorized, across, under, over, along, or upon any water course, street, highway, public ground, railroad or turnpike which the route of the same may intersect or touch; but shall not interrupt the use thereof longer nor to a greater extent than shall be necessary for the purpose.

**2556. Condemnation of property.] § 6.** Whenever it shall be necessary to take or damage private property, for any purpose contemplated by this act, whether within or without said drainage district, the compensation therefor may be ascertained and the proceedings for the condemnation thereof may be had in the manner provided in article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and the cost of constructing and maintaining the improvements herein provided for may be defrayed by special assessment upon the property benefited thereby within such district only. Said assessments to be levied and collected as provided in said article nine.

#### SANITARY DISTRICTS.

AN ACT to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers. [Approved May 29, 1889. In force July 1, 1889.]

**2557. Incorporating sanitary district—petition—vote—commissioners.] § 1.** Be it enacted by the People of the State of Illi-

nois, represented in the General Assembly, That whenever any area of contiguous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages, and shall be so situated that the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this act, in the manner following: Any 5,000 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: Provided, however, that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated it shall be the duty of the county judge to call to his assistance two judges of the Circuit Court and such judges shall constitute a board of commissioners which shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such commissioners will meet, by a publication inserted in one or more daily papers published in such county, at least twenty days prior to such meeting. At such meeting the county judge shall preside, and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent, may alter and amend such petition. After such determination by said commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners, at an election to be held on the first Tuesday after the first Monday in November thence next ensuing, notice whereof shall be given by said commissioners, at least twenty days prior thereto, by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have the right to cast a ballot at such election, with the words thereon, "For Sanitary District," or, "Against Sanitary District." The ballots so cast shall be received, returned and canvassed in the same manner

and by the same officers as is provided by law in the case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the County Court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this act.

**2558. Judicial notice of district—organization—election of officers.]** § 2. All courts in this State shall take judicial notice of the existence of all sanitary districts organized under this act. Upon the organization of any sanitary district under this act the county judge shall call an election to elect officers and cause notice thereof to be posted or published, and perform all other acts in reference to such election in like manner as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities under the provisions of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

**2559. Trustees—election and terms of.]** § 3. In each sanitary district organized under this act, there shall be elected nine trustees who shall hold their offices for five years, and until their successors are elected and qualified, except the term of office of the first trustees elected, shall be until five years after the first Monday in December after their election. The election of trustees, after the first, shall be on the Tuesday next after the first Monday in November in every fifth year. In all elections for trustees each qualified voter may vote for as many candidates as there are trustees to be elected, or he may distribute his vote among not less than five-ninths of the candidates to be elected, giving to each of the candidates among whom he distributes the same, the same number of votes or fractional parts of votes. The trustees shall choose one of their number president, and such sanitary district shall from the time of the first election held by it under this act be construed in law and equity a body corporate and politic and by the name and style of the sanitary district of . . . , and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure.

**2560. Trustees constitute a board—duties and powers of.]** § 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give such bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers



and employes of said sanitary district: Provided, however, that the salary of the president of said board of trustees shall in no case exceed the sum of four thousand dollars per annum: and the salary of the other members of said board shall not exceed three thousand dollars per annum. And provided further, that the amount received by any attorney shall not exceed the sum of five thousand dollars. (\$5,000) per annum. Said board of trustees shall have full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board of trustees and of said corporation, and for carrying into effect the objects for which such sanitary district is formed.

**2561. Ordinances making appropriation—publication of.] § 5.** All ordinances making any appropriations shall, within one month after they are passed, be published at least once in a newspaper published in such district, or if no such newspaper of general circulation is published therein, by posting copies of the same in three public places in the district; and no such ordinance shall take effect until ten days after it is so published, and all other ordinances, orders and resolutions, shall take effect from and after their passage unless otherwise provided therein.

**2562. Ordinances and resolutions—evidence.] § 6.** All ordinances, orders and resolutions, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by the board of trustees and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolution, as of the dates mentioned in such book, or pamphlet in all courts and places without further proof.

**2563. Board of trustees—powers of.] § 7.** The board of trustees of any sanitary district organized under this act shall have power to provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more main channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed in a satisfactory manner; also to make and establish docks adjacent to any navigable channel made under the provisions hereof for drainage purposes, and to lease, manage and control such docks, and also to control and dispose of any water-power which may be incidentally created in the construction and use of said channels or outlets, but in no case shall said board have any power to control water after it passes beyond its channel, waterways, races or structures into a river or natural waterway or channel, or water-power or docks situated on such river or natural waterway or channel: Provided, however, nothing in this act shall be construed to abridge or prevent the State from hereafter requiring a portion of the funds derived from such water-

power, dockage or wharfage to be paid into the State Treasury to be used for State purposes. Such channels or outlets may extend outside of the territory included within such sanitary district and the rights and powers of said board of trustees over the portion of such channel or outlet lying outside of such district shall be the same as those vested in said board over that portion of such channels or outlets within the said district.

**2564. Right of way—how acquired.]** § 8. Such sanitary district may acquire by purchase, condemnation, or otherwise any and all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes: Provided, all moneys for the purchase and condemnation of any property shall be paid before possession is taken, or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the county court taken by either party whereby the amount of damages is not finally determined, the amount of judgment in such court shall be deposited at some bank to be designated by the judge thereof subject to the payment of such damages on orders signed by such county judge, whenever the amount of damages is finally determined; and when not longer required for such purposes, to sell, convey, vacate and release the same, subject to the reservation contained in section 7, relating to water-powers and docks.

**2565. May borrow money — limitation.]** § 9. The corporation may borrow money for corporate purposes and may issue bonds therefor, but shall not become indebted, in any manner, or for any purpose, to an amount in the aggregate to exceed five per centum on the valuation of taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness: Provided, however, that said five per centum shall not exceed the sum of fifteen million dollars (\$15,000,000).

**2566. To provide for direct annual tax — net earnings.]** § 10. At the time or before incurring any indebtedness, the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within twenty years from the time of contracting the same: Provided, that the net earnings from water-power and docks may be appropriated and applied to the purpose of paying the interest or principal of such indebtedness, or both, and to the extent that they will suffice, the direct tax may be remitted.

**2567. Contracts — how let.]** § 11. All contracts for work to be done by such municipality, the expense of which will exceed five hundred dollars, shall be let to the lowest responsible bidder therefor upon not less than sixty days' public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper of general circulation published in said district, and the said board shall have the power and authority to

reject any and all bids, and re-advertise: Provided, no person shall be employed on said work unless he be a citizen of the United States, or has in good faith declared his intentions to become such citizen. In all cases where an alien after filing his declaration of intention to become a citizen of the United States shall for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith. And that eight hours shall constitute a day's work.

**2568. Trustees may levy and collect taxes, etc.] § 12.** The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which for each of the years 1895, 1896 and 1897 shall not exceed one and one-half per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the state and county taxes of the year in which the levy is made, and the aggregate amount of which in any one year after the year 1897 shall not exceed one-half of one per centum of such value. Said board shall cause the amount required to be raised by taxation in each year to be certified to the county clerk on or before the second Tuesday in August, as provided in section one hundred and twenty-two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district in the manner and at the time provided by the general revenue law. [As amended by Act which became a law June 10, 1895. In force July 1, 1895.]

**2569. Expenses of improvement — special assessments — general tax.] § 13.** The board of trustees shall have power to defray the expenses of any improvement made by it in the execution of the powers hereby granted to such incorporation, by special assessment or by general taxation, or partly by special assessment and partly by general taxation, as they shall by ordinance prescribe. It shall constitute no objection to any special assessment, that the improvement for which the same is levied is partly outside the limits of such incorporation, but no special assessment shall be made upon property situated outside of such sanitary district, and in no case shall any property be assessed more than it will be benefited by the improvement for which the assessment is levied. The proceedings for making, levying, collecting and enforcing of any special assessment levied hereunder, shall be the same as nearly as may be as is prescribed by article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Whenever in said act the words "city council" are used, the same shall apply to the board of trustees constituted by this act, and the words applying to the city or its officers in that article shall be held to apply to the corporation hereby created and to its officers.

**2570. Assessment — installments — interest.] § 14.** When any assessment is made under this act, the ordinance authorizing such assessment may provide that it be divided into equal annual installments, not more than twenty in number, and fix the amount and time of payment of each installment, and that the installment shall bear interest at a rate not exceeding six per cent. per annum, payable annually, from the date fixed in said ordinance, and the several installments and interests thereon may be collected and enforced, as they shall become due, in the manner provided for the enforcement of assessments under said Article 9. No more of any assessment need be returned or certified to the county collector than will show the amount due and unpaid at the time of such return, and no sale of any parcel of land for any installment of an assessment shall discharge the premises from any subsequent installment of the same or any other assessment. Any one or all of the installments may be paid any time after the assessment is confirmed, with accrued interest, if any, to the date of payment.

**2571. When assessments payable by installments — bonds may be issued.] § 15.** Where any assessment is made payable in installments the board of trustees may issue bonds or certificates not exceeding in amount eighty per centum of the unpaid portion of such assessment at the date of the issue thereof, payable only out of such assessment, and bearing interest at a rate not exceeding the rate of interest upon the installments of such assessments. The board of trustees shall have the right to call in and pay off said bonds or certificates as fast as there is money received into the treasury from the assessment against which the same are issued, and all moneys received upon such assessment shall be applied to the payment of said certificates or bonds until they are fully satisfied.

**2572. Private property — how taken for improvement.] § 16.** Whenever the board of trustees of any sanitary district shall pass an ordinance for the making of any improvement which such district is authorized to make, the making of which will require that private property should be taken or damaged, such district may cause compensation therefor to be ascertained, and condemn and acquire possession thereof in the same manner as nearly as may be as is provided in an act entitled, "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872: Provided, however, that proceedings to ascertain the compensation to be paid for taking or damaging private property shall in all cases be instituted in the county where the property sought to be taken or damaged is situated: And provided, that all damages to property whether determined by agreement or by final judgment of court shall be paid out of the annual district tax, prior to the payment of any other debt or obligation.

**2573. May acquire right of way.] § 17.** When it shall be necessary in making any improvements which any district is authorized by this act to make, to enter upon any public property

on property held for public use, such district shall have the power so to do and may acquire the necessary right of way over such property held for public use in the same manner as is above provided for acquiring private property, and may enter upon, use, widen, deepen and improve any navigable or other waters, waterways, canal or lake: Provided, the public use thereof shall not be unnecessarily interrupted or interfered with, and that the same shall be restored to its former usefulness as soon as practicable: Provided, however, that no such district shall occupy any portion of the Illinois and Michigan canal outside of the limits of the county in which such district is situated for the site of any such improvement, except to cross the same, and then only in such a way as not to impair the usefulness of said canal, or to the injury of the right of the State therein, and only under the direction and supervision of the canal commissioners: And, provided further, that no district shall be required to make any compensation for the use of so much of said canal as lies within the limits of the county in which said district is situated except for transportation purposes.

**2574. Special assessment—damage to property, and cost of acquiring.] § 18.** In making any special assessment for any improvement which requires the taking or damaging of property, the cost of acquiring the right to damage or take such property may be estimated and included in the assessment as a part of the cost of making such improvement.

**2575. Liability of sanitary district for damages.] § 19.** Every sanitary district shall be liable for all damages to real estate within or without such district which shall be overflowed or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet or other improvement under the provisions of this act; and actions to recover such damages may be brought in the county where such real estate is situated, or in the county where such sanitary district is located, at the option of the party claiming to be injured. And in case judgment is rendered against such district for damage, the plaintiff shall also recover his reasonable attorney's fees to be taxed as costs of suit: Provided, however, it shall appear on the trial that the plaintiff notified the trustees of such district, in writing, at least 60 days before suit was commenced by leaving a copy of such notice with some one of the trustees of such district stating that he claims damages to the amount of.....dollars, by reason of (here insert the cause of damage) and intends to sue for the same: And, provided further, that the amount recovered shall be larger than the amount offered by said trustees (if anything) as a compromise for damages sustained.

**2576. Capacity of channel or outlet.] § 20.** Any channel or outlet constructed under the provisions of this act which shall cause the discharge of sewage into or through any river or stream of water beyond or without the limits of the district constructing the same shall be of sufficient size and capacity to produce a continuous flow of water of at least two hundred cubic feet per minute

for each one thousand of the population of the district drained thereby, and the same shall be kept and maintained of such size and in such condition that the water thereof shall be neither offensive or injurious to the health of any of the people of this State; and before any sewage shall be discharged into such channel or outlet, all garbage, dead animals and parts thereof, and other solids shall be taken therefrom, and said district shall, at the time any sewage is turned into or through any such channel or channels, turn into said channel or channels not less than twenty thousand cubic feet of water per minute for every one hundred thousand inhabitants of said district, and shall thereafter maintain the flow of such quantity of water. [As amended by Act which became a law June 10, 1895. In force July 1, 1895.]

**2577. Sanitary district — failure to comply with act—remedy — penalty.] § 21.** In case any sanitary district in this State formed under the provisions of this act shall introduce sewage into any river or stream of water, or natural or artificial watercourse, beyond or without the limits of such district, without conforming to the provisions of this act, or having introduced such sewage into such watercourse, shall fail to comply with any of the provisions of this act, an action to enforce compliance, shall be brought by the Attorney General of this State in the courts of any county wherein such watercourse is situate, or he may authorize the State's Attorney of any such county to commence and prosecute such action in any such county: Provided, that nothing in this section contained shall be construed to prevent the prosecution of any action or proceeding by individuals or bodies corporate or politic against such district.

**2578. Act—how construed.] § 22.** Nothing in this act contained shall be so construed as to constitute a contract or grant between the State of Illinois and any sanitary district formed under its provisions, or to prevent, debar or deprive the State of Illinois from, at any time in the future, altering, amending or repealing this act, or imposing any conditions, restrictions or requirements other, different or additional to any herein contained upon any sanitary district which may be formed hereunder.

**2579. Channel—how to be constructed.] § 23.** If any channel is constructed under the provisions hereof by means of which any of the waters of Lake Michigan shall be caused to pass into the Desplaines or Illinois river, such channel shall be constructed of sufficient size and capacity to produce and maintain at all times a continuous flow of not less than 300,000 cubic feet of water per minute, and to be of a depth of not less than fourteen feet, and a current not exceeding three miles per hour, and if any portion of any such channel shall be cut through a territory with a rocky stratum where such rocky stratum is above a grade sufficient to produce a depth of water from Lake Michigan of not less than eighteen feet, such portion of said channel shall have double the flowing capacity above pro-

vided for, and a width of not less than one hundred and sixty feet at the bottom capable of producing a depth of not less than eighteen feet of water. If the population of the district draining into such channel shall at any time exceed 1,500,000, such channel shall be made and kept of such size and in such condition that it will produce and maintain at all times a continuous flow of not less than 20,000 cubic feet of water per minute for each 100,000 of the population of such district, at a current of not more than three miles per hour, and if at any time the general government shall improve the Desplaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property so as to save harmless the said district from all liability therefrom, then such sanitary district shall within one year thereafter, enlarge the entire channel leading into said Desplaines or Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet of water per minute, with a current of not more than three miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than eighteen feet throughout said channel, and shall have a width of not less than one hundred and sixty feet at the bottom. In case a channel is constructed in the Desplaines river as contemplated in this section, it shall be carried down the slope between Lockport and Joliet to the pool commonly known as the upper basin of sufficient width and depth to carry off the water the channel shall bring down from above. The district constructing a channel to carry water from Lake Michigan of any amount authorized by this act, may correct, modify and remove obstructions in the Desplaines and Illinois rivers wherever it shall be necessary so to do to prevent overflow or damage along said river, and shall remove the dams at Henry and Copperas Creek in the Illinois river, before any water shall be turned into the said channel. And the canal commissioners, if they shall find at any time that an additional supply of water has been added to either of said rivers, by any drainage district or districts, to maintain a depth of not less than six feet from any dam owned by the State, to and into the first lock of the Illinois and Michigan Canal at La Salle, without the aid of any such dam at low water, then it shall be the duty of said canal commissioners to cause such dam or dams to be removed. This act shall not be construed to authorize the injury or destruction of existing water power rights.

2580. Channel, when completed—control of.] § 24. When such channel shall be completed, and the water turned therein, to the amount of three hundred thousand cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the

general government shall improve the Desplaines and Illinois rivers for navigation, to connect with this channel, said general government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

**2581. May permit territories outside to drain, etc.] § 25.** Any district formed hereunder shall have the right to permit territory lying outside its limits and within the same county to drain into and use any channel or drain made by it, upon such payments, terms and conditions as may be mutually agreed upon, and any district formed hereunder is hereby given full power and authority to contract for the right to use any drain or channel which may be made by any other sanitary district, upon such terms as may be mutually agreed upon, and to raise the money called for by any such contract in the same way and to the same extent as such district is authorized to raise money for any other corporate purposes: Provided, that where the united flow of any sanitary districts thus co-operating shall pass into any channel constructed within the limits of the county wherein such districts are located, and which passes into the Desplaines or Illinois rivers, such united flow shall in no case and at no time be less than 20,000 cubic feet of water per minute for each one hundred thousand of the aggregate of the population of the districts co-operating: Provided, nothing in this act shall in any wise be so construed as to diminish, impair or remove any right or rights of any city, village, township or corporation, body politic or individual situated on the Desplaines or Illinois rivers or their tributaries and within the valleys of the same to use the channel for drainage or otherwise not inconsistent with the rights of the district constructing the same as expressed in this act.

**2582. When city or village owns waterworks, etc.] § 26.** Whenever in any such sanitary district there shall be a city, incorporated town or village, which owns a system of waterworks and supplies water from a lake or other source which will be saved and preserved from sewage pollution, by the construction of the main channel, drain, ditch or outlet herein provided for, and the turning of the sewage of such city and district therein, and there shall be in such sanitary district any territory bordering on any such city, incorporated town or village within the limits of another city, incorporated town or village, which does not own any system of waterworks, at the time of the creation of such sanitary district, then upon application by the corporate authorities of such latter named city, incorporated town or village the corporate authorities of such city, incorporated town or village having such system of waterworks shall furnish water at the boundary line between such municipalities by means of its waterworks to the corporate authorities asking for the same in such quantities as may be required to supply consumers within said territory, at no greater price or charge than it charges and collects of consumers, within its limits for water furnished through meters in like large quantities.

**2583. When channel constructed — commissioners to be ap-**



pointed to inspect its work.] § 27. If any channel shall be constructed under the provisions of section 23 of this act, it shall be the duty of the trustees of such district, when such channel shall be completed, and before any water or sewage shall be admitted therein, to duly notify, in writing, the Governor of this State of such fact; and the Governor shall thereupon appoint three discreet persons as commissioners, one of whom shall be a resident of the city of Joliet, or between said city and the city of La Salle, and one a resident of the city of Peoria, or between said city and the mouth of the Illinois river, to inspect said work. The said commissioners shall, within ten days after such appointment meet at the city of Chicago, and shall appoint a competent civil engineer, and they may employ such other assistance as they may require to expeditiously perform their duties. The said commission shall take as their datum line for the survey the datum established by the Illinois and Michigan Canal Trustees in 1847, and shall make such examination and surveys of Chicago river and of the channel or channels authorized by this act as shall enable them to ascertain whether said channel is of the character and capacity required by this act. And in case they shall find the work in all respects in accordance with the provisions of section 23 of this act, they shall so certify to the Governor, who shall thereupon authorize the water and sewage to be let into said channel. But in case said commissioners shall find said channel is not constructed in accordance with the provisions of this act, it shall be their duty to file in any court of competent jurisdiction, on the chancery side thereof, in their name as such commissioners, a bill against said corporation, which bill shall set forth wherein said work is deficient and fails to comply with the provisions of this act; and said court shall thereupon issue an injunction without bond against said defendant, enjoining and restraining it from admitting water or sewage into said channel until the final order of the court. And in case said court, upon hearing, shall determine that said channel is not constructed in accordance with the provisions of this act, said injunction shall be continued until the provisions of this act shall have been fully complied with.

Such commissioners and engineer shall receive for their services ten dollars per day each, and their reasonable expenses and outlays for the time by them necessarily employed in the discharge of their duties, which shall be paid to them from the State Treasury; and the said sanitary district shall reimburse the State for all expenses and disbursements on account of said commission.

If any channel is constructed under the provisions of this act which shall discharge the sewage of a population of more than 300,000 into or through any river beyond or without the limits of the district constructing it, the same shall be constructed in accordance with the provisions of section 23 of this act, and if any such channel receives its supply of water from any river or channel connecting with Lake Michigan it shall be construed as receiving its supply of waters from Lake Michigan.

## SANITARY DISTRICT OF CHICAGO—POLICE POWER.

AN ACT conferring police power upon the sanitary district of Chicago. [Approved June 16, 1893. In force July 1, 1893.]

**2584. Power to appoint police force.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the sanitary district of Chicago shall have the right and power to appoint and support a police force, the members of which may have and exercise police powers over and within its right of way and for a distance of one and one-half miles on each side of its main drainage channel, such police powers as are conferred upon and exercised by the police of organized cities and villages; but such police force, when acting within the limits of such city or village, shall act in aid of the regular police force of such city or village, and shall then be subject to the direction of its chief of police, city or village marshals or other head thereof.

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 DRAM SHOPS.

AN ACT to provide for the licensing of and against the evils arising from the sale of intoxicating liquors. [Approved March 30, 1874. In force July 1, 1874.]

**2585. Dram shop defined.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That a dram shop is a place where spirituous or vinous or malt liquors are retailed by less quantity than one gallon, and intoxicating liquors shall be deemed to include all such liquors within the meaning of this act.

**2586. Selling liquor without license.]** § 2. Whoever, not having a license to keep a dram shop, shall, by himself or another, either as principal, clerk or servant, directly or indirectly, sell any intoxicating liquor in any less quantity than one gallon, or in any quantity to be drunk upon the premises, or in or upon any adjacent room, building, yard, premises or place of public resort, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100), or imprisoned in the county jail not less than ten nor more than thirty days, or both in the discretion of the court. [As amended by act approved May 18, 1877. In force July 1, 1877. L. 1877, p. 99.]

**2587. How license may be granted.]** § 3. The county boards of each county may grant licenses to keep so many dram shops in their county as they may think the public good requires, upon the application by petition of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon

the payment into the county treasury of such sum as the board may require, not less than \$50 nor more than \$300 for each license, and upon compliance with the provisions of this act: Provided, such board shall not have power to issue any license to keep any dram shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of intoxicating liquors is prohibited by law.

**2588. Form of license — rights under — may be revoked.]**

§ 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram shop is to be kept, and shall not be transferable, nor shall the person licensed keep a dram shop at more than one place at the same time, and any license granted may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this act, or keeps a disorderly or ill-governed house or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram shop, or any house or place adjacent thereto.

**2589. Bond—how taken—suit on.]** § 5. No person shall be licensed to keep a dram shop, or to sell intoxicating liquors, by any county board, or the authorities of any city, town or village, unless he shall first give bond in the penal sum of \$3,000, payable to the People of the State of Illinois, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person, or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant.

**2590. Selling or giving to minor or drunkard.]** § 6. Whoever, by himself, or his agent or servant, shall sell or give intoxicating liquor to any minor without the written order of his parent, guardian, or family physician, or to any person intoxicated, or who is in the habit of getting intoxicated, shall, for each offense, be fined not less than twenty dollars (\$20), nor more than one hundred dollars (\$100), or imprisoned in the county jail not less than ten nor more than thirty days, or both, according to the nature of the offense: Provided, This act shall not affect any prosecution pending at the time this act takes effect, but in every such prosecution the accused shall, upon conviction be punished in the same manner in all respects, as if this

act had not been passed. [As amended by act approved May 18, 1877. In force July 1, 1877. L. 1877, p. 99.]

**2591. Buying or procuring for minor.]** § 6½. Every person, whether the keeper of a dram shop or not, who shall buy or in any manner procure or aid in procuring any wine, rum, brandy, gin, whisky, lager beer, hard cider, alcohol, or other vinous, malt, spirituous, fermented or mixed liquor or any intoxicating liquor whatever, for any minor, without the written order of such minor's parent, guardian or family physician, or shall so procure or aid in procuring any of said liquors for any person intoxicated, or who is in the habit of getting intoxicated, shall, for every such offense be fined not less than twenty dollars nor more than one hundred dollars or confined in the county jail not less than ten nor more than thirty days or both in the discretion of the court. [Added by act approved June 19, 1891. In force July 1, 1891.]

**2592. Nuisances—penalty—bond—evidence.]** § 7. All places where intoxicating liquors are sold in violation of this act, shall be taken, held and be declared to be common nuisances, and all rooms, taverns, eating houses, bazars, restaurants, drug stores, groceries, coffee houses, cellars, or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be deemed public nuisances; and whoever shall keep any such place, by himself, or his agent or servant, shall, for each offense, be fined not less than \$50 nor more than \$100, and confined in the county jail not less than twenty nor more than fifty days, and it shall be a part of the judgment, upon the conviction of the keeper, that the place so kept shall be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of \$1,000, payable to the People of the State of Illinois, conditioned that he will not sell intoxicating liquors contrary to the laws of this state, and will pay all fines, costs and damages assessed against him for any violation thereof; and in case of a forfeiture of such bond, suit may be brought thereon for the use of the county, city, town or village, in case of a fine due to either of them. It shall not be necessary in any prosecutions under this section to state the name of any person to whom liquor is sold.

**2593. Liability for support, etc.]** § 8. Every person who shall, by the sale of intoxicating liquors, with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and \$2 per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in an action of debt before any court having competent jurisdiction.

**2594. Suit for damages by husband, wife, child, etc.—forfeiture of lease, etc.]** § 9. Every husband, wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person,

shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and any person owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally or jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages; and a married woman shall have the same right to bring suits and to control the same and the amount recovered, as a *feme sole*; and all damages recovered by a minor under this act shall be paid either to such minor, or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale, or giving away, of intoxicating liquors, shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon the premises where such unlawful sale or giving away shall take place; and all suits for damages under this act may be by any appropriate action in any of the courts of this state having competent jurisdiction.

**2595. What liable to execution—proceeding to enforce.]**  
§ 10. For the payment of any judgment for damages and costs that may be recovered against any person in consequence of the sale of intoxicating liquors under the preceding section, the real estate and personal property of such person, of every kind, except such as may be exempt from levy and sale upon judgment and execution, shall be liable; and such judgment shall be a lien upon such real estate until paid; and in case any person shall rent or lease to another any building or premises to be used or occupied, in whole or in part, for the sale of intoxicating liquors, or shall knowingly permit the same to be so used or occupied, such building or premises so used or occupied shall be held liable for and may be sold to pay any such judgment against any person occupying such building or premises. Proceedings may be had to subject the same to the payment of any such judgment recovered, which remain unpaid, or any part thereof, either before or after execution shall issue against the property of the person against whom such judgment shall have been recovered; and when execution shall issue against the property so leased or rented, the officer shall proceed to satisfy said execution out of the building or premises so leased or occupied, as aforesaid: Provided, that if such building or premises belong to a minor or other person under guardianship, the guardian or conservator of such person, and his real and personal property, shall be held liable instead of such ward, and his property shall be subject to all the provisions of this section relating to the collection of said judgment.

**2596. When suit may be before justice.]** § 11. When the damages claimed under either the eighth or ninth section of this act

do not exceed the sum of \$200, the action therefor may be prosecuted before a justice of the peace of the proper county and the judgment may be enforced in the same manner as other judgments recovered before justices of the peace.

**2597. Indictment, or fine.] § 12.** Any fine or imprisonment mentioned in this act may be enforced by indictment in any court of record having criminal jurisdiction, or the fine above may be sued for and recovered before any justice of the peace of the proper county, in the name of the People of the State of Illinois; and in case of conviction the offender shall stand committed to the county jail until the judgment and costs are fully paid.

**2598. Shifts.] § 13.** The giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be held to be an unlawful selling.

**2599. Evidence.] § 14.** In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold; or to describe the place where sold; nor to show the knowledge of the principal to convict for the acts of an agent or servant; and in all cases the persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses.

**2600. City or village ordinance no defense.] § 15.** It shall be no objection to a recovery under this act that the offense for which the person is prosecuted is punishable under any city, village or town ordinance.

AN ACT to restrict the powers of counties, cities, towns and villages, in licensing dram shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts. [Approved June 15, 1883. In force July 1, 1883.]

**2601. How license may be granted.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That hereafter it shall not be lawful for the corporate authorities of any city, town or village in this State, to grant a license for the keeping of a dram shop, except upon the payment, in advance, into the treasury of the city, town or village granting the license, such sum as may be determined by the respective authorities of such city, town or village, not less than at the rate of five hundred dollars (\$500) per annum: Provided, that in all cases when a license for the sale of malt liquors only is granted, the city, town or village granting such license, may grant the same on the payment, in advance, of the sum of not less than at the rate of one hundred and fifty dollars (\$150) per annum: And, provided further, that the city councils in cities, the board of trustees in towns, and president and board of trustees in villages, may grant permits to pharmacists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, under such restrictions and regulations as may be provided by ordinance.

**2602. How license may be granted by county board.] § 2.** The county boards of each county may grant licenses to

keep so many dram shops in their county as they may think the public good requires, upon the application, by petition, of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon the payment into the county treasury of such sum as the board may require, not less than five hundred dollars (\$500) per annum for each license; and upon compliance with the provisions of an act entitled "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 3, 1874, in force July 1, 1874: Provided, that in all cases where a license is granted for the sale of malt liquors only, such board may grant the same, upon payment into the county treasury of a sum not less than one hundred and fifty dollars (\$150) per annum for each license: Provided, further, such board shall not have power to issue any license to keep a dram shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of liquors is prohibited by law.

**2603. License to sell malt liquor — penalty for selling other liquors.] § 3.** Any person having a license to sell malt liquors only, who shall by himself or another, either is [as] principal, clerk or servant, directly or indirectly, sell or give any intoxicating liquors, other than malt liquors in a less quantity than one gallon, or in any quantity to be drunk upon the premises, or in or upon any adjacent room, building, yard or place of public resort, shall for each offense be fined not less than twenty dollars, nor more than one hundred dollars, or confined in the county jail not less than ten nor more than thirty days, or both in the discretion of the court. The penalties provided for in this section may be enforced by indictment or information in any court of competent jurisdiction, or the fine only may be sued for and recovered before any justice of the peace of the proper county, and in case of conviction, the offender shall stand committed to the county jail until the fine and costs are fully paid. A conviction under this section shall forfeit the license held by the defendant and the court rendering judgment upon such conviction shall in such judgment declare a forfeiture of such license.

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## ELECTIONS.

AN ACT in regard to elections, and to provide for filling vacancies in elective offices. [Approved April 3, 1872. In force July 1, 1872.]

**2604. Manner of giving notice.] § 46.** At least thirty days

previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

Notice is hereby given, that on (give the date), at (give the place of holding the election and the name of the precinct or district), in the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be opened at eight o'clock in the morning and continued open until seven o'clock in the afternoon of that day.

Dated at.....this....day of....., in the year of our Lord one thousand eight hundred and.....  
A B, County Clerk.

**2605. Sheriff or supervisor to post.] § 47.** The said sheriff or supervisor to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

**2606. Proclamation.] § 49.** Upon opening the polls one of the clerks or judges of election shall make proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

**2607. Circuit and superior courts to hear contests.] § 97.** The circuit courts in the respective counties, and in Cook county the superior court also may have [hear] and determine contests of the election of judges of the county court, mayors of cities, presidents of county boards, presidents of villages, in reference to the removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county, and concurrent jurisdiction with the county court in all cases mentioned in section ninety-eight (98). [As amended by Act approved June 17, 1895. In force July 1, 1895.]

**2608. By county court.] § 98.** The county court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made.

**2609. Who may contest election of other officers.] § 112.** The election of any person declared elected to any office other than governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, senator or representative, may be contested by any elector of the state, judicial division, district, county, town or precinct in and for which the person is declared elected.

**2610. Contestant to file statement, etc.] § 113.** The person



desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

**2611. Summons.] § 114.** Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

**2612. Evidence.] § 115.** Evidence may be taken in the same manner and upon like notice as in cases in chancery.

**2613. Trial.] § 116.** The case shall be tried in like manner as cases in chancery, and may be heard and determined by the court in term time or by the judge in vacation at any time not less than ten (10) days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court in term time or the judge in vacation may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest. [As amended by Act approved June 17, 1895. In force July 1, 1895.]

**2614. Other elections contested.] § 117.** Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the circuit court, within thirty days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in suits against the county; and like proceedings shall be had as in other cases of contested elections before such court.

**2615. When elector may defend for county.] § 118.** In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestant.

**2616. Judgment.] § 119.** The judgment of the court in cases of contested election, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

**2617. Tie.] § 120.** If it appears that two or more persons have or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them

shall be declared duly elected; and the judgment shall be entered accordingly.

**2618. Certified copy of judgment.] § 121.** A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

**2619. When election adjudged void.] § 122.** When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

**2620. Appeal.] § 123.** In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the supreme court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts.

**2621. Of elective offices.] § 124.** Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

**2622. When office becomes vacant.] § 125.** Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the state; or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

**2623. Who may determine when vacancy exists.] § 126.** Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

**2624. To what elections this act may apply.] § 134.** The provisions of this act shall apply, as far as practicable, to all elections in the state, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

## CONGRESSIONAL APPORTIONMENT.

AN ACT to apportion the State of Illinois into twenty-two congressional districts and establish the same, and provide for the election of representatives therein. [Approved June 9, 1893. In force July 1, 1893.]

**2625. Districts.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the State of Illinois be and the same hereby is apportioned into twenty-two congressional districts, and that the same are hereby established and shall be respectively composed as herein set forth, to-wit:

The First district shall be composed of the towns of Rich, Bloom, Orland, Bremen, Thornton, Calumet and Worth, in Cook county, and the Fourth ward east of the center line of Wentworth avenue, the Third ward, the Thirty-first ward, the Thirty-second ward, the Thirty-third ward and the Thirty-fourth ward of the city of Chicago.

The Second district shall be composed of the towns of Lemont, Palos, Lyons, Proviso, Riverside, Cicero, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg and Hanover, in Cook county, and the Tenth, Twenty-eighth, Twenty-ninth and Thirtieth wards of the city of Chicago.

The Third district shall be composed of the First, Second, Fifth, Sixth, Seventh wards and that part of the Fourth ward west of the center line of Wentworth avenue, all in the city of Chicago.

The Fourth district shall be composed of the Eighth, Ninth, Twelfth and Nineteenth wards of the city of Chicago.

The Fifth district shall be composed of the Eleventh, Thirteenth, Sixteenth, Eighteenth and Seventeenth wards of the city of Chicago.

The Sixth district shall be composed of the Twentieth, Twenty-first, Twenty-second, Twenty-third and Twenty-fourth wards, also that part of the Twenty-fifth ward south of the center line of Diversey street and west of the center line of Halsted street, and that part of the Twenty-sixth ward south of the center line of Belmont avenue, all in the city of Chicago.

The Seventh district shall be composed of the Fourteenth, Fifteenth and Twenty-seventh wards, the Twenty-fifth ward except that part south of the center line of Diversey street and west of the center line of Halsted street, that part of the Twenty-sixth ward north of the center line of Belmont avenue, in the city of Chicago; also the towns of Evanston, Niles, New Trier, Northfield, Wheeling, Palatine and Barrington, in Cook county, and the county of Lake.

The Eighth district shall be composed of the counties of McHenry, De Kalb, Kane, Du Page, Kendall and Grundy.

The Ninth district shall be composed of the counties of Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle and Lee.

The Tenth district shall be composed of the counties of Whiteside, Rock Island, Mercer, Henry, Knox and Stark.

The Eleventh district shall be composed of the counties of Bureau, La Salle, Livingston, and Woodford.

The Twelfth district shall be composed of the counties of Will, Kankakee, Iroquois, and Vermilion.

The Thirteenth district shall be composed of the counties of Ford, McLean, DeWitt, Piatt, Champaign and Douglas.

The Fourteenth district shall be composed of the counties of Putnam, Marshall, Peoria, Fulton, Tazewell and Mason.

The Fifteenth district shall be composed of the counties of Henderson, Warren, Hancock, McDonough, Adams, Brown and Schuyler.

The Sixteenth district shall be composed of the counties of Cass, Morgan, Scott, Pike, Green, Macoupin, Calhoun and Jersey.

The Seventeenth district shall be composed of the counties of Menard, Logan, Sangamon, Macon and Christian.

The Eighteenth district shall be composed of the counties of Madison, Montgomery, Bond, Fayette, Shelby and Moultrie.

The Nineteenth district shall be composed of the counties of Coles, Edgar, Clark, Cumberland, Effingham, Jasper, Crawford, Richland, and Lawrence.

The Twentieth district shall be composed of the counties of Clay, Jefferson, Wayne, Hamilton, Edwards, Wabash, Franklin, White, Gallatin and Hardin.

The Twenty-first district shall be composed of the counties of Marion, Clinton, Washington, St. Clair, Monroe, Randolph and Perry.

The Twenty-second district shall be composed of the counties of Jackson, Union, Alexander, Pulaski, Johnson, Williamson, Saline, Pope and Massac.

**2626. One representative from each district.]** § 2. One representative to the Congress of the United States shall be elected in each of the districts before enumerated on the Tuesday after the first Monday of November, in the year of our Lord, 1894, and one in each of said districts every two years thereafter; such election shall be held and the returns thereof made and canvassed in the manner provided by law.

**2627. Defines ward in Chicago.]** § 2*a*. Wherever the words "ward" or "wards" in the city of Chicago are used in this Act they shall be construed as meaning the wards as existing in said city at the time of the passage of this Act.

**2628. Repeal.]** § 3. An act entitled, "An act to apportion the State into twenty congressional districts and establish the same, and provide for the election of representatives therein," approved April 29, 1882, in force July 1, 1882, is hereby repealed.

#### SENATORIAL AND REPRESENTATIVE APPORTIONMENT.

AN ACT to apportion the State of Illinois into senatorial districts, and to repeal certain acts therein named. [Approved June 15, 1893. In force July 1, 1893.]

**2629. Apportionment.]** § 1. Be it enacted by the People of

the State of Illinois, represented in the General Assembly, That until the taking and return of the next Federal census and the apportionment thereunder, as provided in the constitution, the State shall be divided into senatorial districts each of which shall be entitled to one Senator and three Representatives as follows, to-wit:

First—The First and Fifth wards and the Second ward, except that part lying south of the center line of Twenty-second street, and west of the center line of State street in the city of Chicago, in the county of Cook, shall constitute the First district.

Second—The Twelfth ward and the whole of the Tenth ward, except that part lying south of the center line of West Twenty-first street and east of the center line of Campbell avenue in the city of Chicago, in the county of Cook, shall constitute the Second district.

Third—That part of the town of Calumet in Cook county, lying outside the city of Chicago, and all of the Thirty-first, Thirty-third, and Thirty-fourth wards, in the city of Chicago, in the County of Cook, shall constitute the Third district.

Fourth—The Twenty-ninth and Thirtieth wards in the city of Chicago, in the county of Cook, shall constitute the Fourth district.

Fifth—The Third, Fourth and Thirty-second wards and that part of the Second ward lying south of the center line of Twenty-second street and west of the center line of State street in the city of Chicago, in the county of Cook, shall constitute the Fifth district.

Sixth—The Twentieth ward and the Twenty-sixth ward, lying south of the town of Evanston, that part of the Twenty-fifth ward lying north of the center line of Montrose boulevard and south of the town of Evanston, and that part of the Fifteenth ward lying east of the center line of Western avenue in the city of Chicago, in the county of Cook, shall constitute the Sixth district.

Seventh—The towns of Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Riverside, Cicero, Proviso, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, New Trier, Evanston and Niles, in Cook county, shall constitute the Seventh district.

Eighth—The counties of Lake, McHenry and Boone shall constitute the Eighth district.

Ninth—The Sixth ward, that part of the Twenty-eighth ward lying between the center line of the Illinois and Michigan canal and the center line of Thirty-ninth street, that part of the Ninth ward lying south of the center line of west Sixteenth street, and that part of the Tenth ward lying south of the center line of West Twenty-first street, and east of the center line of Campbell avenue, in the city of Chicago, in the county of Cook, shall constitute the Ninth district.

Tenth—The counties of Winnebago and Ogle shall constitute the Tenth district.

Eleventh—The Fourteenth ward, that part of the Fifteenth ward lying west of the center line of Western avenue, the Twenty-eighth ward except that part lying between the center line of the Illinois and

Michigan canal and the center line of Thirty-ninth street, and the Twenty-seventh ward of the city of Chicago, in the county of Cook, shall constitute the Eleventh district.

Twelfth—The counties of Stephenson, Jo Daviess and Carroll shall constitute the Twelfth district.

Thirteenth—The Seventh ward, the Eighth ward and that part of the Nineteenth ward bounded on the north by the center line of West Taylor street, on the east by the center line of Desplaines street, on the south by the center line of West Twelfth street, and on the west by the center line of Newberry avenue, in the city of Chicago, in the county of Cook, shall constitute the Thirteenth district.

Fourteenth—The counties of Kane and DuPage shall constitute the Fourteenth district.

Fifteenth—The Nineteenth ward except that part bounded on the north by the center line of West Taylor street, on the east by the center line of Desplaines street, on the south by the center line of West Twelfth street, and on the West by the center line of Newberry avenue, that part of the Eleventh ward lying south of the center line of Lake street, and that part of the Ninth ward lying north of the center line of West Sixteenth street, in the city of Chicago, in the county of Cook, shall constitute the Fifteenth district.

Sixteenth—The counties of Kankakee and Iroquois shall constitute the Sixteenth district.

Seventeenth—That part of the Eleventh ward lying north of the center line of West Lake street, and the Seventeenth and Eighteenth wards in the city of Chicago in the county of Cook, shall constitute the Seventeenth district.

Eighteenth—The counties of Ford and Vermilion shall constitute the Eighteenth district.

Nineteenth—The Thirteenth ward and all of the Sixteenth ward, except that part lying northeasterly of the center line of Milwaukee avenue, and east of the center line of Noble street, and south of the center line of West Division street and the north branch of the Chicago river, in the city of Chicago, in the county of Cook, shall constitute the Nineteenth district.

Twentieth—The counties of Marshall, Woodford and Livingston shall constitute the Twentieth district.

Twenty-first—The Twenty-first ward, the Twenty-second ward and that part of the Twenty-fifth ward lying south of the center line of Montrose boulevard in the city of Chicago, in the county of Cook, shall constitute the Twenty-first district.

Twenty-second—The county of McLean shall constitute the Twenty-second district.

Twenty-third—The Twenty-third ward, Twenty-fourth ward and that part of the Sixteenth ward lying northeasterly of the center line of Milwaukee avenue, and east of the center line of Noble street, and south of the center line of West Division street, and the north branch

of the Chicago river, in the city of Chicago, in the county of Cook, shall constitute the Twenty-third district:

Twenty-fourth—The county of Peoria shall constitute the Twenty-fourth district.

Twenty-fifth—The county of Will shall constitute the Twenty-fifth district.

Twenty-sixth—The counties of Fulton and Tazewell shall constitute the Twenty-sixth district.

Twenty-seventh—The county of La Salle shall constitute the Twenty-seventh district.

Twenty-eighth—The counties of Hancock, McDonough and Schuyler shall constitute the Twenty-eighth district.

Twenty-ninth—The counties of Lee, DeKalb, Kendall and Grundy shall constitute the Twenty-ninth district.

Thirtieth—The counties of Champaign, DeWitt and Piatt shall constitute the Thirtieth district.

Thirty-first—The counties of Whiteside, Bureau, Putnam and Stark shall constitute the Thirty-first district.

Thirty-second—The counties of Cass, Menard, Mason and Logan shall constitute the Thirty-second district.

Thirty-third—The counties of Rock Island and Henry shall constitute the Thirty-third district.

Thirty-fourth—The counties of Pike, Scott and Morgan shall constitute the Thirty-fourth district.

Thirty-fifth—The counties of Knox, Warren, Henderson and Mercer shall constitute the Thirty-fifth district.

Thirty-sixth—The counties of Greene and Macoupin shall constitute the Thirty-sixth district.

Thirty-seventh—The counties of Adams and Brown shall constitute the Thirty-seventh district.

Thirty-eighth—The counties of Montgomery, Bond and Fayette shall constitute the Thirty-eighth district.

Thirty-ninth—The county of Sangamon shall constitute the Thirty-ninth district.

Fortieth—The counties of Douglas, Coles and Shelby shall constitute the Fortieth district.

Forty-first—The counties of Macon, Christian and Moultrie shall constitute the Forty-first district.

Forty-second—The counties of Clay, Marion, Clinton and Washington shall constitute the Forty-second district.

Forty-third—The counties of Edgar, Clark, Cumberland and Effingham shall constitute the Forty-third district.

Forty-fourth—The counties of Wabash, Edwards, White, Gallatin and Hardin shall constitute the Forty-fourth district.

Forty-fifth—The counties of Jasper, Crawford, Richland and Lawrence shall constitute the Forty-fifth district.

Forty-sixth—The counties of Franklin, Jefferson, Wayne and Hamilton shall constitute the Forty-sixth district.

Forty-seventh—The counties of Madison, Jersey and Calhoun shall constitute the Forty-seventh district.

Forty-eighth—The counties of Monroe, Randolph, Perry and Jackson shall constitute the Forty-eighth district.

Forty-ninth—The county of St. Clair shall constitute the Forty-ninth district.

Fiftieth—The counties of Williamson, Union and Alexander shall constitute the Fiftieth district.

Fifty-first—The counties of Pulaski, Massac, Johnson, Pope and Saline shall constitute the Fifty-first district.

**2630. Ward defined.]** § 2. Wherever the words “ward” or “wards” in the city of Chicago are used in this act they shall be construed as meaning the wards as existing in said city at the time of the passage of this act.

**2631. Repeal.]** § 3. An act entitled “An act to Apportion the State of Illinois into Senatorial Districts,” approved May 6, 1882, in force July 1, 1882, and an act entitled “An act to Apportion the State of Illinois into Senatorial Districts and to repeal an act therein named,” approved May 16, 1893; and all acts and parts of acts in conflict herewith are hereby repealed.

#### ILLEGAL VOTING BY PAUPERS, ETC.

- (1) AN ACT to prevent illegal voting by paupers and others in this State. [Approved May 25, 1877. In force July 1, 1877.]

**2632. When inmates of poor-houses, asylums, etc., may vote.]**  
 § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no pauper or inmate of any county poor-house, insane asylum or hospital in this state, shall by virtue of his abode at such county poor-house, insane asylum or hospital be deemed a resident or legal voter in the town, city, village or election district or precinct in which such poor-house, insane asylum or hospital may be situated; but every such person shall be deemed a resident of the town, city, village or election district or precinct in which he resided next prior to becoming an inmate of such county poor-house, insane asylum or hospital.

#### INMATES OF SOLDIERS' HOMES, ETC.

- (2) AN ACT to enable inmates of soldiers' and sailors' homes within the State of Illinois to vote at elections. [Approved June 16, 1887. In force July 1, 1887.]

**2633. Inmates of soldiers' and sailors' homes.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every honorably discharged soldier or sailor who shall have been an inmate of any soldiers' and sailors' home within the State of Illinois for ninety days or longer, and who shall have been a citizen of the United States and resided in this State one year, in the



county where any such home is located ninety days, and in the election district thirty days next preceding any election shall be entitled to vote in the election district in which any such soldiers' and sailors' home in which he is an inmate thereof as aforesaid, is located, for all officers that now are or hereafter may be elected by the people, and upon all questions that may be submitted to the vote of the people: Provided, that he shall declare upon oath, if required so to do by any officer of election in said district, that it was his bona fide intention at the time he entered said home to become a resident thereof.

#### CITIES, VILLAGES AND INCORPORATED TOWNS.

AN ACT regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State. [Approved June 19, 1885. In force July 1, 1885.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

#### ARTICLE I.

##### ADOPTION.

**2634. How this act may be adopted by any city.] § 1.** That the electors of any city now existing in this State may adopt and become entitled to the benefit of this act in the manner following:

Whenever one thousand of the legal voters of such city, voting at the last preceding election, shall petition the judge of the county court of the county in which such city is located to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefit of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State or county election, and if such proposition is not adopted at such election, the same shall in like manner be submitted to a vote of the electors of such city by such county court upon like application at any general State or county election thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid. If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election.

**2635. Notice of election—blank forms—duty of county clerk—penalty—expenses.] § 2.** The judge of such county court shall give at least sixty days' notice of such election by publishing such notice in one or more newspapers published within such city, for at least five times, the first publication to be at least sixty days before the day of election, and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward sixty

days before such election; and such court shall enter an order directing the county clerk to prepare the necessary blank returns for the use of the judges of election substantially in the following form:

"At an election held in the.....precinct of the.....ward in the city of....., in the State of Illinois, on the.....day of....., in the year A. D....., the following vote was cast for and against city election law, to wit:

For city election law.....votes.  
Against city election law.....votes.

Certified by us

A     B )  
C     D } Judges of Election.  
E     F }

Attest:

G     H )  
I     J } Clerks of Election."

Also to prepare separate tally sheets with appropriate headings.

And it shall be the duty of such county clerk to deliver to the judges of all the precincts in such city at such election proper tally sheets and blank statements of returns of votes cast for and against such proposition at such election. And it shall be the duty of the said judge of the county court to supervise and direct such matters and see that they are properly done.

Said judge of the county court shall also prepare directions to the judges and clerks of election as to the manner of canvassing the votes for and against such proposition, keeping tally thereof and making returns of the votes as to such proposition, in accordance with the provisions of this article; also informing them therein of the penalties of the law imposed upon the judges and clerks for any refusal or neglect pertaining to their duties, and such judge of the county court shall deliver such directions to the county clerk directing him to have them printed and sent out to such judges and clerks. And it shall be the duty of such county clerk to obey such instructions.

And it shall be the duty of the county clerk to do, and cause to be done, all things required of him by this article, and for a failure to perform such duties he shall, on conviction, be sentenced to the county jail for not less than six months nor more than twelve months, and shall also be removed from his office by the court in which such conviction shall be had.

The county shall pay all expenses connected with such election.

**2636. Form of ballots.] § 3.** At such election the ballots, so far as they relate to this act, shall be written or printed in the following form: "For city election law," or, "Against city election law."

**2637. Tickets—how prepared and what to contain.] § 4.** The ballot upon such proposition in the form aforesaid must be printed or written at the bottom of the ticket containing the names of candidates for public offices at such election who are voted for by any elector. But if any elector desires to vote upon such proposition and does not desire to vote for any candidate for any public office, he may vote a ballot prepared as aforesaid, without the name of any candidate

being thereon; but he cannot by one ballot vote for or against such proposition, and then by another ballot vote for any candidate for any office at that election. If any one shall vote a ballot which shall contain no reference to such proposition, or if both forms of ballot, viz.: "For city election law," and "Against city election law," be upon the same ticket unerased, such ballot shall not be counted for or against such proposition.

**2638. Ballots—how canvassed.] § 5.** The judges of such election shall canvass the ballots so cast for or against such proposition. They shall count in favor of said proposition all ballots "for city election law," and they shall count against such proposition all ballots "against city election law."

**2639. Manner of canvass—announcing result.] § 6.** Such canvass shall be made by such judges in the following manner: Before the name or names of any candidate on any ballot shall be canvassed, one of said judges, the other two sitting on either side of him and observing the canvass, shall separate all of the ballots cast in such precinct into three piles or files, putting together in the first pile all those containing the phrase, "for city election law," and putting together in the second pile all the ballots containing the phrase, "against city election law," and putting together in the third pile all the other ballots of every description. One of said three judges shall then count the first pile of ballots in batches of ten, and when one batch is counted, shall pass the same to the next judge, who shall count the same and pass it to the third judge who shall also count it, and when the three shall have finished the count of the ten ballots, the last judge shall announce in a loud voice the result, "ten votes for city election law," when the tally clerks shall tally ten votes accordingly on each tally sheet for city election law, and so the whole pile shall be counted, and before counting the second pile the clerks shall announce the result or number so entered and credited "for city election law," and then the second pile shall be counted in the same way in batches of ten, and the result tallied and announced in the same way "against city election law." And thereupon it shall be the duty of each of said judges in turn to announce in a loud voice the result of the election in that precinct upon that proposition. No ballot shall be counted for or against such proposition, unless it be in the form herein prescribed; no account is to be kept of the third pile of ballots as to such proposition.

**2640. When no tally sheets—duty of judges.] § 7.** If no tally sheets shall be furnished to the judges and clerks of any precinct relating to such proposition, such clerks shall use any piece of paper containing the headings written out by either of them: "For city election law," and "Against city election law," and tally the vote thereon opposite the respective headings as announced to them; and if no blank statements of returns relating to such proposition be provided or furnished to them, then it shall be the duty of said judges

and clerks to write out a return in triplicate, in substance in accordance with the form found in section two of this article.

**2641. Manner of making returns.]** § 8. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign triplicate returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in section two of this article. Each of which shall be attested by the election clerks, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the judge of the county court, one to the clerk of the county court, and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed, "City election law returns." In the same manner the tally sheets shall be signed by said judges and clerks and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of said envelopes shall be endorsed, "City election law tallies." On the outside of each envelope shall be endorsed whether it contains a statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of said judges of election shall take one of said returns, and each of said election clerks shall take one of said tallies and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered. And it shall be the duty of such officers to give such receipts, and to safely keep such envelopes unopened until called for by the canvassing board herein provided.

**2642. Special watchers of canvass.]** § 9. At the canvass of the ballots in any precinct in any city where such proposition has been submitted, it shall be the duty of said judges of election, on request, to admit to the room, two electors of the ward who voted in favor of such proposition, and two who voted against it, as special watchers of such canvass; and said judges and the police officer or other officer of the law present shall protect such watchers and see that they are not excluded, and at the time of such canvass of the ballots cast for or against such proposition, such watchers shall be entitled to a position where they can plainly see and read each ballot; and it shall be the duty of such judges to grant and protect them in such position.

**2643. Canvass by county judge, etc.—declaring result — when operative.]** § 10. On the sixth day after such election the judge of the county court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board, to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the

room usually occupied by such county court. The envelopes containing all the returns and all the tally sheets shall, upon the demand of the judge of the county court, be delivered to said board by the officers so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announced. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was, which was cast for or against such proposition in any precinct, or upon the written application of two persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct, said county judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing said ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and thereupon said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and thereupon the said judge of the county court so having received possession of such ballots, shall again place them upon a string or twine and place them in the same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the county judge," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for six months, and then destroy the same if there be no contest. At the completion of the canvass of all the precincts in such city, the total number of votes cast for and against such proposition in the various precincts, ascertained as aforesaid, shall be added together by said board, who shall then declare the total result; thereupon said county court shall enter an order declaring the number of votes so ascertained, cast for, and the number of votes cast against such proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such election, the court shall, by its order, declare this act adopted; and it shall be the duty of such county judge to file a copy of such order in the office of the secretary of State, and thereupon this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof.

**2644. Judge or clerk—neglect of duty—penalty — opening returns, etc.] § 11.** Any judge of election or clerk of election, who shall willfully neglect to perform any duty imposed upon him by this article, shall be deemed guilty of a felony, and, upon conviction, be imprisoned in a penitentiary for not less than one year and not more than three years. Any judge of election or clerk of election, who shall willfully open, change, tear, mutilate, lose or conceal, or

willfully cause or permit to be opened, changed, torn, mutilated, lost or concealed, any return of votes cast for or against this act, or any tally sheet of votes so cast for or against such proposition after the same has been sealed up and delivered to him to be carried and delivered to the officer of law required by this act to receive the same, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in a penitentiary for not less than three nor more than five years.

**2645. Stealing or mutilating returns, etc.—penalty.] § 12.** Any officer having possession of such returns, tallies or ballots, who shall steal, counsel or assist in stealing, or who shall change or mutilate any return or tally sheet relating to such election, shall be deemed guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not less than five, nor more than ten years. And any other person who shall steal, counsel or assist in stealing, or who shall change or mutilate or counsel or assist in changing or mutilating any return, ballot or tally sheet relating to such election, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the penitentiary not less than five years nor more than ten years.

**2646. Offenses governed by law of the state.] § 13.** All other offenses pertaining to the conduct of any election under this article shall be governed by the laws of the State not inconsistent herewith.

**2647. Adoption of act by village or town.] § 14.** Any village or incorporated town in this state may adopt this act in like manner, and the same shall be submitted to a vote of the people of the said village or town upon written application to said county court of 500 electors in such village or town.

**2648. Effect of adoption of the act.] § 15.** After and from the time of the adoption of this act as aforesaid, the provisions of the same shall be applicable to such cities, villages or towns, and all laws in conflict therewith shall no longer be applicable to such cities, villages or towns. But all laws or parts of laws not inconsistent with the provisions of this act shall continue in force and be applicable to any such city, village or town, the same as if this act had not been adopted.

## ARTICLE II.

### ELECTION COMMISSIONERS AND THEIR DUTIES.

**2649. Creation of board of election commissioners—term of, etc.] § 1.** In every city, village and incorporated town so adopting this act, there shall be created a board of election commissioners, which shall be composed of three members, each of whom shall be designated as an election commissioner, and shall be appointed by the county court in the county in which such city, village or incorporated town shall be located. And such appointment

shall be entered of record in such court, and, when qualified, such commissioner shall be an officer of such court. The first appointment of such commissioner shall be within sixty days after the adoption of this act, and those first appointed shall hold their offices for the period of one, two and three years respectively, and the judge appointing them shall designate the term for which each one shall hold his office, whether for one, two or three years. If the office of either commissioner shall become vacant, it shall thereupon be the duty of such county court to appoint a successor for such unexpired term; after the expiration of the term for which each commissioner is appointed, such court shall, in the same way, nominate and appoint a successor, who shall hold his office for the period of three years, and until his successor is appointed.

**2650. Commissioners — how selected — qualifications of — vacancy.]** § 2. Two of such commissioners, at least, shall always be selected from the two leading political parties of the State, one from each of such parties, and all shall be legal voters and householders, residing in such city, village or incorporated town, and be men of well-known political convictions and of approved integrity and capacity. No commissioner can hold any other public office. Whenever it shall come to the knowledge of such judge of the county court that one of the leading political parties of the State is not represented upon such commission by a person of the same political faith, he shall at once remove one of such commissioners and fill the vacancy with a member of the leading political party not so represented.

**2651. Removal on complaint — ground of.]** § 3. Such judge of the county court may, at any time, upon complaint made and cause shown, satisfactory to him, after notice to such commissioner, and an opportunity to be heard, remove any such commissioner and enter of record in the court such order of removal, and there shall be no appeal from such order. Such complaint must be signed and sworn to by at least twenty-five legal voters of such city, village or incorporated town, and must state the grounds of such complaint.

**2652. Organization of board—officers—oath—official bond—office — books, etc.]** § 4. Within twenty days after such first appointment shall be made, such commissioners shall organize as a board by electing one of their number as chairman, and one as secretary; and they shall perform the duties incident to such offices. And upon every new appointment of a commissioner such board shall reorganize in like manner. Each commissioner, before taking his seat in such board shall take an oath of office before such county judge, which in substance shall be in the following form:

“I, ....., do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in the city of....., ....., in the State of Illinois, for a period of ten years last past, and that I am a legal voter and house-holder in said city and State. That I will support the Constitution of the United States, and of the State of Illinois,

and the laws passed in pursuance thereof, to the best of my ability, and will faithfully and honestly discharge the duties of the office of election commissioner for said city."

Which oath, when subscribed and sworn to before such judge, shall be filed in the office of the county clerk of said county, and be there preserved. Such commissioner shall also, before taking such oath, give an official bond in the sum of \$10,000, with two securities, to be approved by said judge, conditioned for the faithful and honest performance of his duties and the preservation of the property of his office. Such board of commissioners shall at once secure and open an office sufficient for the purposes of such board, which shall always be kept open during business hours of every day, Sundays and legal holidays excepted. Upon the opening of such office, the county clerk of the county in which such city, village or incorporated town is situated, shall, upon demand, turn over to such board, all registry books, poll books, tally sheets and ballot boxes heretofore used, and all other books, forms, blanks and stationery of every description in his hands in any way relating to elections or the holding of elections within such city, village or incorporated town.

**2653. Board to provide ballot boxes, etc.] § 5.** Such board shall provide all necessary ballot boxes and all registry books, poll books, tally sheets, blanks and stationery of every description with printed headings and certificates, necessary and proper for the registry of voters and the conduct of such election, and for every incidental purpose connected therewith.

**2654. Chief clerk — powers and duties of.] § 6.** Said board shall have the right to employ a chief clerk, who shall have charge of the office of said board, and who shall be present and in attendance at all proper business hours. Such chief clerk shall take an oath of office before such county judge, to the effect that he will honestly and faithfully perform all the duties of such office, under the direction of said board, which shall be preserved in the same way, and he shall be under the direction of said board, and he shall have the right to administer all oaths required under this act to be administered by either of said commissioners. Such additional assistance may be employed by said board from time to time, as may be necessary, with the consent and approval, previously entered of record, by said county court, or which may afterwards be approved by such court.

**2655. Commissioners to establish election precincts — size of.] § 7.** It shall be the duty of said board of commissioners, within two months after its first organization, to divide such city, village or incorporated town into election precincts, which shall contain as nearly as practicable three hundred actual voters, and in making such division, and establishing such precincts, such board shall take as a basis the poll books, or the number of votes cast at the last previous presidential election. Within ninety days after each presidential election, such board shall revise and rearrange such pre-



cincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, three hundred actual voters, measured by the vote of such election, but at any time and in all instances where the vote cast at any precinct, at any election, equals four hundred and fifty, there must be a rearrangement, so as to reduce the vote to the standard of three hundred, as near as may be. The precincts in each ward, village or incorporated town shall be numbered from one upwards consecutively.

**2656. General registration of voters.] § 8.** After the first organization of such board of commissioners it shall prepare for a new and general registration of voters for the next general city or village election, or general State or county election, as the case may be, and when made, such registry shall be continued and revised in the manner hereinafter provided.

**2657. Judges and clerks—appointment and qualifications of.] § 9.** Said board of commissioners shall, at least sixty days prior to such election, select and choose three electors, who shall be householders, as judges of election for each precinct in such city, village or incorporated town. They must be citizens of the United States, and entitled to vote in the ward, village or incorporated town in which such precinct is located, at the next election, and they must be men of good repute and character, who can speak, read and write the English language, and be skilled in the four fundamental rules of arithmetic, and they must be of good understanding and capable; they must reside in the precinct of the village, city or incorporated town, at which they are selected to act, and they must not hold any office or employment under the United States, the State of Illinois, or under the county, city, village or town in which such election is to be held, and they must not be candidates for any office at the next ensuing election. Two clerks of election shall be selected within the same time by said board, who shall possess the same qualifications as the judges, except that they need not be householders. Being a notary public shall be no disqualification for judge or clerk.

**2658. Notice—examination—confirmation—rejection—exemption—refusal to serve—penalty.] § 10.** Each and every person so selected by the board of election commissioners shall be notified of the fact of his selection, with direction to appear, within the time fixed in the notice, before such board for the purpose of examination, and if, upon examination, he is found qualified, he shall, unless excused by such commissioners, by reason of ill health, or old age, be bound to serve as such officer for the term of one year; if his appointment shall be confirmed by the county court. Said commissioners shall keep books in which shall be written down the names of all such judges and clerks agreed upon before such notification, to appear before them, and if, when they appear, they shall be rejected for want of qualification, such fact shall be noted on said books opposite their names, and if excused on the ground of ill health or old age, such fact shall be noted, in like manner also, if they do not appear for examina-

tion, such fact shall be noted. No person shall be compelled to serve as judge or clerk, for three years after the expiration of his term of service. The judges and clerks of election shall be exempt from jury duty during the term of their service, and for two years thereafter. In case such person, so selected and notified to appear for examination, shall not appear before such board as required, or if he does appear, and shall refuse to serve, he shall forfeit not less than one hundred dollars nor more than three hundred dollars, unless it shall appear that he was not qualified for such service for any reason herein stated.

**2659. Appointment and removal of judges and clerks.]**  
 § 11. In the selection of judges of election, at least one judge shall be selected from each of the two leading political parties or organizations of the State, to serve in each precinct, and one clerk of election shall be selected from each of the two leading political parties of the State, to serve in each precinct. Each of the commissioners shall have a veto upon the proposed selection or nomination of any judge or clerk, and if, in any instance, in consequence of such veto, the board cannot agree upon such appointments, then the names of six persons who are eligible, shall be selected, for judge or clerk, as the case may be, by the commissioner or commissioners belonging to the leading political party entitled to be represented by such judge or clerk, and out of said six names the other commissioner or commissioners representing the other leading political party of the State, shall select the name of such judge or clerk, who, when so selected, shall be the judge or clerk, if otherwise eligible, if he will serve or shall be not excused for cause, and if he shall be confirmed by the county court. In case the persons so selected for judges or clerks do not appear for examination on notification, then some other persons shall be selected and notified as aforesaid, until some eligible person is found who will serve. In all cases where the parties aforesaid do not appear and be examined, or if they do appear and refuse to serve, it shall be the duty of the commissioners, by the corporate name of the board of commissioners of election, to prosecute such persons for such forfeiture above provided, and collect and pay over the same into the county treasury, and the failure of such board of commissioners of election, or either of them, to prosecute such persons shall be sufficient cause for removal from office, and when established, the county court shall so remove such commissioner or commissioners from office.

**2660. The judges and clerks to be selected from the different political parties.]** § 12. The leading political party represented by a minority of all the commissioners in said board, shall be entitled to one of the judges and one of the clerks in each precinct with an even number, and to two of the judges and one of the clerks in each precinct with an odd number, and the other leading political party shall be entitled to two judges in the even, and one judge in the odd numbered precincts, and also shall be entitled to one clerk in each precinct, and it shall be the duty of such commissioners to observe this division in all respects in making such appointments. If there

should be three political parties represented in said board of commissioners, then each of such parties shall have one representative as judge in each precinct, as far as practicable, to be selected under some rule to be adopted by such board. And if there be not three political parties represented upon such board, yet if there be a third political party in such city, respectable in numbers, said commissioners may, in their discretion, select a judge from said party for each precinct, if a proper person for such position can be found, in such manner as said board may agree upon.

**2661. Selection of judges and clerks to be returned to county court—confirmation—vacancies, how filled—removals.]**  
§ 13. After the judges and clerks are selected and have agreed to serve, then a report of such selections shall be made and filed in the county court, and application shall then be made by said board to said court for their confirmation and appointment, whereupon the county court shall enter an order that cause be shown, if any exist, against the confirmation and appointment of such persons so named, on or before the opening of the court, on a day to be fixed by the court. And said board of commissioners shall immediately give notice of such order, and the names of all of such judges and clerks so reported to such county court for confirmation, and their residence, and the precinct for which they are selected, by causing the same to be published in one or more newspapers in such city, village or incorporated town, and if no newspaper be published in such city, village or incorporated town, then by posting such notice in three of the most public places in such city, village or town, and if no cause to the contrary be shown prior to the day fixed, such appointments shall be confirmed by order entered by that court. If objections to the appointment of any such judge or clerk be filed within the time aforesaid, the court shall hear such objections and the evidence introduced in support thereof, and shall confirm or refuse to confirm such nominations, as the interests of the public may require. No reasons need be given for a refusal to confirm. If any vacancies shall exist by reason of the action of such board or otherwise, at any time, the said board of commissioners shall further report and nominate persons to fill such vacancies so existing in the manner aforesaid, and the court in the same way shall consider such nominations, and shall confirm or refuse to confirm the same in the manner aforesaid. Upon the confirmation of such judges and clerks, at any time, a commission shall issue to each of such judges and clerks, under the seal of such court, and appropriate forms shall be prepared by said board of commissioners for such purpose. After such confirmation and acceptance of such commission, such judges and clerks shall thereupon become officers of such court, and shall be liable in a proceeding for contempt for any misbehavior in their office, to be tried in open court on oral testimony, in a summary way, without formal pleadings, but such trial or punishment for contempt of court shall not be any bar to any proceedings against such officers, criminally, for any violation of this act. Where a vacancy shall occur so late that

application to and confirmation by the court can not be had before the election, then said board of commissioners shall make an appointment and issue a commission to such officer or officers, and when thus appointed, such officer shall be considered an officer of the county court, and subject to the same rules and punishment, in case of misbehavior, as if confirmed by said court, and any judge or clerk, however appointed, and at whatever time, shall be considered an officer of court, and be subject to the same control and punishment in case of misbehavior. Said board of commissioners shall have the right at any time, in case of misbehavior, or neglect of duty, to remove any judge of election or clerk of election, and cause such vacancy to be filled in accordance with this act. The judges and clerks of election must be appointed and confirmed at least thirty-five days prior to the next election. If any vacancy shall occur or exist more than five days before election, the judges or clerks appointed to such places must be confirmed by such court. Such commissioners shall not voluntarily remove any judge or clerk within five days of such election, except for flagrant misbehavior, incapacity or dishonesty. And the reasons therefor must afterwards be reported in writing to such court, and if such removal be willful and without cause, said commissioners shall be guilty of a misdemeanor under this act, and be subject to removal.

**2662. Judges and clerks to be notified — official oath.]**  
 § 14. After the issue of a commission to such judges and clerks, they shall again be notified to appear at the office of said board, and shall then and there, after taking the oath of office before one of said commissioners or said chief clerk, receive their commissions, and the oath of office shall be in writing and subscribed by each one, and shall be in substance as follows:

“I, ....., residing at....., in the city (village or town) of....., in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter (and a householder in case of a judge), in the..... ward of the city (village or town) of....., in the State of Illinois; that I will support the laws and Constitution of the United States and of the State of Illinois, and that I will faithfully and honestly discharge the duties of the office of judge (or clerk) of elections and of registration, for the .....precinct of the.....ward of the city (village or town) of.....in the county of.....in the State of Illinois, according to the best of my ability.”

**2663. Place of registry and polling place in each precinct.]**  
 § 15. It shall be the duty of said board of commissioners to appoint the place of registry, and also the polling place, in each precinct in such city, village or town, and to give public notice thereof, and shall cause the same to be fitted up, warmed, lighted and cleaned, but in each election precinct, such place or places shall be in the most public, orderly and convenient portions thereof, and no building or part of building shall be designated or used as a place of registry, or revision of registration, or as a polling place, in which spirituous or intoxicating liquor is sold.

**2664. Names of penitentiary convicts — persons pardoned.]**  
 § 16. It shall be the duty of the clerk of any court where parties are

tried or convicted of penitentiary offenses in the county where such city, village or incorporated town is located, to furnish, monthly, to such board of commissioners the names of all parties convicted or sentenced for any crimes, the punishment of which is confinement in the penitentiary, and their place of residence, if such fact be in the possession of such clerk. It shall be the duty of the Governor of the State, on or before the first day of October in each year, to furnish to such commissioners of election the names of all persons pardoned by him out of the penitentiary for any crime of which such party was convicted in a court in a county, where said city, village or incorporated town is located.

**2665. Monthly reports of the dead.]** § 17. It shall be the duty of the person or officer, having charge of the vital statistics of any such city, village or incorporated town, to furnish to such board of election commissioners, monthly, a report of the names and the previous residences of all male persons over twenty-one years of age that have died during the preceding month.

**2666. List of the dead and criminals.]** § 18. It shall be the duty of the board of election commissioners to cause to be arranged as nearly as possible according to wards in cities, and election precincts in villages or incorporated towns, the name and the residences or the former residences of all such criminals, and of all such deceased parties, and to have the same printed by wards in cities, and election precincts, in villages or incorporated towns, and furnish a printed list of the names of such persons, whose residence was formerly in such wards or precincts to all the judges of election of such wards or precincts when acting as a board of registry, for their guidance, and when they shall be advised that a person convicted of a crime has been pardoned, such fact shall be noted opposite his name. Such list shall be arranged alphabetically.

**2667. Notice of registration.]** § 19. It shall be the duty of such board to give timely notice through the press of the time and place of registration and election in each precinct of such city, village or incorporated town; and they shall also cause the printed list and supplement of the registration for the previous election to be posted up at the place of registration, two days before such registration, with a printed notice of the time and place of the next registration. This to be obligatory only after the first registration under this act.

**2668. Rules and regulations — charge of elections.]** § 20. Said board of commissioners shall make all necessary rules and regulations, not inconsistent with this act, with reference to the registration of voters and the conduct of elections; and they shall have charge of, and make provision for all elections, general, special, local, municipal, State and county, and of all others of every description, to be held in such city or any part thereof, at any time, or in such village or incorporated town, as the case may be.

**2669. Election days—holidays.]** § 21. The days upon which the general, State or county or city elections shall hereafter be held in such city, village or incorporated town, shall be holidays, and shall, for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday.

**2670. Selection of judges and clerks.]** § 22. At least sixty days prior to the next election occurring immediately after the expiration of the term of office of said judges and clerks, said election commissioners shall cause judges and clerks of election again to be selected, who shall be selected, appointed and commissioned in the same way, according to the same forms and subject to the same qualifications and limitations as required for the selection and appointment of such officers in the first instance hereunder.

### ARTICLE III.

#### GENERAL REGISTRATION.

**2671. Board of registry.]** § 1. The judges of election shall constitute the board of registry in the precinct for which they shall be appointed.

**2672. Who entitled to vote.]** § 2. Every person having resided in the State one year, in the county ninety days, and in the election precinct thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year A. D. 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, 1870, or who shall be a male citizen of the United States above the age of twenty-one years, shall be entitled to vote at such election.

**2673. Meeting of board of registry—registry books—control of.]** § 3. Such Board of Registry and the election clerks shall meet in the precinct on Tuesday, three weeks preceding the first general city, village or town election, or the first general State or county election which may occur after the first appointment of such Board of Election Commissioners, at the place designated by such Board of Commissioners, and they shall then proceed to make a general registration of all the voters in such precinct. A new general registration shall be made by the Board of Registry in every year in which a congressional election occurs and just prior thereto, the first day of such registration being on Tuesday, three weeks before such election, and the second day of registration being on Tuesday, two weeks before such election. Three registry books shall be furnished to such Board of Registry by the Board of Election Commissioners for the purpose of such registration, and such books of registry shall be prepared substantially in the following form:

REGISTER OF VOTERS.....PRECINCT.....WARD

Residence.	Address.	Nativity.	Term of Residence.			Native.	Naturalized.	Date of Naturalization Papers.	Court.	By act of Congress.	Qualified voter.	Date of Ap-plication for Registry.	Why disqualified.	Erased.	Restored.	By Commission'rs.	By Court.	Vote challenged.	Remarks.
			Precinct.	County.	State.														
240 Ohio St.	Ames, William J.	Massachusetts.	6 mos.	2 yrs.	10 yrs.	Yes.					Yes.	Oct. 5, 1885.							
205 Ontario St.	Allen, John.	England.	3 mos.	3 yrs.	5 yrs.		Yes.	May 27, 1871.	Superior, N. Y.		Yes.	Oct. 5, 1885.							
150 Dearborn Ave.	Anstin, George,	Georgia.	3 dys.	5 yrs.	6 yrs.	Yes.					No.	Oct. 12, 1885.							
131 Clark St.	Anschuler, Christian.	Germany.	2 yrs.	6 yrs.	6 yrs.		Yes.	July 1, 1868.	Not known. Baltimore.		Yes.	Oct. 12, 1885.							

One of said books shall be denominated "Public Register" on the outside, or on the first page.

Said Board of Registry shall then proceed as follows:

I. They shall open the registry at eight o'clock a. m., and continue in session until nine o'clock p. m. on the first day. One of the judges shall administer to all persons who shall personally apply to register, the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right, as such, to register and vote under the laws of this State."

II. Each of said clerks of election, and one of said judges of election, shall have charge of the registry books, and shall make the entries therein required by this act, and one of the judges shall ask the questions as to qualification, and after he is through either of the judges may ask questions. One of the judges of election may, when necessary, relieve one of the clerks from time to time, as necessity may seem to demand, in making entries in said book.

III. The name of every applicant shall be entered in such registry books, and all the facts shall be therein stated, as hereinafter provided, whether he be entitled to vote or not. If it shall be determined by the board that he is not a qualified voter in such precinct, then an entry shall be made in the appropriate column, "No," and if qualified, an entry shall be made in the same column, "Yes."

IV. Only such male persons of the age of twenty-one years, residing in such precinct, as apply personally for registration, shall be entered in such registers; but every applicant who would be twenty-one years of age on the day of the next election, if otherwise qualified, shall be entered on such registers. Every applicant who has commenced to reside in such precinct at least thirty days before such election shall be entered in such registry, and shall be marked "qualified," or "disqualified," as the case may be; but unless, on the day of election, he shall have resided for thirty full days in such election precinct, he cannot vote therein, although otherwise qualified.

V. The headings to the registry book shall be so prepared that the registry shall be made alphabetically, according to the surname of each person applying, but it shall be arranged so that the residence of such persons shall appear in the first column. The register shall be ruled, and one name shall be written on each line, but no name shall be written between the lines. The entries shall be as follows:

I. Under the column "Residence," the name and number of the street, avenue, or other location of the dwelling, if there be a definite number, and if there shall not be a number, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence state in which house he resides. And if there be more than one family re-



siding in said house, either the floor on which he resides, or the number or location of the room or rooms occupied by him, whether front or rear; every floor below the level of the street or ground being designated as the basement; the first floor above such level being designated as the first floor, and each floor above that as the second or such other floor as it may be.

2. Under the column "Address," the name of the applicant, writing the surname first, and given or christian name after.

3. Under the column "Nativity," the State, county, [country] kingdom, empire, or dominion, as the facts stated by applicant shall be.

4. Under the subdivisions of the general column "Term of Residence," the periods by days, months, or years stated by the applicant.

5. Under the column "Naturalized," the word "Yes." Under the column "Native," the word "Yes," according to the fact stated.

6. Under the column "Date of Papers," the date of naturalization, if naturalized, or about the date.

7. Under the column "Court," the designation of the court in which, if naturalized, such naturalization was had; and, if the name of the court can not be had with certainty, then the name of the place in which such court was located.

8. Under column "By act of Congress," the word "Yes," in case such person, though foreign born, has been made a citizen by act of Congress without taking out his naturalization papers.

9. Under the column "Qualified Voter," the word "Yes," or "No," as the fact shall appear or be determined by a majority of the board of registry, it being, however, required of them to designate as a qualified voter, any male person who, if otherwise qualified, shall not at the time of making application, be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his application, and not later than the day of election immediately following such time of applying.

10. Under the column "Date of Application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in election precinct. [Added by act approved June 18, 1891. In force July 1, 1891.]

**2674. Signature of judges and certificate.] § 4.** At the end of each day's registry, or revision of registration, said judges shall each sign his name at the end of the list on each page, so that no new name can be added without discovery, and shall also sign a certificate, as hereinafter provided, but before doing so, the said judges and clerks shall compare the three registers so kept, and cause any differences to be corrected, and to make the same agree in all respects, and said judges shall then attach at the end of each register, in substance in the words and figures following:

"We, the undersigned, judges of election in .....precinct of the.....ward of the city of....., in the State of Illinois, do jointly and severally certify that at the general registration of electors in said election precinct, on the .....day of.....there were regis-

tered by us in said election precinct the names which in this book are entered, and that the number of registered and qualified voters was and is the number of.....”

“Dated.....”

**2675. Registry to be hung up—right to challenge—affidavit.]**  
 § 5. Said board of registry shall, on or before noon of the day following such registry, hang up the register, which shall be known as the public register, at the place of registration, which shall be accessible to the public during all business hours, and the other two registers shall be returned to the board of election commissioners, within the time aforesaid. Any voter of the ward, village or town shall be permitted to be present at the place of registration in said ward and shall have the right to challenge any applicant who applies to be registered. And when challenged such applicant must make an affidavit in writing, setting out the facts which constitute him a voter in such precinct, and leave it with said board of registry, and if it shall be deemed sufficient and if the board is convinced that such person is a qualified voter, then he must be admitted to such registry as qualified. And any person claiming to be an elector of any election precinct in such city and who, upon application is denied the right to be registered as a qualified voter in such precinct, may, within two days after such denial of registry, make and sign an application in writing, under oath, to said board of election commissioners in substance in the following form:

“I do solemnly swear that I, .....did, on.....make application to the board of registry of the.....precinct of.....ward of the city of.....and that said board refused to register me as a qualified voter in said precinct; that I reside in said precinct, am a duly qualified voter and entitled to vote in said precinct at the next election.”

**2676. Revision register—second meeting—corrections, etc., copy.]**  
 § 6. On Tuesday, two weeks preceding said city, village, town, State or county election, said board of registry shall again meet at the place designated, and said clerks of election shall meet with them, and they shall remain in session from 8 o'clock a. m. until 9 o'clock p. m., for the purpose of registering all qualified voters not before registered and who shall apply in person to be registered. The same form shall be observed as to applications made on the second day as are required on the first day of registry.

If at the end of such day's registration, the said registers shall be examined, compared and made to agree, and they shall then be signed by the judges in the same way as at the end of the first day's registry, and similar certificates shall be attached thereto.

The board of election commissioners shall furnish to the board of registry in each precinct a blank book, which shall be named “Verification Lists,” each page of which shall be ruled into three columns, and those on the left-hand side shall be marked thus:

REGISTERED NAMES.

Street Number.	(Name)..... Street.	Names.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

And the pages on the right hand side shall be marked thus:

NAMES NOT REGISTERED.

Street Number.	(Name)..... Street.	Names.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Such book shall contain pages sufficient to allow six pages for each street, avenue, alley and court in the precinct. During the progress of the registration, or immediately thereafter the clerks of said board shall transfer all the names upon the register to the left-hand page of such "verification lists," arranging them according to the streets, avenues, alleys or courts, beginning with the lowest residence number, and placing them numerically, as near as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley or court at the top of the second column, and then proceed to transfer the names to the left-hand page of such "verification lists," according to the street numbers as above indicated.

On the opposite, or right-hand page, the name of the same street, avenue, alley or court shall be written in the second column. If, during either day of registration, any registered voter of the ward, village or incorporated town shall come before the Board of Registry

and make oath that he believes that any particular person upon said registry is not a qualified voter, such fact shall be noted; and after the completion of such "verification lists" such board or one of said judges shall make a cross or check-mark in ink opposite such name. If said judges shall, however, know that any person so complained of is a qualified voter, and shall believe that such complaint was only made to vex and harass such qualified voter, then such name shall not be put upon such list, but shall go upon such list in case any one of the judges desire. Said judges shall, before noon of the next day, hang up such public register at the place of registration, and within the same period of time return the other two registers to the office of said election commissioners. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2677. Duty of clerks—canvass of precincts—how made—verification list—refusal to answer questions—policemen—penalty.]**

§ 7. The clerks of election are hereby constituted canvassers of the precinct for which they are appointed, and upon the Wednesday and Thursday following the second day of registration, if so much time shall be required, said two clerks shall go together and canvass such precinct, calling at each dwelling place or each house where any one may reside in such precinct and each dwelling place as indicated upon said "verification lists," and ascertain the name of every male inhabitant over 21 years of age residing in such precinct, and if they shall find that any person upon their "verification lists," on the left-hand page thereof, does not X reside at the place designated thereby, they shall make a check-mark or cross opposite such name.

Said canvassers shall also write down in their "verification lists," on the right-hand page thereof so designated, "names not registered," according to the street and street numbers, all the names of all persons so ascertained by them who reside in such precinct whose names are not already upon their "verification lists." No name shall be written down on said right-hand page which already appears on said left-hand page of such "verification lists." Whenever deemed necessary by said canvassers, or either of them, he or they may demand of the superintendent, captain, lieutenant or other person having command of the police in such portion of the city, village or town, to furnish a policeman to accompany them and protect them in their duties when necessary; and it shall be the duty of such superintendent, captain, lieutenant or other person having authority over such police, in such locality to furnish a policeman for such purpose, and in default thereof such superintendent, captain, lieutenant or other person shall be deemed guilty of a misdemeanor under this act, and shall be liable to penalty not exceeding \$100 nor less than \$25. If, in making such canvass, any person shall refuse to answer questions and give the information asked for, and known to him or her, such person shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not to exceed \$50. In making such canvass said canvassers shall make special inquiry at the residences as designated in the regis-

try and "verification lists" as to all the persons so registered as qualified voters. [As amended by act approved June 18, 1891. In force July 1, 1891.]

2678. Canvass to be compared with register—names may be added to verification list—notice to persons on list—duty of canvassers—penalty:] § 8. Immediately upon the completion of such canvass, said canvassers, or one of them, shall sign a notice and send the same through the United States mail, duly stamped, to the address given upon the registry and "verification lists," of all persons named therein against whose names they have made a cross or check-mark, indicating that they did not reside in such place as before stated, and also to the address of all persons against whose names said Registry Board or judge of election has placed a check-mark or cross in such "verification lists," which notice shall require such person to appear before the Board of Registry upon the Saturday following, giving the time of such session, and to show cause why his name should not be erased from such registry. Proper blanks and postage stamps shall be furnished for the purpose to said canvassers by the Board of Commissioners. A similar notice shall be also served by one of said canvassers, either at the time such canvass is being made or before the following Saturday, by leaving the same with the party, if found, or, if he is not found at the place designated in such registry and "verification lists," by leaving the same at such address if there be such a place. Such notice to be sent through the mail, must be mailed not later than 10 o'clock Friday morning of the week of such canvass. If sufficient postage stamps are not delivered to such canvassers by said board for the purpose aforesaid, then any one may furnish such postage stamps to such canvassers for that purpose, or such canvassers may procure the same at their own expense and afterward render an account therefor to said commissioners, duly sworn to, and it shall be the duty of the said commissioners to audit such account and cause the same to be paid. It shall be the duty of such commissioners, upon application, to deliver to such canvassers postage stamps sufficient for the purpose aforesaid, when not delivered before, and it shall be the duty of such canvassers, or one of them, to apply to said commissioners for such postage stamps, if sufficient number have not been delivered to them for the purpose aforesaid, and any willful neglect of said canvassers to make application for sufficient postage stamps as aforesaid, and any willful neglect of such canvassers to mail the notice aforesaid to all of the parties checked and designated as aforesaid, and the willful neglect of such canvassers to leave the notice aforesaid at the place designated for such person so designated and any willful neglect to check the name of any person on said "verification lists" transferred from the registry as aforesaid and not found at the place designated, and any willful neglect to transfer all the names from the registry as aforesaid to such "verification lists" in the manner aforesaid, shall be deemed a misdemeanor, and such canvasser or canvassers shall be punished, upon conviction thereof, by imprisonment in the

county jail for not less than one month nor more than one year, and such canvassers shall also be liable to be punished by the county court of the proper county as for contempt and be fined not less than \$50, or imprisoned in the county jail by such court for a period not exceeding 100 days, or both, in the discretion of the court. And it shall be the duty of said Board of Election Commissioners, when complaint is made to them, to investigate the action of such clerks or canvassers, and to cause them to be brought before such county court and to prosecute them as for contempt, and also, at their discretion, to cause them to be prosecuted criminally for such willful neglect of duty. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2679. Third meeting of board — revision of register — adding and erasing names — notice to parties — powers of board — application to election commissioners.] § 9.** On the Saturday following the Tuesday two weeks preceding such general county, city, village, town or State election, said Board of Registry shall again meet at the place designated, and the said clerks of election shall meet with them, and they shall remain in session from 6 o'clock p. m. to 10 o'clock p. m. for the sole purpose of revising their registry, and no new names shall be added. Said canvassers, or one of them, shall make out a list of the names of parties checked and designated as aforesaid and to whom such notice has been sent, given or left with the address, and make and attach his or their affidavit or affidavits thereto, stating that notice duly stamped was mailed to each of said parties at the places designated on such list, on or prior to 10 o'clock a. m. of the previous Friday, and that notice was also personally left at the said address of each of said parties named in said list so attached, if there be any such address. Blank affidavits shall be furnished by said commissioners for the purpose aforesaid; but if none are furnished such canvassers shall cause the same to be drawn, and they shall swear to such affidavit before one of the judges of such precinct. If either of said canvassers shall willfully neglect and fail to make such affidavit with the list aforesaid attached, he shall be punished in the same manner as last above provided, and if such affidavit shall be willfully false the maker thereof shall also be punished in the manner last aforesaid, and shall also be liable for perjury.

If any person to whom such notice has been sent shall appear before the Board of Registry during that session he shall make oath and sign an affidavit, in substance, as follows:

“I do solemnly swear that I am a citizen of the United States, and that I have resided in the.....precinct of the.....ward in the city of.....and the county of....., and the State of Illinois, since the.....day of....., and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the Governor of any State).”

This affidavit shall be signed and sworn to before one of such Board of Registry, and it shall be preserved and filed in the office of said elec-

tion commissioners. Thereupon said Board of Registry shall further examine him, and shall also swear such canvassers, and hear them upon the question, and they shall also have the power to send one or both of said canvassers to make further examination, and inquire at the place claimed by such person to be his residence, and again examine such canvassers touching the same; and if, after such further examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall mark the word "Yes" under the column of the registry marked "erase," and shall also draw a line in ink under his name, which memorandum, in case of any registration, shall indicate that the name of such person is erased from the register, and such person shall not be entitled to vote unless his name be restored as hereinafter provided. During the last hour of said session, if any person so notified to appear at such session has not yet appeared and shown cause why his name should not be erased from such register, the same shall be erased in the manner aforesaid. Persons whose names have been so erased may make application in writing to said Board of Election Commissioners within two days thereafter to be restored to such register as in the cases before provided for. Either of said clerks shall have the power and right of both in the matter pertaining to such canvass, except that both are required to go together and make such canvass; but in case either refuses or neglects to go and make such canvass as aforesaid, then the other may make such canvass alone. But a clerk who willfully neglects to perform his duty in making such canvass shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail not exceeding sixty days nor less than thirty days, and shall also be deemed guilty of a contempt of court, and be punished accordingly as an officer of said county court. In case of temporary disability on the part of either canvasser or clerk, the judge who belongs to the same party may appoint a temporary clerk or canvasser, who shall belong to the same party, and administer to him the usual oath of office, and he shall perform all the duties of the office until the disability of the regular clerk or canvasser is removed.

The "verification lists" aforesaid, after the final revision, shall be at once returned by the Board of Registry to the Board of Election Commissioners, and within thirty days after such election such Board of Election Commissioners shall turn over said "verification lists" to the clerk of the county board, to be used by such county board in the preparation of jury lists; and it shall be made the duty of such county board to carefully keep such lists arranged in order; and from the legal voters of such lists of "names not registered" such county board shall first prepare such jury lists, and afterward from the legal voters of such lists of "registered names." [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2680. The three registers to be compared and corrected — one to be hung up, two returned — printing register.]**

§ 10. At the end of the last session above provided for, the said board

of registry and said clerks shall compare and correct the three registers aforesaid and make them correspond and agree, and said judges shall then, immediately following the last name on each page of the register, sign their names, so that no other names can be added without discovery, and shall add the certificate as provided at former sessions. And thereupon and during the forenoon of the next day, said judges shall hang up the registry, known as the public register, in the place of registration for the use of the public, and shall return the other two registers to the possession of the board of election commissioners; and thereupon the said board of commissioners shall at once cause copies to be made of such registers of all names upon the same with the address not marked erased, and shall have the same arranged according to the streets, avenues, courts or alleys, commencing with the lowest number, and arranging the same in order according to the street numbers, and shall then cause such precinct register, under such arrangement, to be printed in plain large type in sufficient numbers to meet all demands, and upon application, a copy of the same shall be given to any person in such precinct. Said commissioners may, in their discretion, cause such precinct register to be published in one or more newspapers published in said city.

**2681. Application to erase name—notice.]** § 11. Any voter or voters in the ward, village or town containing such precinct, may make application in writing before such board of election commissioners to have any name upon such register of any precinct in the ward erased which application shall be in substance, in the words and figures following:

“I, (or we)....., do hereby solemnly swear (or affirm) that I (or we) believe that..... is not a qualified voter in .....precinct of.....ward of the city (village or town) of....., and hence I (or we) ask that his name be erased from the register of such precinct.”

Such application shall be signed and sworn to by the applicant and filed with said board. Thereupon notice of such application with a demand to appear and show cause why his name shall not be erased from said registry shall be personally served upon such person or left at his place of residence, named in such registry, by a messenger of said board of commissioners, and as to the manner and time of serving such notice, such messenger shall make affidavit; said messenger shall also make affidavit of the fact, in case he can not find such person or his place of residence, and that he went to the place named on such register as his place of residence. Such notice shall be served at least one day before the time fixed for such party to show cause. Said commissioners shall also cause a like notice or demand to be sent by mail, duly stamped and directed, to such person, to the address upon said registry, at least two days before the day fixed in said notice to show cause.

**2682. Docket of applications — notice — order of business — restoring and erasing names.]** § 12. A docket of all applications



to said commissioners, whether such applications shall be made for the purpose of being registered, or for the purpose of erasing a name on the register, shall be made out in the order of the wards and precincts. The commissioners shall sit to hear such applications on the Tuesday and Wednesday immediately preceding such election. They shall take up the wards or precincts in their numerical order. The decision of each application shall be announced at once after hearing, and a minute made thereof; and when an application to be registered or to be restored to such register shall be allowed, the said board shall cause the same to be made upon the two registers of said precinct so in its possession. And where an application to erase a name shall be allowed, said board shall cause the same to be erased forthwith. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2683. County court—application to put name on or erase from register.]** § 13. The county court of the county in which such city, village or incorporated town shall be located shall, on Friday and Saturday of the week prior to the week in which such election is to be held, specially sit to hear such applications as shall be made to it to be placed upon the register in any particular precinct. Such application shall be sworn to, and shall state that the party making the same has applied to the Board of Registry of the precinct and to the Board of Election Commissioners, and that one or both boards refused to place him upon such registry, or has stricken his name from such registry, as the case may be. Application shall be made on or before the opening of the court on the Friday last aforesaid, and the court shall cause a docket of such applications to be made out, arranged by wards and precincts, and the same shall be heard summarily, and evidence may be introduced for and against such applications. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application; a copy of such minute shall at once be given to said commissioners, who shall forthwith cause such names to be placed upon the appropriate register, and indicate that it was entered by order of court. After the entry of the applications so allowed by said court, no further change shall be permitted, and the appropriate stamp prepared shall be fixed to the end of each page of names in each precinct registered by said Board of Commissioners. Said books of registry so prepared shall, on the day prior to the election, be delivered to the judges of election, one only, however, to be delivered to the judge or judges representing the same political party. No person admitted to the registry by order of such court or such board shall be protected by such order in case he should be indicted for false registration or false voting. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2684. Refusal of application — appeal bond — evidence — record.]** § 14. In case said county court shall refuse any such applications, an order shall be entered accordingly on the Wednesday following the session of the court held for the purpose aforesaid, and any person desiring to appeal from the said order may appeal to the

Supreme Court of the State, if application be made therefor within five days after the entry of said order, and such appeal shall be allowed on the giving of an appeal bond in the penalty of \$250, conditioned to pay the expenses of such appeal. The time for filing such appeal bond and certificate of evidence shall be fixed by the court, and upon presentation to the court of a certificate containing the evidence heard at such hearing, within the time fixed by the court, the court shall sign the same and thereupon the same shall become part of the record in said cause.

**2685. Supplemental list to be printed and posted—delivery of.]** § 15. A supplemental list of all persons who shall have been registered by order of said board, or by order of such county court, and a supplemental list of all persons erased from such registry by order of said board of commissioners or of said county court, of sufficient quantity to accommodate each precinct, shall be printed by such board, and thereupon on the day of election, said board shall cause to be posted up at each precinct where such election is to be held, the original printed registry and the supplemental lists aforesaid, and shall also cause a copy thereof to be delivered to each judge and clerk, and to all other persons of the ward, village or town demanding the same.

**2686. General registration — forms — blanks and methods.]** § 16. Every general registration shall be made in the same manner and in conformity with directions heretofore given. At every general registration every person desiring registration must appear in person and make application, under oath, as in the case of the first registration herein provided. The same form and blanks and methods of proceedings shall be had before and by the Board of Registry, and by the canvassers and by and before the judges of election and election clerks and by the Board of Election Commissioners and county court, in every subsequent general registration as is directed herein for the first registration and election following the same. [As amended by act approved June 18, 1891. In force July 1, 1891.]

#### IMMEDIATE REGISTRATION.

**2687. When last general registration shall be used—revision of—removal of voter—certificate—affidavit.]** § 17. At every election held in each city, village or incorporated town between the general registration above referred to (except in the case of a special election in and for such city, village or town, or in some part of such city, village or town, and except at any judicial election held between such general registrations, at which election no other officers than judicial officers are to be voted for) the last general registration shall be used, but the same shall be revised by the Board of Registry of each precinct where such election is to be held, and for that purpose the Board of Registry shall meet on Tuesday, two weeks preceding such election, and shall hold a session from 8 o'clock a. m. to 9 o'clock p. m.,

on that day, and names may be added to the registers in the same way upon sworn application as in the case of a general registration, and all the other forms and requirements are to be observed.

If a voter remove from one place to another in the same precinct, such party must appear before such Board of Registry when in session and make oath as to such removal, and the registers shall be corrected accordingly; and if not corrected, such person cannot vote unless he shall make oath before one of the judges of such precinct that he is the identical person whose name appears upon the register (though it be erased) as having been registered at some other place in such precinct (naming the place), and unless such statement shall be verified by two householders, residing in such precinct, that he is the identical person so registered at such other place in the precinct, whereupon such judges of election, if they believe him to be the same person registered at such other place, shall receive his vote.

The fact that a voter is registered in one precinct from which he has removed shall not prevent him from being registered in another precinct into which he has removed: Provided, he is otherwise entitled to be registered therein: And, provided, further, that it shall be the duty of the Board of Election Commissioners to remove his name from the registry book of the former precinct immediately on the registers being returned into their office; and it is made the duty of the judges of election to question every voter offering himself to be registered as to whether he was or is registered in any other precinct and to make a note of the fact of such registration and the precinct where registered in a column to be provided in the registry books for that purpose. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2688. Verification list — mode of keeping.] § 18.** Blank books named "verification lists" shall be furnished to the Board of Registry in all intermediate registrations the same as in the case of original or general registrations as provided for in section 6, article 3 hereof, and the clerks of election shall transfer to said "verification lists" all of the names already upon the registry at the commencement of such intermediate registration, and all new names added thereto on such day of intermediate registration, in the same manner and form as provided in said section 6; and the duties of the judges and clerks in regard to such "verification lists" shall be the same as provided in said section last mentioned. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2689. Registers—how signed, compared, certified and returned.] § 19.** At the end of such session such registers shall be made to agree and where there is any difference the majority of said board shall decide the same, and then each of said judges shall sign each page of each register made, below the last name on each page, so that no name can be added thereto without discovery, and the usual certificate shall be added. Two of such registers shall be returned to said Board of Election Commissioners by noon next day, and the one called

the "public register" shall be hung up in the place of registration. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2690. Duty of clerks and canvassers.] § 20.** The clerks of election of such intermediate registration are hereby constituted canvassers of the precincts in which they are appointed, and the same duties are imposed upon them and upon all other persons with reference to such canvass as are required of such canvassers under section 7, article 3 hereof. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2691. Intermediate registration.] § 21.** In the matter of such intermediate registration notices shall be given as required by section 8, article 3 hereof, and every provision of said section 8, and every duty, penalty and punishment therein provided shall be applicable and in full force as to such intermediate registration. Said Board of Registry is specially charged to look after such canvassers and see to it that the law is observed in all its parts by such canvassers, and any willful neglect shall render such judges liable to the same extent and for like penalties and punishments as are such canvassers hereunder. The Board of Election Commissioners shall give special directions to such canvassers in writing or print in regard to their duties as such, and the penalties to be incurred by them for the neglect thereof and also to the registry board of their duties in making such revision in order and to the end that no name shall be left upon such register of any person not entitled to vote in such precinct. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2692. Meeting of the board to revise the registry.] § 22.** On Saturday following the Tuesday of said intermediate registration such Board of Registry shall meet again at the place designated, and said clerks of election shall meet with them, and they shall remain in session from six o'clock p. m. to ten o'clock p. m. for the purpose of revising such registry, and thereupon such proceedings shall be had and taken by said canvassers and said Board of Registry as are provided for in section 9, article 3 hereof, and all the duties to be performed and all the penalties and punishments therein provided shall be applicable and in force as if here again repeated with reference to such intermediate registration and canvass and revision. No new names shall be added at such meeting. Said "verification lists" shall be disposed of as provided in said section 9. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2693. Registers, how compared, signed, certified and returned to election commissioners.] § 23.** The three registers shall then be compared and be made to agree where there is any difference, and all three shall be signed at the bottom of each page by all of said judges immediately under the last name on that page, so that no new name could be added without discovery. Such revision of the registry by said board of registry shall then be considered closed, and no other names can be added by said board, and a certificate of the

number of qualified voters shall then be attached, and one of said registers, designated as the public register, shall then be hung up at the place of registration for public inspection at all times prior to the election; and the other two books of registry shall, by noon of the next day, be returned to the said board of election commissioners.

**2694. Commissioners to have registers copied, printed and returned to election commissioners.]** § 24. Said board of election commissioners shall immediately, upon the return of said registers cause the registry of each precinct to be copied and arranged according to street numbers, as in case of the first registration, and shall cause a suitable number of each precinct to be printed for distribution; and shall cause a copy thereof to be posted, and copies given to the judges and clerks, as provided in case of first registration; and also to furnish printed supplemental lists, as before directed as to the first registration.

**2695. Board of election commissioners may hear application for erasure of names and for registration thereon.]** § 25. Said Board of Election Commissioners shall hear applications for the erasure of names upon the registry and for the registration of persons thereon in the same way and form and at the same time or times as is provided with reference to such original or new registration, and the same methods are to be adopted, and in all particulars the proceedings shall be the same before the Board of Election Commissioners and before the county judge with reference to reinstatement and erasures as is provided for with reference to such original or new registration. [As amended by act approved June 18, 1891. In force July 1, 1891.]

**2696. Possession and return of registers to commissioners—corrections.]** § 26. On election day said judges shall take possession of said third or public register, and after such election, and on the next day, all three of said registers shall be returned to said board of election commissioners, and said third public register shall, immediately after such election, be corrected by said board of commissioners, so as to correspond with the other two registers, or in case it shall be mutilated, or in case any register of any precinct shall be lost, said board of commissioners shall cause a true copy to be made from the other register or registers, so that prior to the next meeting of the board of registry there shall be three registers for each precinct. This section is made applicable, and it shall be the duty of the judges of election to observe it after each and every election.

**2697. Special elections—no revision of registry—how conducted.]** § 27. At any special election occurring in a portion of such city, village or town only, or which is to fill a vacancy occurring in a single office, and at all judicial elections, at which no other than judicial officers are to be elected, there shall not be a previous revision of the registry. But at such special or judicial election any legal voter of a precinct shall be entitled to vote in case he shall file with the judges of election an affidavit, stating the time when he removed into

such precinct and the length of his legal residence in such precinct, county and State, and that he has removed into that precinct since the last registration of electors at the last election, and that he is a legal voter of such precinct, supported by an affidavit of a registered voter and householder of the precinct that he knows such person, and that his statements as to his time of residence, as aforesaid, are correct, and that such person is a legal voter in such precinct. But it shall be the duty of such judges of election to examine him on oath as to his qualifications, and, if they are of the opinion that he is not a legal voter, or did not remove into such precinct since the last general or intermediate registration, they shall not accept of his vote. The books of registry shall be used at such elections, and no one can vote unless upon such registry, except under the circumstances and through the method aforesaid. All affidavits shall be returned to the office of such election commissioners by the judges of election after every registration and after every election.

**2698. Inspection of registers.] § 28.** The registers in the office of the election commissioners shall, at all times, be open to public inspection without charge.

**2699. Delivery of registers, ballot box, etc., to judges.] § 29.** Said judges of election of any precinct shall, on the day preceding any election, call at the office of said commissioners, and receive two registers of such precinct, one being received by the representative of one leading political party, and the other by the representative of the other leading political party. The ballot box of such precinct shall be delivered to one of said judges with the key, and it shall contain the poll books and all the blanks and stationery required for such election.

**2700. Penalty for mutilating or destroying public register.] § 30.** If any person shall willfully remove, mutilate or destroy the public register, hanging up at the place of registry, he shall be guilty of a misdemeanor, and upon conviction shall be imprisoned in the county jail not less than three months nor more than twelve months.

**2701. Filling vacancy on board of registry.] § 31.** Any vacancy upon such board of registry, on the day of registration, shall be filled by the judge or judges present, always selecting a person of the same political party as the party absent, and the same oath shall be administered by one of the judges present to such temporary judge, as provided for regular judges. Whenever any regular judge shall return or be present, such temporary incumbent shall vacate his office.

#### ARTICLE IV.

##### ELECTION.

**2702. Time of opening and closing polls—presence of judges and clerks.] § 1.** The election polls shall be opened at six o'clock in the morning, and continued open until four o'clock in the after-

noon, of the same day, at which time the polls shall be closed, and if any judge or clerk shall be behind time for fifteen minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five minutes at any time, until the ballots are all cast and counted and returns made, except one at a time of such judges or clerks may absent himself for sufficient time to cast his vote in the precinct where he belongs. And when absent for any cause, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return.

**2703. Judge or judges present may fill place of absent judge — absence — penalty — detaining register, etc.] § 2.** If any judge or clerk shall not be present after the expiration of fifteen minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk, always selecting a person of the same political party as the party absent. And one of the judges shall administer to such substitute the oath, as required of the judge or clerk originally appointed, and blank forms shall be sent out by the commissioner for such purpose, which oath shall be preserved and returned to the commissioners, and such appointee shall be considered an officer of the county court, and subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present such substitute shall cease to act. Any judge or clerk who shall willfully absent himself from the polls on election day, without good cause, shall be guilty of a misdemeanor, and be subject to a fine or penalty of five hundred dollars. And if such judge or clerk shall willfully detain any register or poll book, and not cause it to be produced at the polling place, at the opening of the polls, or for fifteen minutes thereafter, he shall be deemed guilty of a misdemeanor, and on conviction, shall be imprisoned not less than three months nor more than one year in the county jail, or be fined not less than two hundred dollars nor more than one thousand dollars.

**2704. Ballot box not to be removed from public view—penalty—removal of obstruction.] § 3.** Before voting begins the ballot box shall be empty and shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, and on conviction shall be fined a thousand dollars, if such ballot box shall not be kept constantly in public view during the progress of the election; unless it shall be shown by such judge that he protested against such obstruction of the view of the ballot box, and was overruled by the majority of the judges. If any barricade or other obstruction of any kind shall be, prior to or during such election, interposed, so that all who desire cannot constantly see such ballot box, it shall be the duty of such judges to remove such obstruction on request or on their own

motion, and if such obstruction shall not be removed on request, it shall be the duty of any sheriff, constable or police officer to remove the same on request. And such judges shall be guilty of a misdemeanor and liable to a penalty of a thousand dollars on conviction for not removing the same on demand, and shall be imprisoned in the county jail not less than six months nor more than two years. Any judge or justice of the peace shall have jurisdiction, on complaint, to issue a warrant to any constable or the sheriff of the county to remove such obstruction as a nuisance; and in executing such warrant he may call any person to his assistance, and no other officer of the law or private individual shall interpose or interfere with such removal; and if he does he shall be guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail not less than sixty nor more than ninety days.

**2705. How name of voter to be entered.]** § 4. Each of the clerks of election shall keep a poll book which contains a column headed "Number;" another headed "Residence," and another "Names of Voters." The name of such elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite the name in the column headed "Number."

**2706. Name on ballot.]** § 5. Each voter may write his name upon the back of his ballot with ink or in pencil.

**2707. How ballots received—challenged—blank affidavits.]** § 6. One of said judges of said election shall receive the ballot from the voter, and shall announce the residence and name of such voter in a loud voice. And the other two judges shall use and handle the two registers delivered to the judges by said commissioners, each using one. And when the name is found by both upon the registers, and the residence, as given by such voter, corresponds with the residence on such registry, and he is marked as a qualified voter therein, and not erased, then such judge shall receive such ballot unless such voter is challenged, and shall fold the same, if it be not folded, and shall mark the number of such vote thereon, which shall correspond with the number as then and there entered by said poll clerks upon the poll books. Said judge shall then put said vote into the ballot box in the presence of the voter and of the judges and clerks of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of the name of the voter, marked "voted," or the letter "V." If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of said judges shall administer to him an oath to answer questions; and if he shall take said oath he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges



are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in such precinct, county and State, that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. Also supported by an affidavit by a registered voter who is a householder residing in such precinct, stating his own residence, and that he knows such person, and that he does reside at the place mentioned, and has resided in such precinct, county and State for the length of time as stated by such person; which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, numbered and entered as other votes. But such clerks and the judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to said judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received.

**2708. Voter's name must be on register.] § 7.** The vote of no one shall be received by said judges whose name does not appear upon said registers as a qualified voter.

**2709. Political parties — challengers — watchers — canvass — policemen to be present.] § 8.** At every election each of the political parties shall have the right to designate and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position immediately adjoining the judges of election, inside the polling or registration booth as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the judges of election and the police. And authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in any such city, village or incorporated town, shall be sufficient evidence of the right of such challenger to be present inside the room where the ballot box is kept. But in case any challenger cannot or does not produce the authority of such chairman, it shall be the duty of said judges of election to recognize a challenger that shall be vouched for and presented to them by the persons present belonging to such political party, or who shall be vouched for by the judge representing such party. The chairman of the managing committee of each political party for such city, village or town may remove any challenger appointed by him. The challenger so appointed and admitted to the room where such ballot box is kept shall have the right and privilege of remaining during the canvass of the votes, and until the returns are

duly signed and made. Each political party shall also have the right to a challenger placed conveniently outside of the polling booth, but not in the way of the voters. In addition to such challenger, each of the political parties casting votes at such poll at the close of the polls, shall have the right to the admission of two persons of their political faith into the room where such ballots are to be canvassed, to watch such canvass, which watchers may be selected by the captain of the ward or precinct, or other persons managing the political interests for such party in such ward or precinct, and in the absence of such selection it shall be the duty of the judges of such election to admit into such room two persons of each political party so voting at such election, and who shall be vouched for by the judge or judges representing such political party, to be present during the canvass of such votes and the making of such returns. That such persons shall be of good character, and sober, and shall in no wise interfere with such canvass. The police shall in no manner interfere with the entrance of such watchers into such room, but they shall keep order, and in case of any disorderly conduct on the part of any bystanders or watchers, it shall be the duty of the police to exclude such persons from such room. It shall also be the duty of such judges of election to admit one or more policemen to be present in such room at the time of such canvass.

**2710. Authority of judges—person making arrest.] § 9.** Said judges of election shall have authority to keep the peace and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots; and it shall be the duty of all officers of the law present to obey the order of such judges of election, and an officer making an arrest by direction of any judge shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest.

**2711. Judicial election—official ticket holders—badge—duty of ticket holders—penalty.] § 10.** It shall be the duty of the board of election commissioners, at any judicial election, at which no other officers are to be elected than a judge or judges, to appoint two competent and discreet persons residing in any ward, village or town, to act as official ticket holders for each precinct on the day of election, one from each of the leading political parties of the State, and who shall wear a badge indicating that they are such official ticket holders. Such commissioners shall furnish them with a box conveniently arranged to contain such tickets or ballots. And it shall be the duty of both such official ticket holders to keep on hand, if furnished to them, tickets of each candidate at such election in such precinct, and to furnish the ticket asked for by any person, irrespective of party. It shall be the duty of such official ticket holders to preserve and protect such tickets and not to destroy the same, and to prevent their needless destruction. Such official ticket holders shall be present at such polls from the opening to the close. Any such official ticket holder neglecting to perform his duty or who shall desert his place, or who shall corruptly

use his position, or who shall, in any way interfere in such election, or who shall canvass for voters for either party or for any person, shall be guilty of a misdemeanor, under this act, and shall forfeit his fee or salary for such service, and on conviction shall be imprisoned in the county jail not less than thirty, nor more than sixty days. Such ticket holder shall be protected by the police, and a majority of said judges of election at such precinct may for misconduct, remove any such official ticket holder and appoint another in his place of the same political party, and such removal shall be enforced by any police officer.

**2712. Canvass to commence immediately upon close of poll— not to be adjourned—challengers and watchers to be present.]**

§ 11. As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately and at the place of the poll, proceed to canvass the votes so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the judges and clerks, shall have been made out and signed by them. The judges of election shall have the right to station one or more police officers, or officers of the peace, at such entrance to the room where such canvass is begun, or about to take place, to exclude disorderly persons, and to keep the peace. The challengers present, and the watchers of such canvass shall be allowed to be present, and so near that they can see that the judges and clerks of said election are faithfully performing their duties. Each candidate for an office to be filled at such election, by certificate in writing, signed by him, may designate one person for each election precinct in which he is a candidate, to be present at such canvass of the ballots, and such persons shall be admitted to a position in said room as a watcher of such canvass. And the judges of election shall permit him to be present, and be so near to them that he can see that such canvass and the statements required by them of the votes are correctly made, and no judge of election or police or other officer shall allow such person to be molested or removed during the canvass of such ballots, nor until such statements have been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct.

**2713. Canvass of votes—how made.]** § 12. The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot that is marked, and upon which there is no mark. And if the ballot and the poll lists still do not agree after such rejection, they shall reject as many of the ballots upon which no number is marked as may be necessary to make the ballots agree in number with the names entered on each of the poll lists. And if, after rejecting all the ballots upon which there is no number marked, the number of ballots in the box still exceeds the number of names en-

tered on each of the poll lists, the ballots shall be replaced in the box, and the box closed and well shaken, and again opened; and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. And the ballots or poll lists agreeing, or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots, and place those which contain the same names together, so that the several kinds shall be in separate piles, or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be alike, and exclude from such files any which may have a name or an erasure, or in any manner shall be different from the others of such file. One of said judges shall then take one file of the kind of ballots which contain the same names, and count them by tens, carefully examining each name on each of said ballots. Such judge shall then pass the ten ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, who shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in the ten ballots, and the offices for which they are designated; and the poll clerks shall tally ten votes for each of such persons. When said judges shall have gone through such file of ballots containing the same names, by tens in that way; and when the poll clerks shall have tallied all the votes by tens for each of such persons, they shall then take up the next file of ballots containing the same names, and shall count them by tens in the same way; and shall call the names of the persons named in said ballots, and the offices for which they are designated; and the tally clerks shall tally the votes by tens for each of such persons in the same manner as in the first instance. When the counting of each file of ballots which contain the same names shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed. And when they agree upon the number, one of them shall announce it in a loud voice to the judges. The said judges shall then canvass the other kinds of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the name of the person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by one of the judges sitting between the two other judges, which judge shall call each name to the poll clerks, and the office for which it is designated; and the other judges, looking at the ballot at the same time, and the poll clerks making tally of the same. When all the ballots have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice to the judges the number of votes received by each candidate on each of the kinds of ballots containing

his name, the number received by him on the split and scratched tickets, and the total number of votes received by him.

**2714. Ballots strung.] § 13.** Each batch of ten ballots counted by the judges of election shall, as soon as counted, read and tallied, be strung upon a strong string, thread or twine, in the order in which they have been read; and each batch shall be thus disposed of before the commencement of the count as to the next batch.

**2715. When proposition submitted--how vote canvassed.] § 14.** Whenever any proposition is submitted to a vote of the people, and is printed or written upon the same ticket, with the names of candidates for an office, the names, together with such proposition, shall be canvassed in the following manner: All the ballots shall be first separated into three piles. The first pile containing all the ballots in favor of such proposition, the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile, and see that the separation has been properly made. Then the first pile shall be counted by tens, and the result announced to the clerk, who shall tally the same by tens. And so the second pile shall be counted, announced and tallied, and likewise the third pile, if necessary. Whereupon the clerks shall announce to the judges the number of votes for and the number of votes against such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied.

**2716. When tally sheets contain no heading for proposition--duty of judges.] § 15.** If the tally sheets and returns should contain no heading for any proposition submitted, it shall be the duty of the clerks to write into such tally sheets and returns the headings necessary in order to keep a correct tally, and to make a correct and accurate return, and it shall be the legal duty of the clerks and judges of election to make a true count and correct return of all votes upon any such proposition, and any willful failure or neglect of any judge or clerk to do so shall constitute a felony and on conviction such judge or clerk shall be sent to the penitentiary for not less than three years nor more than five years.

**2717. Judges to proclaim number of votes, etc.] § 16.** When the canvass of the ballots shall have been completed and the poll clerks shall have announced to the judges the total number of votes received by each candidate, each of the judges of election in turn shall then proclaim in a loud voice, the total number of votes received by each of the persons voted for in such precinct, and the office for which he is designated; and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

**2718. Returns — what to contain — certificate of judge and clerks — to whom directed.]** § 17. The said judges or election shall make quadruple statements of the result of the canvass, one of which shall be written or partly written and partly printed, in each of the poll books used at such election. Each of the statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, city and county in relation to which such statements shall be made; and the time of opening and closing of the polls of such election precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statements shall be written or partly written and partly printed, in words at length; and in case a proposition of any kind has been submitted to a vote at such election, such statements shall also show the whole number of votes cast for or against such proposition, written out or partly written and partly printed in words at length. And at the end thereof a certificate that such statement is correct in all respects. Which certificate and each sheet of paper forming part of the statement, shall be subscribed by the said judges and election clerks. If any judge or election clerk shall decline to sign such return, he shall state his reasons therefor in writing, and a copy thereof signed by himself shall be enclosed with each return. Each of the statements, except the one contained in each of the poll books, shall be enclosed in an envelope, which shall then be securely sealed with sealing wax or other adhesive material; and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. One of the envelopes shall be directed to the county clerk, and one to the comptroller of the city, or to the officer of such city, whose duties correspond with those of comptroller. Each set of tallies shall also be signed by the election clerks and the judges of the election. And each shall be enclosed in an envelope, securely sealed and signed in like manner; and one of the envelopes shall be directed on the outside to the election commissioners, and the other to the city, village or town clerk. On the outside of every envelope shall be endorsed whether it contains the statement of the votes cast or the tallies, and for what precinct and ward, village or town.

**2719. One ballot of each kind to be pasted to returns, etc.]** § 18. Before enclosing in an envelope the statements or returns aforesaid, and after signing the same, said judges shall securely paste or attach to each return one ballot of each kind found to have been given for the officers to be chosen at such election, and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, so that one of each kind of ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the ballot box, it shall be pasted or attached

to the statement to be delivered to the board of election commissioners, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the board of election commissioners, and the other statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being deficient, in whole or in part to the statement, to be delivered to the board of election commissioners.

**2720. Poll books to be placed in ballot box, etc.] § 19.** The poll books, which contain two of the several statements or returns, shall be placed in the ballot box, and the ballot box shall then be locked and the key removed, whereupon said judges of election shall all write their names upon a strip of paper of sufficient length for the following purpose: Said strip of paper, after the signing of their names thereon by said judges shall then be pasted over the keyhole in said ballot box, and extending upward to the upper lid of the box, and carried for some distance over the top, and it shall be placed in such a way that the signatures of said judges shall extend across the place of the opening of the lid of the box, so that when the box is opened it shall tear such paper and destroy the signatures written thereon, and so that when the key shall be inserted in the keyhole it will tear the paper so pasted over the keyhole. Such paper shall be fastened with sealing wax, or by some other adhesive material, which will not permit the removal of such slip of paper, without defacing the same.

**2721. Judges to deliver ballot box, etc., to election commissioners.] § 20.** Thereupon one of the judges of election shall take charge of said ballot box and its contents so enclosed, and one of the judges, who shall represent the opposite political party from the one taking the ballot box, shall receive and hold the key thereto. The two judges who do not have charge of the ballot box shall each take one of the statements of the votes cast into his possession, sealed up in the envelopes as aforesaid; and each of the clerks shall take one of the tally sheets sealed up in the envelope as aforesaid. Thereupon, and before separating the remaining ballots not pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the meeting of said judges and clerks shall then be dissolved. Thereupon, and before twelve o'clock of the day after such election, the judge having possession of such ballot box shall deliver the same with the contents as aforesaid, to the board of election commissioners, with the seal unbroken, and shall receive a receipt therefor; and within the same period of time the judge having possession of such key shall deliver the same to said board of commissioners, and receive a receipt therefor, and the two judges not having possession of the ballot box and the two clerks shall each, before twelve o'clock of the next day after such election, deliver the statements and tallies so in their possession, respectively to the respective officers to whom addressed, as aforesaid, and who by this act are entitled to receive the same, and when delivered each one shall take a receipt from the officer to whom delivered. And none of them shall

receive pay for their services as such judges or clerks without the production of the receipts so given them by the officers aforesaid. It shall be the duty of the respective officers so designated, to whom such statements and tallies are ordered to be delivered, to receive the same, and to safely keep under lock and key until ordered to be surrendered as hereinafter provided.

**2722. Commissioners to receive, note condition and open ballot box.] § 21.** The said board of election commissioners, upon the receipt of said ballot box, and the key thereto, shall note the condition of the seal or stamp on said box, and enter the fact touching the same upon a book to be kept by them, together with the name of the officer who returned such ballot box. They shall thereupon open said ballot box and remove the poll books containing the returns of the votes cast, and note upon the same memorandum book their condition, and shall put them in a secure place, under lock and key, to which the public in no event shall have access.

## ARTICLE V.

### GENERAL CANVASS.

**2723. Canvassing board to open returns—abstract of votes—how made.] § 1.** Within seven days after the close of such election, the county judge, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all the returns left respectively with the election commissioners, the county clerk and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz.: All votes for governor and lieutenant-governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for clerks of the Supreme Court on another sheet; all votes for clerk of the appellate court on another sheet; all votes for judges of the circuit court on another sheet; all votes for senators and representatives to the General Assembly on another sheet; all votes for members of the State Board of Equalization on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet; all votes for town officers on another sheet, and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

**2724. Canvassers to declare result—make abstract—certificate—force of.] § 2.** It shall be the duty of such board of canvassers to canvass, add up and declare the result of every election hereafter



held within the boundaries of such city, or incorporated town, and the county court shall thereupon enter of record such abstract and result, and a certified copy of such record shall thereupon be filed with the county clerk of said county. And such abstracts or results shall be treated by said county clerk in all respects as if made by the canvassing board, now provided by law, and he shall transmit the same to the Secretary of State, or other proper officer, as required by law. And such abstracts or results so entered and declared by such county court, and a certified copy thereof, shall be treated everywhere within the State, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the general law of the State.

2725. **County clerk—certificate of election.] § 3.** The county clerk shall make out a certificate of election to each person having the highest number of votes for the several county and town offices, and deliver such certificate of election to the person entitled to it on his application.

2726. **County clerk—certificate under order of court—city officers, etc.] § 4.** The county clerk shall make out a certificate of election to each of the persons having the highest number of votes, as declared by the order of said court, for the several city or town offices within such city, including aldermen, and deliver such certificate of election to the person entitled to it, on his application.

2727. **Canvassing board—city or town office—tie vote.] § 5.** In the canvass of such votes by the canvassing board, provided in said act, said board shall declare who is elected to any city or town office. In the case of a tie in the election to any city office, or to any office voted for only within the territory of such city, it shall be determined by lot in such manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person in whose favor it shall result, shall be declared elected by the order entered in said county court, as aforesaid.

2728. **Duty of canvassing board upon indication of change or fraud.] § 6.** If, upon opening the various returns so made by the board of canvassers as aforesaid there shall be anything to indicate that a change has been made in such returns since signing the same by the judges or clerks, or of any fraud in any respect touching such returns, it shall then be the duty of said canvassing board to have all the tallies opened and examined. If there shall then be any doubt as to the genuineness of such returns for any precinct, and as to the actual vote as originally returned, and the truth respecting the same remains uncertain, it shall be the duty of such canvassers to examine any person or persons who were present at the time of the proclamation so made by the judges of election, in such precinct, about which any doubt arises, and the board shall be permitted to place such parties or witnesses on oath, and examine them touching the same, and it shall be their duty to call such parties who were present at the time of such proclamation to come before them, and a subpoena may be issued

by the county court, under the direction of said board, compelling any such witnesses to come before said board and give their evidence touching the matter in controversy; and thereupon it shall be the duty of said board to declare the result of the vote in any such precinct, in regard to which any question arises, as it was proclaimed by the judges of election after the canvass by them in such precinct, which result, when so declared, shall be binding and conclusive.

2729. Presiding officer of board—declaring result.] § 7. The county judge shall be the presiding officer of such canvassing board, and a majority of such canvassing board shall have the right to declare the result, and the result when so declared, the said county judge shall cause to be entered of record in his court as aforesaid, which shall be conclusive as to the votes cast at such election in all the precincts of such city.

## ARTICLE VI.

### OFFENSES.

2730. Offenses—penalty.] § 1. If, at any general registration of voters, or at any meeting of the judges of election held for such purpose, or for revision thereof, as provided in this act, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person;

Or if any person shall knowingly or fraudulently register or offer, or attempt or make application to register, in or under the name of, any other person, or in, or under any false, assumed or fictitious name, or in, or under any name not his own;

Or shall knowingly or fraudulently register in two election precincts;

Or, having registered in one precinct, shall fraudulently attempt or offer to register in another;

Or shall fraudulently register or attempt, or offer to register in any election precinct, not having a lawful right to register therein;

Or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter, in any election precinct, to be erased or stricken from any registry of the voters of such district, made in pursuance of this act or otherwise, as in this act provided;

Or by force, threat, menace, intimidation, bribery, reward or offer or promise thereof, or other unlawful means, prevent, hinder or delay any person having a lawful right to register or be registered, from duly exercising such right;

Or shall knowingly, willfully or fraudulently compel or induce, or attempt, or offer to compel or induce, by such means, or any unlawful means, any judge of election or other officer of registration in any elec-

tion precinct to register or admit to registration any person not lawfully entitled to registration in such precinct;

Or to register any false, assumed or fictitious name, or any name of any person except as provided in this act;

Or shall knowingly or willfully or fraudulently interfere with, hinder or delay any judge of election, or other officer of registration, in the discharge of his duties, or counsel, advise or induce, or attempt to induce, any such judge or other officer to refuse or neglect to comply with, or to perform his duties, or to violate any law prescribed for regulating the same;

Or shall aid, counsel, procure or advise any voter, person, judge of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done;

Every such person upon conviction thereof, shall be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**2731. Officers at election in city, village or town—penalty.]**

§ 2. If, at any election hereafter held in any such city, village or incorporated town, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in, or upon the name of such elector or other person;

Or shall vote or attempt to vote in, or upon the name of any other person, whether living or dead, or in, or upon any false, assumed or fictitious name, or in, or upon any name not his own;

Or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law;

Or shall vote or attempt, or offer to vote in any election precinct without having a lawful right to vote therein;

Or vote more than once, or vote in more than one election district;

Or, having once voted, shall vote or attempt or offer to vote again;

Or shall knowingly, willfully or fraudulently do any unlawful act to secure a right or an opportunity to vote for himself or for any other person;

Or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any elector in giving his vote;

Or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the right of suffrage;

Or by any such means induce, or attempt to induce any such voter to exercise any such right;

Or shall, by any such means, or otherwise, compel or induce, or attempt to compel or induce any judge of election or other officer of election, in any election precinct, to receive the vote of any person not legally qualified or entitled to vote at the said election, in such district;

Or shall knowingly, willfully or fraudulently interfere with, delay or

hinder, in any manner, any judge of election, poll clerk or other officer of election in the discharge of his duties;

Or by any of such means, or other unlawful means, knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any judge of election, poll clerk, or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or to make any false certificate, document, report, return or other false evidence in relation thereto;

Or to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein;

Or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any voter, person, or judge of election or other officer of election to do any act by law forbidden, or in this act constituted an offense;

Or to omit to do any act by law directed to be done;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than five years.

**2732. Poll clerk—false list—penalty.] § 3.** If any election clerk, or poll clerk, or any judge of election performing the duties of poll clerk, or other person performing such duties, shall willfully keep a false poll list;

Or shall knowingly insert in his poll list any false statement or any name or statement, or any check, alteration or mark, except as in this act provided;

He shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**2733. Judge willfully refusing votes, etc.—penalty.] § 4.** Every judge of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election;

Or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law;

Or shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person;

He shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than two years.

**2734. False canvass, etc.—penalty.] § 5.** Every judge of election, member of any board of canvassers, messenger, poll clerk

or other officer authorized to take part in, or perform any duty in relation to any canvass or official statement of the votes cast at any election in any precinct, or in any city, village or incorporated town, who shall willfully make any false canvass of such votes;

Or shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false;

Or who shall willfully deface, destroy or conceal any statement, tally or certificate entrusted to his care or custody;

Shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than five nor more than ten years.

**2735. Permitting ballots to be in box at opening, etc.—penalty.] § 6.** If any person, other than a judge of election, shall, at any such election, knowingly and willfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes;

Or if any such judge of election shall knowingly and willfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before voting shall have commenced;

Or shall knowingly, willfully or fraudulently put any ballot or other paper having the semblance thereof, into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this act;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Or shall remove any ballot or semblance thereof, from, or add any ballot or semblance thereof, to the ballots taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**2736. Election officers—misconduct—fraud—penalty.] § 7.** If any such judge of election, poll clerk, or other officer of registration, revision, election or canvass, of whom any duty is required in this act, or by the general election laws of this State, so far as the same are consistent with the provisions of this act, shall be guilty of any willful neglect of such duty;

Or of any corrupt or fraudulent conduct or practice in the execution of the same;

He shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**2737. Stealing document—vote, etc.—penalty.] § 8.** Every

judge of election, poll clerk or other officer or person, having the custody of any record, registry of voters or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper, document, or vote of any description in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof;

Or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act;

Or who permits any other person so to do;

Shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than five nor more than ten years.

**2738. Person not an officer — crime — penalty.]** § 9. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same or any of them, shall upon conviction thereof be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than five nor more than ten years.

And such offense shall be deemed to have been committed whether such person has or had any custody or control, rightful or otherwise, over, or is charged with any duty in relation to said records, register, ballots or other documents.

**2739. False swearing — penalty.]** § 10. Any person who shall be convicted of willfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by, or upon any examination provided for in this act, shall be adjudged guilty of a willful and a corrupt perjury, and shall be punished according to the laws of the State.

**2740. Advising person to swear falsely, etc.]** § 11. Every person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged as guilty of subornation of perjury, and shall upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

**2741. Changing ballot, etc.]** § 12. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another;

Or fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote;

Or otherwise defraud him of his vote;

Every such person shall, upon conviction thereof, be adjudged guilty

of a felony, and shall, if a judge of election, poll clerk or other officer of election, be punished with imprisonment in the penitentiary for not less than two nor more than five years.

And if not such judge, poll clerk or other officer of election, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**2742. Convicted felon no right to vote—pardon.]** § 13. If any person who shall have been convicted of bribery, felony or other infamous crime, under the laws of any State, and who has never received the pardon for such offense from the officer entitled to grant such pardon, shall thereafter vote, or offer to vote, at any election in such city, village or incorporated town;

He shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than two nor more than five years.

**2743. Disobeying command of judge.]** § 14. If any person shall willfully disobey any lawful command of any judge of election, or of any board of registry, given in the execution of his or their duty as such, at any election or registration, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year; or by a fine of not less than two hundred and fifty (\$250) nor more than one thousand (\$1,000) dollars; or by both such fine and imprisonment. Any misdemeanor under this act, for which no penalty is specifically provided, shall be punished as provided in this section.

**2744. Registration—election—breach of the peace.]** § 15. If at any general registration of voters or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly violence, or threats of violence, whereby any such registration, revision, election or canvass shall be impeded or hindered;

Or whereby the lawful proceedings of any judge of election, or board of registration or poll clerk, or other officer of such election or challenger, or person designated to be present at the canvass of any ballots as hereinbefore provided are interfered with;

Every such person shall, upon conviction thereof, be adjudged guilty of the [a] misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year; or by a fine of not less than two hundred and fifty (\$250) dollars nor more than one thousand (\$1,000) dollars; or by both such fine and imprisonment.

**2745. Interfering with judge, etc.]** § 16. If any person knowingly or willfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, poll clerk, challenger or person designated, as provided in this act to be present at the canvass of any ballots, in the performance of any duty

required of him, or which he may by law be authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully, shall, on the day of registration, revision of registration, or of election, hinder or prevent any judge of election, poll clerk, challenger, or person designated, as provided in this act, to be present at the canvass of ballots in his free attendance and presence at the place of registration, or revision of registration, or of election in the election precinct, in, and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of registration, revision of registration, or of election;

Or to and from any room where such registration, revision of registration, or election, or canvass of votes, or making of any return or certificates thereof, may be had;

Or shall molest, interfere with, remove or eject from any such place of registration or poll of election, or of canvassing ballots cast thereat, or of making of returns or certificates thereof, any such judge of election, poll clerk, challenger, or person designated as provided in this act, to watch the canvass of any ballots, except as otherwise provided in this act, or shall unlawfully threaten or attempt or offer so to do;

Every such person shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than six months nor more than one year;

Or shall be fined not less than five hundred (\$500), nor more than two thousand (\$2,000) dollars, or both.

**2746. Destroying or concealing ballot, etc.] § 17.** If any person, upon the day of such election, or before the canvass of votes is completed, shall conceal or willfully break or destroy any ballot box, used or intended to be used at such election;

Or shall willfully or fraudulently conceal, secrete or remove any such box from the custody of judges of election;

Or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot box at such election, which has not been counted and canvassed;

Or poll list used at such election;

Or any report, return, certificate, or other evidence in this act required, as provided for;

[He] shall, on conviction thereof, be adjudged guilty of a felony, and shall for each and every such offense be punished by imprisonment in a State penitentiary for not less than two nor more than five years.

**2747. Willfully admitting any person to registration, etc.] § 18.** If, at any election precinct, at any registration of voters or revision thereof, or at any election hereafter held in such city, any judge of election or poll clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register or poll book;



Or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the judges of election in said election precinct are present and concur;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty, nor more than sixty days; or by a fine of not less than one hundred (\$100) nor more than one thousand (\$1,000) dollars, or by both fine and imprisonment.

**2748. Registration, or polls — absence of judges.] § 19.** If any judge of election, in any election precinct, shall without urgent necessity absent himself from the place of registration or the polls in said district upon any day of election, whereby less than a majority of all the judges in such election district shall be present during such hours of registration, election or canvass of ballots;

He shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than sixty days nor more than six months; or shall be fined not less than five hundred (\$500) nor more than one thousand (\$1,000) dollars, or both.

**2749. Keeping ballots behind box, etc. — electioneering.] § 20.** It shall be unlawful for any judge of election, poll clerk, challenger, or person designated, as provided in this act, to be present at the canvass of any ballots in any precinct, during the election or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place;

Or for them, or any person or persons within the polling place, to electioneer, distribute tickets or ballots, or engage in any political discussion.

Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days. Or by a fine of not less than one hundred (\$100) nor more than five hundred (\$500) dollars, or both.

**2750. Place of election or registration—spirituous liquors.] § 21.** Whoever, during the hours of election in any election precinct in such city;

Or during the hours of registration, revision of registration, or canvass of votes, or of making return thereof, shall bring, take, order or send into; or shall attempt to bring, take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever; or shall at any such time and place drink or partake of such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished according to law.

**2751. Defects in noticing, etc.—no defense.] § 22.** Irregularities or defects in the mode of noticing, convening, holding or conducting an election authorized by law shall constitute no defense to a prosecution for a violation of the provisions of this act.

**2752. Crime with reference to question submitted.] § 23.**

Every act, which, by the provisions of this act or the general election laws is made a crime when committed with reference to the election of a candidate, is equally criminal when committed with a reference to the determination of the question submitted to electors, to be decided by votes cast at an election.

The word "election," as used in this act, shall be construed to designate elections had within any city, village or incorporated town adopting this act, for the purpose of enabling electors to choose some public officer or officers under the laws of this State or the United States.

Or to pass upon any amendment, law or other public act, or proposition submitted to vote by law.

The word "householder," as used in this act, shall mean the chief or head of a family, who resides with the family as a family, and who supports and provides for such family as an independent family.

**2753. Misdemeanors — fine — when discharged.] § 24.** In case of misdemeanors committed, where a matter of fine shall be imposed instead of imprisonment, such party shall be discharged from imprisonment only on condition of payment of the fine;

And, unless paid, his imprisonment shall continue until such fine shall be canceled by an allowance of three (\$3) dollars per day for each day of imprisonment.

**2754. Forfeitures—how recovered.] § 25.** All forfeitures provided for in this act, shall be recovered in the name of the board of election commissioners, and shall be paid, when collected, into the county treasury.

**2755. Commissioners to aid prosecutions.] § 26.** It shall be the duty of such election commissioners to aid in the prosecution of all crimes and offenses against this act;

And they shall keep a book in which shall be entered all complaints against persons claimed to be guilty of the violation of this law;

And when, in the judgment of such election commissioners, such offense has probably been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provisions of this act, and cause the parties to be punished accordingly.

## ARTICLE VII.

**2756. Commissioners' and clerks' fees—how paid.] § 1.** Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county and for the purpose of fixing their fees and compensation the several counties of this State are divided into three classes, as they are now classified by law, as to fees and salaries.

In counties of the first class said election commissioners shall each receive a salary of \$500, and said chief clerk a salary of \$400 per annum. In counties of the second class such election commissioners shall each

receive a salary of \$700, and such chief clerk a salary of \$600 per annum. In counties of the third class, to wit: in Cook county such election commissioners shall each receive a salary of \$1,500, and such chief clerk a salary of \$3,500 per annum. All expenses incurred by said board of election commissioners shall be paid by such city.

Such salaries and expenditures are to be audited by the county judge, and such salaries shall be paid by the county treasurer upon the warrant of such county judge, out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer upon the warrant of such county judge out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenses, as the case may be. [As amended by Act approved June 17, 1895. In force July 1, 1895; L. 1895, p. 169.]

**2757. Judges, etc., paid at rate of \$3 per day.]** § 2. All judges and clerks of election and official ticket holders, under this act, shall be allowed and paid at the rate of \$3 per day.

**2758. Number of days to be credited judges and clerks.]** § 3. Each judge of election who has performed all the duties and services required of him by this act, at the general registration and at the election following, shall be credited with four full days' service and no more, but at any election prior to which there is only an additional registration and revision, being a registration between the general registrations, he shall be credited with three full days' service and no more, in case he performs all the duties required of him by this act.

At the elections held under this act, where there is no additional registration or revision of registration, each judge or clerk of election shall only be credited with one day's service each.

When any judge or clerk does not perform all the services required by this act, then such board of election commissioners will audit his time, and shall allow him *pro rata* compensation.

Each clerk of election, if he has performed all the services required of him by this act, at the general registration and at the election following, shall be credited with five days' service, and no more, but at any election prior to which there was only an additional registration and revision, being a registration between the general registrations, he shall be credited with four full days' service and no more, in case he performs all the duties required of him by this act.

**2759. When city to pay judges and clerks.]** § 4. At all city elections, general or special, though other than city officers may be elected at the same time with such city officers, and at all special elections in any part of such city, at which a city officer is elected, such city shall pay such judges and clerks of election for their services under this act.

**2760. When county to pay judges and clerks.]** § 5. At all general county and State elections, which include officers elected through the whole county, though other than State and county officers

are also elected, and at all exclusively judicial elections, and at all special elections for a county or State officer, or member of congress or member of the legislature, such county shall pay such judges and clerks of election and official ticket holders for their services under this act.

**2761. Commissioners to audit claims.]** § 6. Said board of election commissioners shall audit all the claims of judges and clerks of election, and of official ticket holders, and shall draw a warrant therefor upon such city or county treasury as the case may be.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

**2762. When act adopted.]** § 1. Whenever this act is adopted by any village or incorporated town, all its provisions shall be applicable and operative except as hereinafter modified.

**2763. Ex-officio commissioners of city, etc.]** § 2. Whenever any city, village or incorporated town may adopt this act, and which city, village or incorporated town shall lie within any county in which another city shall have previously thereto adopted this act, then in such case the commissioners of elections, appointed or which may be appointed for such last mentioned city, shall also be ex-officio commissioners of election for such first mentioned city, village or incorporated town, and shall have and exercise the same powers as if specially appointed for such city, village or town. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**2764. Quadruple returns of judges, etc., of village or town—how made.]** § 3. The quadruple returns of the judges and clerks of election of such village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as now required by law, who shall receipt therefor, and all such returns shall be canvassed by the canvassing board of such village or town, as established by law, with the same powers of investigation and examination by such board, as is authorized by this act to the canvassing board of any such city.

**2765. Returns of village or town election.]** § 4. The returns of the judges and clerks of election of such village or incorporated towns, mentioned in the second section of this article, in case of all other elections therein, shall be made to the same officers, as required by this act, of returns of elections held in a city, and such returns shall be canvassed and the result declared by the same canvassing board.

**2766. Oaths—commissioners and judges may administer.]** § 5. All oaths in writing, provided for in this act, must have a jurat, or certificate of the officer taking the same, attached and signed by him, and said election commissioners, and said judges of election, are

hereby empowered to administer all oaths and affirmations, required in the administration of the affairs of their several offices.

## BALLOT LAW.

AN ACT to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot. [Approved June 22, 1891. In force July 1, 1891.]

**2767. Ballots printed at public expense.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all elections hereafter to be held in this State for public officers, except for trustees of schools, school directors, members of boards of education, officers of road districts in counties not under township organization, the voting shall be by ballots printed and distributed at public expense as hereinafter provided, and no other ballots shall be used.

**2768. Expense borne by cities, etc.] § 2.** The printing and delivery of the ballots and cards of instruction to voters hereinafter described shall, in municipal elections in cities, villages and incorporated towns be paid for by the several cities, villages and incorporated towns respectively, and in town elections by the town, and in all other elections the printing of the ballots and cards of instruction for the voters in each county and the delivery of them to the several voting precincts and election districts shall be paid for by the several counties respectively. The term "general election," as used in this act, shall apply to any election held for the choice of a national, State, judicial, district or county officer, whether for the full term or for the filling of a vacancy. The term "city election" shall apply to any municipal election held in a city, village or incorporated town.

**2769. Nomination of candidates.] § 3.** Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided.

**2770. Caucus nominations — certificate.] § 4.** Any convention of delegates, caucus or meeting representing a political party which at the general election next preceding polled at least two (2) per cent. of the entire vote cast in the State, or in the electoral district or division thereof, or the municipality for which the nomination is made, may for the State, or for the electoral district or division thereof or municipality for which the convention, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section six (6) of this act, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of res-

idence. Such certificates shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

**2771. Nomination certificates — signatures.] § 5.** Nominations of candidates for any office to be filled by the voters of the State at large may also be made by nomination papers, signed in the aggregate for each candidate by not less than one thousand (1,000) qualified voters of the State. Nominations of candidates for office within any district or political division less than the State, and in all cities having a population in excess of 5,000, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or political division, not less than one for each fifty persons who voted at the next preceding general election in such district or division, but in no case by less than twenty-five (25). In elections to be held in a town, village, precinct or ward, and in all cities with a population not exceeding 5,000, the signature of voters thereof equaling 5 per cent. of the vote cast therein at the last preceding election shall be sufficient for the nomination of a candidate who is to be voted for only in such town, village, precinct or ward or city. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more: Provided, that the name of any candidate whose name may appear in any other place upon the ballot, shall not be so added by petition for the same office.

**2772. Nomination papers—requisites.] § 6.** All certificates of nomination or nomination papers shall, besides containing the names of candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five (5) words.
3. His place of residence, with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party or political appellation.

**2773. Certificates to be filed.] § 7.** Certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire State, or any division or district greater than a county, shall be filed with the Secretary of State at least thirty days previous to the day of election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties at least thirty days previous to the day of such election: Provided, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities, villages and incorporated towns, and for town offices in counties under township organization, shall be filed with the clerks of the towns, cities, villages and incorporated towns at least fifteen days previous to the day of such election.

**2774. Withdrawal of nominations.] § 8.** Any person whose

name has been presented as a candidate may cause his name to be withdrawn from nomination by his request in writing, signed by him and acknowledged before an officer qualified to take acknowledgment of deeds, and filed with the Secretary of State not less than fifteen (15) days, or with the proper clerk not less than eight (8) days previous to the day of election, and no name so withdrawn shall be printed upon the ballots. All certificates of nomination and nomination papers, when filed, shall be open, under the proper regulation, to public inspection, and the Secretary of State and the several clerks having charge of nomination papers shall preserve the same in their respective offices not less than six months.

**2775. Death or declination of candidate—vacancy.] § 9.** In case a candidate who has been duly nominated under the provisions of section six (6) of this act die before election day, or decline the nomination, as in this act provided, or should any certificate of nomination be held insufficient or inoperative by the officer with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party or other persons making the original nominations, or, if the time is insufficient therefor, then the vacancy may be filled if the nomination was by convention or caucus, in such manner as the convention or caucus had previously provided, or, in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention, meeting or caucus. The certificates of nomination made to supply such vacancy shall state, in addition to the other facts required by section six (6) of this act, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be.

**2776. Certificates of nomination — objections.] § 10.** The certificates of nomination and nomination papers being so filed and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nomination of State officers shall be considered by the Secretary of State and the Auditor and Attorney General, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations for officers to be elected by the voters of a division less than the State and greater than a county, shall be considered by the county judges of the counties embraced in such division, and the decision of a majority of these officers shall be final. Such objections or questions arising in the case of nominations of candidates for county offices, shall be considered by the county judge, county clerk and State's attorney for such county, and the decision of a majority of said officers shall be final. Objections or questions aris-

ing in the case of nominations of city, town or village officers shall be considered by the mayor or president of the board of trustees, and the city, town or village clerk, with whom one alderman or trustee thereof, as the case may be, chosen by lot shall act, and the decision of a majority of such officers shall be final. Such objections arising in the case of nominations of town officers shall be considered by the board of auditors of such town, and the decision of a majority of such auditors shall be final. In any case where such objection is made, notice shall forthwith be given to the candidates affected thereby, addressed to their places of residence as given in the nomination papers and stating the time and place when and where such objections will be considered: Provided, that in cities, towns or villages having a board of election commissioners such questions shall be considered by such board and its decision shall be final.

**2777. Nominations to fill vacancy.]** § 11. When such certificate is filed with the Secretary of State he shall, in certifying nominations to the various county clerks, insert the name of the person who has been thus nominated to fill a vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, with the other details mentioned in certificates of nominations filed with the Secretary of State, and in cases where such clerk is not charged by this act with the printing of the ballots, he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The name so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee; or if the ballots have been printed, new ballots, whenever practicable, shall be furnished.

**2778. Pastors—stamping on ballots.]** § 12. Whenever it may not be practicable to have new ballots printed, it shall be the duty of the election officer having charge of the ballots to place the name supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a paster or by writing or stamping the name on the ballot; and to enable this to be done, the officer with whom the certificates of nomination are to be filed shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate.

**2779. Notice to county clerk.]** § 13. Not less than fifteen days before an election to fill any public office the Secretary of State shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State.

**2780. Ballot—what to contain—how printed—form.]** § 14. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot; all nominations of any political



party or group of petitioners being placed under the party appellation or title of such party or group as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except that in case of electors for president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation. If a constitutional amendment or other public measure is submitted to a vote, such question shall be printed upon the ballot after the list of candidates, and words calculated to aid the voter in his choice of candidates or to answer any question submitted to vote may be added, such as: "Vote for one;" "Vote for three," "Yes," "No," or the like. On the back or outside of the ballot, so as to appear when folded, shall be printed the words, "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a fac simile of the signature of the clerk or other officer who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. The party appellation or title shall be printed in capital letters, not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates of the several parties and groups of petitioners shall be placed in separate columns on the ballot in such order as the authorities charged with the printing of the ballots shall decide.

As nearly as practicable the ballot shall be in the following form:

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<input type="radio"/> DEMOCRATIC.	<input type="radio"/> REPUBLICAN.	<input type="radio"/> PROHIBITION.
For Governor	For Governor	For Governor
<input type="checkbox"/> JOHN M. PALMER.	<input type="checkbox"/> JOSEPH W. FIFER.	<input type="checkbox"/> DAVID H. HARTS.
For Lieutenant Governor	For Lieutenant Governor	For Lieutenant Governor
<input type="checkbox"/> ANDREW J. BELL.	<input type="checkbox"/> LYMAN B. RAY.	<input type="checkbox"/> JOS. L. WHITLOCK.
For Secretary of State	For Secretary of State	For Secretary of State
<input type="checkbox"/> NEWELL D. RICKS.	<input type="checkbox"/> I. N. PEARSON.	<input type="checkbox"/> JAMES R. HANNA.

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[And continuing in like manner as to all candidates to be voted for at such election.]

**2781. Printing of ballots--by what officers.] § 15.** For all elections to which this act applies, the county clerks, in their respective counties, shall have charge of the printing of the ballots for all general elections, and shall furnish them to the judges of election; the

city, town or village clerk shall have charge thereof and furnish them in all city elections, and the town clerk in counties under township organization shall have charge thereof and furnish the same in all town elections to which this act applies: Provided, that in cities, towns or villages having a board of election commissioners, such board shall have charge of the printing of the ballots and furnish them to the judges of election within the territory under their jurisdiction. Ballots shall be printed and in possession of the officer charged with their distribution at least two days before the election and subject to the inspection of candidates and their agents; if any mistakes be discovered they shall be corrected without delay. The officer so charged with the printing of the ballots shall cause to be delivered to the judges of election at the polling place of each precinct or district, not less than twelve hours before the time fixed by law for the opening of the polls therein, one hundred ballots of the kind to be voted in such precinct or district for every fifty votes cast therein at the last preceding election for state officers; such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed, and receipt therefor shall be given by the judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distributing of the ballots shall provide and retain at his or their office an ample supply of ballots, in addition to those distributed to the several voting precincts or districts, and if at any time on or before the day of election the ballots furnished to any precinct shall be lost, destroyed or exhausted before the polls are closed, on written application signed by a majority of the judges of such precinct or district, or signed and sworn to by one of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required and sufficient to comply with the provisions of this act.

**2782. Vote on constitutional amendments — form of ballot.] § 16.** Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated upon the ballot, and two spaces shall be left upon the margin, one for votes favoring the amendment or public measure, to be designated by the word "yes," and one for votes opposing the amendment or measure, to be designated by the word "no," as in the form herein given:

Proposed amendment to the constitution giving judges a life term of office and making them appointive.	YES.	X
	NO.	

The elector shall designate his vote by a cross mark, thus (x).

**2783. Cumulative voting.] § 17.** It may be stated in the certificates of nomination of candidates for Representatives in the General Assembly what number of votes it is desired shall be printed as given to such candidate or candidates, and in such case the ballots shall be so printed. In any case where the certificate of nomination does not so state, then no number of votes shall be printed on the ballots as to the candidate or candidates named in such certificates. In canvassing the vote for Representatives in the General Assembly, if the ballot has been so marked as to indicate that the voter intends to vote for one person only for that office, it shall be counted three votes for that candidate; if it has been so marked as to indicate that the voter intends to vote for two persons for Representatives it shall be counted one and one-half votes for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked as to indicate an intention to vote for three persons for such office it shall be counted one vote for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked as to indicate an attempt to vote for more persons for Representatives than the voter is entitled to vote for the votes for Representatives on such ballot shall not be counted.

**2784. Printed instructions for voters.] § 18.** The officer or officers whose duty it is to have the ballots printed shall prepare full instructions for the guidance of voters at each election as to obtaining ballots, as to the manner of marking them and the method of gaining assistance and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-eight (28) and twenty-nine (29) of this act, to be printed in large, clear type, on separate cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this act.

**2785. Instruction cards and specimen ballots to be posted.] § 19.** The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. Judges of election shall, not less than five days prior to an election, cause to be conspicuously posted, in five or more public places in their voting precinct or election district, a card of instruction and a specimen ballot printed on colored paper, containing the names, residence, and party or political affiliation of all candidates nominated as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be used herein, and they shall likewise cause to be published, prior to the day of election, in at least two newspapers, if there be so many published in such county, representing the political

parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for at such election, as near as may be, in the form in which they shall appear upon the general ballot.

**2786. Judges have charge of ballots.]** § 20. The judges of election of their respective election precincts or election districts shall have charge of the ballots and furnish them to the voter as hereinafter set forth.

**2787. Booths at polling places — stationery, etc. — booths private.]** § 21. All officers upon whom is imposed by law the duty of designing or providing polling places shall provide in each polling place so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, penholders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so; and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said guard rail. They shall be within plain view of the election officers, and both they and the ballot boxes shall be within plain view of those outside of the guard rail. Each of said booths shall have three sides enclosed, one side in front, to be closed with a curtain. Each side of each booth shall be six feet four inches and the curtain shall extend within two feet of the floor, which shall be closed while the voter is preparing his ballot. Each booth shall be at least 32 inches square and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting as hereinafter provided, shall be permitted within the guard rail, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof who voted at the last preceding election in the district. The expense of providing booths and guard rails and other things required in this act shall be paid in the same manner as other election expenses. [As amended by act approved June 19, 1893. In force July 1, 1893.]

**2788. Manner of voting — checking on register list.]** § 22. Any person desiring to vote shall give his name and, if required to do so, his residence, to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and if such name is found on the register of voters by the officer having charge thereof he shall likewise repeat said name and the voter shall be allowed to enter the space inclosed by the guard rail, as above provided. One of the judges shall give the voter one,

and only one, ballot, on the back of which such judge shall indorse his initials in such manner that they may be seen when the ballot is properly folded, and the voter's name shall be immediately checked on the register list. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged he shall not receive a ballot until he shall have established his right to vote in the manner provided by law. Besides the election officer not more than two voters in excess of the whole number of voting booths provided shall be allowed in said inclosed space at one time.

**2789. Manner of preparing ballot.]** § 23. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give: Provided, however, if he shall desire to vote for all of the candidates of one political party or group of petitioners, he may place such mark at the appropriate place preceding the appellation or title under which the names of the candidates of such party or group of petitioners are printed, and the ballot so marked shall be counted as cast for all of the candidates named under that title: Provided, further, that the voter may place such mark at the appropriate place preceding the appellation or title of one party or group of petitioners and may also mark, at the appropriate place preceding the name or names of one or more candidates printed under the appellation or title of some other party or group of petitioners, and a ballot so marked shall be counted as cast for all the candidates named under the appellation or title which has been so marked, except as to the officers as to which he has placed such mark preceding the name or names of some other candidate or candidates printed under the title of some other party or group of petitioners, and as to such it shall be counted as cast for the candidate or candidates preceding whose name or names such mark may have been placed. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner now provided by law, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back of his ballot. He shall mark and deposit his ballot without undue delay, and shall quit said inclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain

within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes in case all of said voting booths are in use and other voters waiting to occupy the same. No voter not an election officer, shall, after having voted, be allowed to re-enter said inclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof.

**2790. Assistance to illiterate voter.] § 24.** Any voter who may declare upon oath that he can not read the English language or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officers shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll lists after the name of any elector who received such assistance in marking his ballot a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.

**2791. Absence for voting purposes—employer preventing—penalty.] § 25.** Any person entitled to vote at a general election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: Provided, however, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five dollars (\$5) nor more than one hundred dollars (\$100).

**2792. Ballots not counted -- spoiled ballots.] § 26.** If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not

counted shall be marked "defective" on the back thereof and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum signed by the judges stating how it was counted shall be written upon the back of each ballot so marked, and all ballots marked defective or objected to shall be enclosed in an envelope securely sealed and so marked and endorsed as to clearly disclose its contents. All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the officer or authorities charged with the printing and distribution of the ballots and a receipt taken therefor, and shall be preserved six months; such officer shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom and the time when delivered, and he shall also enter upon such record the number and character of ballots returned, with the time when and the person by whom they are returned.

**2793. Canvass of votes — proclamation — ballots destroyed.]**  
§ 27. When the canvass of the ballots shall have been completed, as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; each judge of election in turn shall then proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; such proposition shall be prima facie evidence of the result of such canvass of the ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it can not be untied without breaking the seal, enclose the ballots so strung in an envelope and securely tie and seal such envelope with official wax impression seals, to be provided by the judges, in such manner that it can not be opened without breaking the seals, and return said ballots together with the package containing the ballots marked "defective or objected to," in such sealed package or envelope, to the proper clerk or to the board of election commissioners, as the case may be, and such officer shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the package or envelope. Such ballots shall be destroyed in the presence of the official custodian thereof, and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept; Provided, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties

contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

**2794. Electioneering at polls prohibited — penalty.] § 28.** No person whatever shall do any electioneering or soliciting of votes on election day within any polling place or within one hundred (100) feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense; and it shall be the duty of the judges of election to enforce the provisions of this section.

**2795. Unlawful exhibition of ballot — false statement — penalty.] § 29.** Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five dollars (\$5), nor more than one hundred dollars (\$100), and it shall be the duty of the election judges to enforce the provisions of this section.

**2796. Destroying poster lists, etc.—penalty.] § 30.** Any person who shall, prior to an election, willfully destroy or deface any list of candidates posted in accordance with the provisions of this act, or who, during an election shall willfully deface, tear down, remove or destroy any card of instructions or specimen ballot printed and posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall willfully hinder the voting of others, shall be punished by a fine not less than ten dollars (\$10), nor more than one hundred dollars (\$100).

**2797. Destroying, etc., certificate of nomination—spurious ballots, etc.—penalty.] § 31.** Any person who shall falsely make or willfully destroy any certificate of nomination or nomination papers, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination paper, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or shall take from the polling place any official ballot or substitute therefor any spurious or counterfeit ballot, or make, use, circulate, or cause to be made or circulated, as an official ballot, any paper printed in imita-



tion or resemblance thereof, or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots shall be punished by a fine not less than one hundred dollars (\$100), and not exceeding one thousand (\$1,000) dollars, or by imprisonment in the penitentiary not less than one year and not exceeding five years, or by both such fine and imprisonment.

**2798. Neglect of officer to perform duties.]** § 32. Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the object of this act, shall be punished by a fine of not less than \$5 nor more than \$1,000, or by imprisonment in the penitentiary for not less than one year and not exceeding five years, or by both such fine and imprisonment.

**2799. Published in pamphlet form.]** § 33. It shall be the duty of the Secretary of State, with the aid and advice of the Attorney General, to cause one thousand copies of this act to be printed immediately, in pamphlet form, with all necessary forms and instructions, to assist election officers to carry it into effect, and to distribute the same through the county clerks of the several counties of the State.

**2800. Time polls to be kept open.]** § 34. At all elections to which this act applies, except at elections held in cities, villages and incorporated towns which have heretofore adopted or may hereafter adopt the provisions of an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, the polls shall be opened at seven o'clock in the morning and shall be closed at five in the evening.

**2801. Repeal of prior acts—effect on penalties.]** § 35. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: Provided, that this act shall not be construed to repeal an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June the 19th, 1885, or any of the amendments thereto; but all elections in cities, villages and incorporated towns which may have heretofore adopted or may hereafter adopt the said act shall be held in accordance with the provisions of the aforesaid act, except as to the manner of making nominations for office, the manner of providing printing and distributing ballots, the form of ballots, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the numbering and preserving of ballots, all of which shall be in conformity with the provisions of this act. No penalty provided for a violation of any of the provisions of this act shall be construed as a substitute for, or repeal of, any penalty provided in the aforesaid acts of June 19, 1885, for a violation of any of the provisions [of] said act.

**2802. Newspaper publication of this law.]** § 36. It shall be the duty of the board of supervisors of each county under township organization, and of the board of county commissioners in counties

not under township organization, at their first meeting after the passage of this act, to select two newspapers, one from each of the two political parties casting the greatest number of votes for State Treasurer at the election in 1890, in which this law shall be published: Provided, that the pay for such publication shall be fixed by said board of supervisors or county commissioners, but in no case shall it exceed the sum of thirty dollars to each newspaper publishing the same. When the board of supervisors or county commissioners have selected the newspapers in which the law shall be published, it shall be the duty of the county clerk to certify such action to the Secretary of State, who shall at once furnish to each of said papers a copy of the law, and upon the receipt of the Secretary of State of a copy of said paper, with an affidavit of the publisher or business manager that the law was published in each and every copy of [of] said paper on a certain date (which shall not be later than thirty days after its receipt from the Secretary of the State), the Secretary of State shall certify the amount fixed for the payment for the publication of this law in said paper to the Auditor of Public Accounts, who shall draw his warrant on the Treasurer for the sums named: Provided, that the non-publication of this law, as herein provided, shall not invalidate the law.

#### SCHOOL OFFICERS IN CITIES.

AN ACT to provide for the compensation of judges and clerks of elections at elections at which trustees of schools and school directors are elected under the provisions of an act entitled, "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885. [Approved June 3, 1889. In force July 1, 1889.]

**2803. Fees of judges—how paid.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That at all elections held under the provisions of an act entitled "An act to regulate the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1895, and those amendatory and supplemental thereto, at which any trustee of school may have been heretofore or shall hereafter be elected, the expenses of such election shall be paid out of the treasury of such city, village and incorporated town.

**2804. When school directors elected.]** § 2. That at all elections held under the provisions of said acts at which a school director is elected, the expenses of such election shall be paid out of any funds belonging or appertaining to the district for which such director is elected.

**2805. Taxes to pay fees of.]** § 3. The corporate authorities of cities, villages, incorporated towns and school districts are hereby authorized and empowered to levy taxes for the purpose of paying such election expenses.

## SCHOOL DISTRICT ELECTIONS.

AN ACT to regulate the holding of elections and declaring the result thereof for town, school township and school district purposes, where such town, school township or school district lies wholly within or partly within and partly without any city, village or incorporated town which has adopted, or may adopt, an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885. [Approved March 23, 1887. In force March 23, 1887.]

**2806. Where town, school township or school district lies wholly within or partly within and partly without any city, etc., which has adopted, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all elections hereafter held for town, school township, or school district purposes in any town, school township or school district lying wholly within or partly within and partly without any city, village or incorporated town which has, or may adopt an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, the legal authorities of such town, school township or school district shall locate the polling place or places, appoint the judges and clerks and otherwise conduct the election in that portion or part of the town, school township or school district that lies without such city, village or incorporated town, in the manner now provided by law, except as hereinafter provided, but no one residing without such city, village or incorporated town shall vote at any polling place within, nor shall any one residing within vote at any polling place without, and the votes cast at the polling place or places without such city, village or incorporated town, shall be canvassed, certified and returned as is now provided by law in such cases, and in addition thereto a complete abstract of the votes cast shall be made, certified and returned to the election commissioners of such city, village or incorporated town.

**2807. Election -- how conducted.]** § 2. In all that part or portion of such town, school township or school district that lies within such city, village or incorporated town or where the same lies wholly within any such city, village or incorporated town, the election shall be conducted by the election commissioners of such city, village or incorporated town in strict conformity with the said act approved June 19, 1885, mentioned in section one of this act, and when partly within and partly without any such city, village or incorporated town, the election commissioners shall certify the returns received by them from the polling place or places without such city, village or incorporated town, to the proper officer or officers; and all the returns so certified and returned by the election commissioners shall be canvassed together with the returns certified from polling places within by the same canvassing board, the results thereof declared, and certificates of election shall be issued thereon, the same as

if all such votes had been cast in, certified and returned from such city, village or incorporated town. Provided, it shall not be necessary under this act for the election commissioners to make or cause to be made a revision of the registry for special elections or elections to fill a vacancy in a single office.

**2808. Refusal of officer to perform duty — penalty — obstructing election.]** § 3. Any officer who shall willfully refuse to perform any duty required by this act shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars, and on conviction shall be removed from office, by the order of court wherein such fine is assessed, and any person or combination of persons who shall under any pretense whatever attempt to establish a rival polling place or otherwise attempt to obstruct or interfere with any election held or to be held under this act, shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not less than one nor more than three years.

**2809. Repeal.]** § 3½. All acts or parts of acts in conflict with this act are hereby repealed.

**2810. Emergency.]** § 4. Whereas, an emergency exists, therefore this act shall be in force from and after its passage.

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AN ACT to entitle women to vote at any election held for the purpose of choosing any officer under the general or special school laws of this State.  
[Approved June 19, 1891. In force July 1, 1891.]

**2811. Women may vote for school officers.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in article 7 of the constitution of the State of Illinois, who shall have resided in this State one year, in the county ninety days, and in the election district thirty days preceding any election held for the purpose of choosing any officer of schools under the general or special school laws of this State, shall be entitled to vote at such election in the school district of which she shall at the time have been for thirty days a resident: Provided, any woman so desirous of voting at any such election shall have been registered in the same manner as is provided for the registration of male voters.

**2812. Ballot — what to contain — how deposited.]** § 2. Whenever the election of public school officers shall occur at the same election at which other public officers are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election except such officers of public schools, and such ballots shall all be deposited in a separate ballot-box, but canvassed with other ballots cast for school officers at such election.

## PRIMARY ELECTIONS.

AN ACT to regulate primary elections of voluntary political associations, and to punish frauds therein. [Approved June 6, 1889. In force July 1, 1889.]

**2813. When primary elections to be held under this act.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all elections hereafter to be holden by any voluntary political association or party, for any candidate for any office, or for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act, whenever any committee or body authorized by the rules or customs of such political association shall elect to accept and act under such provisions.

**2814. Desire must be expressed by a resolution.] § 2.** Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body, which resolution shall state that such election will be held under the provisions of this act under the title of "Primary Election Law."

**2815. Committee — time and place of election.] § 3.** Said committee or body shall fix the time and place of holding such election and the hours between which the polls are to be kept open, and the polls shall, in all cases, be kept open from one o'clock p. m. to 7 o'clock p. m., of the day on which the election is held; they shall also appoint three reputable persons to act as judges, and two reputable persons to act as clerks at each polling place: Provided, that in cities and towns or villages where there is a board of election commissioners having jurisdiction of general elections, said central or controlling committee shall select the judges and clerks from the list of regular election judges and clerks in each ward, or voting district, to serve at such primary election, representing the political association or party calling said primary election. Said judges and clerks, together with the central committee-man, who acted with the central or controlling committee in calling said primary election, shall be ineligible as delegates, alternates or proxy at such primary election, or allowed to sit as such in any convention, meeting or caucus, held for the election to which said primary election or elections is being held.

**2816. Notice of election under this act—what to contain.] § 4.** At least ten days prior to any such election a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county in and for which the election is called; such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, together with the place or places of holding such election, with a description of each primary election district, and the three persons shall be named therein who are appointed for each polling place to act as judges, and two persons to act as clerks of said

election, and who shall supervise or preside at such election in the primary election district for which they are respectively appointed, and such judges and clerks shall be legal voters and householders in one of the regular election precincts within the primary election district for which they are named. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to, the provisions of this act, under the title of "Primary Election Law," and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and deemed to be an election under this law.

**2817. Judges — clerks — oath — duties — penalty.] § 5.** The persons named as judges and clerks of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges and clerks in the absence, refusal or failure to act of any of the judges or clerks named in such notice, shall first make oath or affirmation that they are legal voters and householders in one of the regular election precincts within the primary election district for which they were appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of the State to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or fail or refuse to serve at the hour appointed for the election to begin, then the electors present to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender on conviction to punishment by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment in the discretion of the court.

**2818. Who may vote—commissioners—lists—penalty for voting contrary to this act.] § 6.** Every legal voter entitled to vote at regular elections within any election precinct, included within the primary district of which he is a resident and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election: Provided, that in cities, towns or villages where there is a board of election commissioners having jurisdiction of general elections, no person shall be allowed to vote unless he shall be a member of the political party or association holding such primary election and shall, upon demand give the judges his name and place of residence, and he shall state upon like demand (if made) that he has not voted at any other primary election held by any other political association or party for a period of one year prior to the date of the primary election then held. He shall not have voted at this or any other poll at any primary election held that day, nor shall he be

allowed to vote unless, in addition to the qualifications hereinbefore prescribed, he is a registered voter in one of the election precincts contained within the primary election district wherein he resides, and it shall be the duty of the board of election commissioners to furnish and distribute among the judges of every primary election held under this act, complete lists of the registered voters in each election precinct contained within their respective primary election districts. Any person who is not a member of the political association or party holding a primary election who votes at such primary election shall be deemed guilty of a misdemeanor and shall be subject, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment in the discretion of the court; and in any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or association to which the defendant belongs is material, such membership may be shown by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense as to the political party or association to which he belonged.

**2819. Committee to divide district—number of voters in.] § 7.** The committee or body electing to hold a primary election under this act, shall divide the district, ward, township, city, town or village into primary election districts. Such primary election districts shall be formed of contiguous election precincts in as nearly compact form and as nearly equal as circumstances will permit; and no such primary election district shall be formed which shall contain more than 800 voters of the political association or party holding the primary election, the number of such voters to be determined by the vote cast at the last preceding presidential election. At any primary election held under this act, the voters of each of such primary election districts entitled to vote at such election shall choose their own representatives or delegates.

**2820. Judges may hear objections—oath—registered voter—challenge — penalty.] § 8.** It shall be the duty of the judges of said election to entertain objections made by any qualified elector, within his own primary election district, to any vote which may be offered, on the ground that the person offering it is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, of the election precinct, ward, township, district, city, town or village for which the election is held; or that he is not a member of the association or party holding such election, or in case such person offering to vote should be registered by the terms of this act, that he is not a registered voter or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not

withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications under the general election laws of the State, to his residence, citizenship, the political party or association to which he belongs, receiving or being promised, directly or indirectly, any money, fee or reward for his vote from any candidate or any other person, or whether he had voted at that or any other place on that day at such election, either in his own name or that of another, or under an assumed name. It shall then be the duty of the judges to interrogate the persons so objected to as to all matters in particular upon which said objection was made, and, generally, as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote, and they shall also reject such vote unless such person shall file with them a written or printed, or partly written or printed, statement by him, signed under oath, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. Such statement must, in all cases, expressly state that the person making it is a member of the political association or party holding the election. If such statement shall be filed and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll lists, to be kept as hereinafter provided. Any violations of the provisions of this section by the judges of the election, or either of them, shall be deemed a misdemeanor, and, upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, or in the written statements herein required, willfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of a perjury, and, upon conviction thereof, be punished as prescribed by law for such offense.

**2821. Fraudulent voting—bribery—corrupt practices, etc.—penalty for violating act.] § 9.** Whoever fraudulently votes more than once at any primary election, or offers to vote after having voted once at such election, or, knowing that he is not a qualified voter at such election, willfully votes or offers to vote at such election; or



Second—Willfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or

Third—By offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election; or

Fourth—Furnishes a voter with a ticket or ballot informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intentions; or

Fifth—Fraudulently or deceitfully changes a ballot of a voter, with intent to prevent such voter from voting for such person as he intended; or

Sixth—Endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at such election for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or

Seventh—By bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at such election; or

Eighth—Gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done or omitted to be done contrary to his duty in relation to such election, or shall interfere with or disturb in any manner any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or both such fine and imprisonment, in the discretion of the court.

**2822. Qualifications of voters.] § 10.** The judges of such primary election or elections shall not require any other or further qualifications of voters at such primary election than those provided in this act, and they shall permit a challenger for each adverse interest or party in the result of such primary election to be, and remain within each polling place, where such primary election is being held, and give ample time and opportunity to any challenger or any other person to challenge each vote as the same is presented; said challengers shall be residents of the primary districts for which they are chosen. The poll list shall contain the name of each voter with his residence in the order which the votes were cast, and the judges and clerks shall see to it that the ballot cast by each voter shall receive the same number that is entered opposite the name of such voter on such poll list in the order of and as the votes are cast.

**2823. Form of poll and tally lists.] § 11.** The following is substantially the form of the poll lists and tally lists to be kept by the judges of election:

POLL LIST.

Of the primary election held in the .....primary election district of the.....ward of..... in the county of....., on the.....day of.....in the year.....A B C D and E F, judges, and A B and C D, clerks of said.....election, were respectively sworn (or affirmed) as the law directs previous to their entering on the duties of their respective offices.

Number and name of electors voting:

No.	Name and residence.	No.	Name and residence.
1.	A B.	3.	E F.
2.	C D.	4.	G H.

We hereby certify that the number of electors voting at this election is .....

A B,  
C D.  
Clerks.

A B,  
C D,  
E F.  
Judges of Election.

TALLY LIST.

Names of persons voted for, and for what position, and number of votes given for each candidate.

We hereby certify that A B had .....votes for....., and C D had ..... votes for.....; that E F had.....votes for....., etc.

A B,  
C D.  
Clerks.

A B,  
C D,  
E F.  
Judges of Election.

**2824. Oaths.] § 12.** Any one of the judges may administer and certify oaths required to be administered during the progress of an election held under this act.

**2825. How ballots printed.] § 13.** When the primary election is held for the election of delegates, the ballots shall be written or printed, or partly written and partly printed, and when printed or partly printed and partly written they shall be upon plain white paper without distinguishing marks, the paper to be common print paper, and the ballots to be 3½ by 6 inches in size.

**2826. Ballot box—how kept.] § 14.** Before receiving any ballots the board must, in the presence of the persons assembled at the polling place, open and exhibit, and then close the ballot box; and thereafter it must not be removed from the polling place, nor the view of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

**2827. Proclamation.] § 15.** Before the judges receive any ballots, they must cause it to be proclaimed aloud, at the place of election, that the polls are open.

**2828. Closing the polls.] § 16.** Fifteen minutes before the time when the polls are to be closed the fact must be proclaimed aloud at the place of election, and after the polls are closed no ballots must be received.

**2829. Canvass—how made.] § 17.** As soon as the polls are finally closed the judges and clerks must immediately proceed to can-

vass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed, and the result thereof is declared, and must also be conducted at the polling place where the election is held, where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by each one of the judges successively, in a loud voice, and such proclamation shall be *prima facie* evidence of the result.

**2830. Judges conducting the canvass.] § 18.** In conducting the canvass, the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists they shall reject the ballots, if any be found upon which no number is marked, or so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling list, but if the number of ballots, after rejecting all the unnumbered ballots still exceeds the number of names entered on the polling lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots, unopened, and without examining them, as shall be equal to such excess.

**2831. Lists—how made.] § 19.** The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges and clerks of election, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges, substantially in the form prescribed in section eleven.

**2832. After lists signed judges to count the votes.] § 20.** After the lists are thus signed, the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud and inspected by the other two judges.

**2833. Tallies—how made.] § 21.** The clerks must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

**2834. Lists to be signed by judges.] § 22.** As soon as all the votes are counted, there must be attached to the tally lists, lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and clerks substantially in the form given in section eleven.

**2835. To destroy the ballots—statements and lists to be filed with county clerk.] § 23.** After counting the votes, proclaiming the result and signing the lists, as above provided, and cause the statements provided for in section eight, and one copy of the lists, to be delivered to the secretary signing the notice of election, and one of the judges must retain the other lists together with the ballots for

twenty days after the election, and such statements and lists returned to the said secretary shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the other books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted in which such lists or statements may be useful as evidence, said county clerk may then destroy the same.

**2836. Certificates to be issued.]** § 24. The primary election judges or a majority of them must issue certificates of election to all persons who are chosen to fill any position by the vote of their primary election district.

**2837. Penalty for violating this act.]** § 25. If any person shall be guilty of any violation of this act, for which no punishment is herein especially provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court.

**2838. Repeal.]** § 26. An act to regulate primary elections of voluntary political associations and to punish frauds therein, approved June 22, 1885, is hereby repealed.

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AN ACT to prevent and punish illegal voting at primary elections. [Approved June 29, 1885. In force July 1, 1885.]

**2839. Who may vote at.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be unlawful for any person to vote at any primary election, or at any election called to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting or offering to vote would be a qualified elector in the district embraced within the call for said primary election, if the same was a general or special election, held under and in conformity with the general election laws of this State.

**2840. Violating act—penalty.]** § 2. Any person violating the provisions of this act, shall, on conviction thereof, be fined in any sum not less than one hundred, nor more than five hundred dollars, or imprisoned in the county jail not less than three nor more than six months, or both in the discretion of the court.

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## EMINENT DOMAIN.

AN ACT to provide for the exercise of the right of eminent domain. [Approved April 10, 1872. In force July 1, 1872.]

**2841. Compensation—jury.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That private property shall not be taken or damaged for public use without just compensation, and that in all cases in which compensation is not made by the state in its corporate capacity, such compensation shall be ascertained by a jury, as hereinafter prescribed.

**2842. Proceedings—parties.]** § 2. That in all cases where the right to take private property for public use, without the owner's consent, or the right to construct or maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, or which may damage property not actually taken, has been heretofore or shall hereafter be conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner or corporation, and the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes above mentioned cannot be agreed upon by the parties interested, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the state, it shall be lawful for the party authorized to take or damage the property so required, or to construct, operate and maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, to apply to the judge of the circuit or county court, either in vacation or term time, where the said property or any part thereof is situate, by filing with the clerk a petition, setting forth, by reference, his or their authority in the premises, the purpose for which said property is sought to be taken or damaged, a description of the property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known, or if not known stating that fact, and praying such judge to cause the compensation to be paid to the owner to be assessed. If the proceedings seek to affect the property of persons under guardianship, the guardians, or conservators of persons having conservators, shall be made parties defendant, and if of married women their husbands shall also be made parties. Persons interested, whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all such cases an affidavit shall be filed by or on behalf of the petitioner, setting forth that the names of such persons are unknown. In cases where the property is sought to be taken or damaged by the state for the purpose of establishing, operating or maintaining any state house or state charitable or other state institutions or improvements, the petition shall be signed by the governor or such other person as he shall direct, or as shall be provided by law.

**2843. Petition in vacation.]** § 3. If such petition be presented to a judge in vacation, the judge shall note thereon the day of presentation, and shall also note thereon the day when he will hear the same, and shall order the issuance of summons to each resident defendant, and the publication of notice as to each non-resident defendant, and the clerk of the court shall at once issue the summons and give the notices accordingly.

**2844. Service—notice.]** § 4. Service of such summons and publication of such notice shall be made as in cases in chancery.

**2845. Hearing.]** § 5. Causes may be heard by such judges in vacation as well as in term time, but no cause shall be heard earlier than ten days after service upon defendant or upon due publication against non-residents.

**Several tracts.]** Any number of separate parcels of property, situate in the same county, may be included in one petition, and the compensation for each shall be assessed separately, by the same or different juries, as the court or judge may direct.

**Amendments.]** Amendments to the petition, or to any paper or record in the cause, may be permitted whenever necessary to a fair trial and final determination of the questions involved.

**New parties—practice.]** Should it become necessary at any stage of the proceedings to bring a new party before the court or judge, the court or judge shall have the power to make such rule or order in relation thereto as may be deemed reasonable and proper; and shall also have power to make all necessary rules and orders for notice to parties of the pendency of the proceeding, and to issue all process necessary to the execution of orders and judgments as may be entered.

**2846. Jury in vacation.]** § 6. In cases fixed for hearing of petition in vacation, it shall be the duty of the clerk of the court in whose office the petition is filed, at the time of issuing summons or making publication, to write the names of each of sixty-four disinterested freeholders of the county, on sixty-four slips of paper, and, in presence of two disinterested freeholders, cause to be selected from said sixty-four names twelve of said persons to serve as jurors—such selection to be made by lot and without choice or discrimination; and the said clerk shall thereupon issue *venire*, directed to the sheriff of his county, commanding him to summon the twelve persons so selected as jurors to appear at the court house in said county at the time to be named in the *venire*.

**2847. Impaneling jury.]** § 7. The petitioner, and every party interested in the ascertaining of compensation, shall have the same right of challenge of jurors as in other civil cases in the circuit courts. If the panel be not full by reason of non-attendance, or be exhausted by challenges, the judge hearing such petition shall designate by name the necessary number of persons, of proper qualification, and the clerk or justice shall issue another *venire*, returnable instanter, and until the jury be full.

**2848. Oath of jury.]** § 8. When the jury shall have been so selected, the court shall cause the following oath to be administered to said jury:

You and each of you do solemnly swear that you will well and truly ascertain and report just compensation to the owner (and each owner) of the property which it is sought to take or damage in this case, and to each person therein interested, according to the facts in the case, as the same may be made to appear by the evidence, and that you will truly report such compensation so ascertained: so help you God.

**2849. View of premises—verdict.]** § 9. Said jury shall, at the request of either party, go upon the land sought to be taken or damaged, in person, and examine the same, and after hearing the proof offered make their report in writing, and the same shall be subject to amendment by the jury, under the direction of the court or the judge, as the case may be, so as to clearly set forth and show the compensation ascertained to each person thereto entitled, and the said verdict shall thereupon be recorded: Provided, that no benefits or advantages which may accrue to lands or property affected shall be set off against or deducted from such compensation, in any case.

**2850. Judgment—payment.]** § 10. The judge or court shall, upon such report, proceed to adjudge and make such order as to right and justice shall pertain, ordering that petitioner enter upon such property and the use of the same, upon payment of full compensation, as ascertained as aforesaid; and such order, with evidence of such payment, shall constitute complete justification of the taking of such property.

**2851. Cross petition.]** § 11. Any person not made a party may become such by filing his cross petition, setting forth that he is the owner or has an interest in property, and which will be taken or damaged by the proposed work; and the rights of such last named petitioner shall thereupon be fully considered and determined.

**2852. Appeal.]** § 12. In all cases, in either the circuit or county court, or before a circuit or county judge, an appeal shall lie to the supreme court.

**2853. Bond — use of premises.]** § 13. In cases in which compensation shall be ascertained as aforesaid, if the party in whose favor the same is ascertained shall appeal such proceeding, the petitioner shall, notwithstanding, have the right to enter upon the use of the property upon entering into bond, with sufficient surety, payable to the party interested in such compensation, conditioned for the payment of such compensation as may be finally adjudged in the case, and in case of appeal by petitioner, petitioner shall enter into like bond with approved surety. Said bonds shall be approved by the judge before whom such proceeding shall be had, and executed and filed within such time as shall be fixed by said judge.

**2854. Payment to county treasurer, etc.]** § 14. Payment of compensation adjudged may, in all cases, be made to the county treasurer, who shall, on demand, pay the same to the party thereto en-

titled, taking receipt therefor, or payment may be made to the party entitled, his, her or their conservator or guardian.

**2855. Judgment entered.]** § 15. The court or judge shall cause the verdict of the jury and the judgment of the court to be entered upon the records of said court.

**2856. Repeal.]** § 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed: Provided, that this act shall not be construed to repeal any law or part of law upon the same subject passed by this General Assembly; but in all such cases this act shall be construed as providing a cumulative remedy.

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AN ACT for the further protection of the state institutions. [Approved and in force March 9, 1867.]

**2857. Lands of state institutions not taken.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no part of any land heretofore or hereafter conveyed to the state of Illinois, for the use of any benevolent institutions of the state (or to any such institutions), shall be entered upon, appropriated or used by any railroad or other company for railroad or other purposes, without the previous consent of the General Assembly; and no court or other tribunal shall have or entertain jurisdiction of any proceeding instituted or to be instituted for the purpose of appropriating any such land for any of the purposes aforesaid, without such previous consent.

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## EMPLOYMENT.

### LEGAL DAY'S WORK.

AN ACT making eight hours a legal day's work. [Approved and in force March 5, 1867.]

**2858. Eight hours a legal day's work, except, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, On and after the first day of May, 1867, eight hours of labor between the rising and the setting of the sun, in all mechanical trades, arts and employments, and other cases of labor and service by the day, except in farm employments, shall constitute and be a legal day's work, where there is no special contract or agreement to the contrary.

**2859. When act does not apply.]** § 2. This act shall not apply to or in any way affect labor or service by the year, month or week; nor shall any person be prevented by anything herein contained from working as many hours over time or extra hours as he or she may agree, and shall not, in any sense, be held to apply to farm labor.



## WOMAN.

AN ACT to secure to all persons freedom in the selection of an occupation, profession or employment. [Approved March 22, 1872. In force July 1, 1872.]

**2860. Sex no bar to any occupation, profession, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex: Provided, that this act shall not be construed to affect the eligibility of any person to an elective office.

**2861. Females not to work on streets, etc.] § 2.** Nothing in this act shall be construed as requiring any female to work on streets or roads, or serve on juries.

**2862. Repeal.] § 3.** All laws inconsistent with this act are hereby repealed.

## CHILD LABOR.

AN ACT to prevent child labor. [Approved June 17, 1891. In force July 1, 1891.]

**2863. Unlawful under thirteen years of age.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be unlawful for any person, firm or corporation to employ or hire any child under thirteen years of age except as hereinafter provided.

**2864. When board of education, etc., may authorize employment.] § 2.** In case it shall be made to appear to the board of education or of school directors that the labor or services of any child constitutes and is the means of support of any aged or infirm relative, and that such relative is in whole, or in part, dependent upon such child, then the board of education or school directors shall issue to such child a certificate authorizing the employment of such child; such certificate shall state the name, residence and age of such child, and a record thereof shall be kept by the board of education or school directors in a book kept for that purpose.

**2865. When certificate may be granted.] § 3.** No such certificate shall be granted to any child unless it shall be shown to the board of education or school directors, in which such child resides, that such child has attended some public or private day school for at least eight (8) weeks in the current school year.

**2866. Not to be employed without certificate.] § 4.** No person, firm or corporation shall employ any child under the age of thirteen years, in any store, shop, factory or manufacturing establishment, by the day or any period of time greater than one day, unless such certificate be furnished, nor shall he permit any such child to work in his employ without such certificate. He or they shall be authorized to retain the certificate of any such child employed by him, which shall be evidence admissible in any court.

**2867. Penalty.] § 5.** Any person, firm or corporation who vio-

lates the provisions of this act and any father, guardian or person having control of any child under the age of thirteen (13) years, who willingly permits or consents to the employment of such child without such certificate as is prescribed by section three of this act, shall, for every offense, be fined in a sum not less than ten nor more than fifty dollars, for the use of public schools of the city or district in which such child resides. And every day of the employment of any such child shall be deemed a separate offense.

#### FACTORIES AND WORKSHOPS.

AN ACT to regulate the manufacture of clothing, wearing apparel and other articles in this State, and to provide for the appointment of State inspectors to enforce the same and to make an appropriation therefor. [Approved June 17, 1893. In force July 1, 1893.]

**2868. Forbids certain occupations in certain places.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no room or rooms, apartment or apartments in any tenement or dwelling house used for eating or sleeping purposes, shall be used for the manufacture, in whole or in part, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein. Every such workshop shall be kept in a cleanly state, and shall be subject to the provisions of this act; and each of said articles made, altered, repaired or finished in any of such workshops shall be subject to inspection and examination, as hereinafter provided, for the purpose of ascertaining whether said articles, or any of them, or any part thereof, are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid, shall within fourteen days from the taking effect of this act, or from the time of beginning of work in any workshop as aforesaid, notify the board of health of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed.

**2869. Presence of infectious or contagious disease in.] § 2.** If the board of health of any city or said State Inspector finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured, or in process of manufacture therein, and if said board or inspector shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board or inspector shall issue such order or orders as the public health may require, and the board of health are hereby enjoined to condemn and destroy all such infectious and contagious articles.

**2870. Inspector to report.] § 3.** Whenever it shall be reported to said inspector or to the board of health, or either of them, that coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars are being trans-

ported to this State, having been previously manufactured in whole or part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods, or any of them, are found to contain vermin, or to have been in improper places or under unhealthy conditions, he shall make report thereof to the board of health, or inspector, which board or inspector shall thereupon make such order or orders as the public health shall require, and the board of health are hereby empowered to condemn and destroy all such articles.

**2871. Child under fourteen not to be employed--register to be kept.]** § 4. No child under fourteen years of age shall be employed in any manufacturing establishment or factory or workshop within this State. It shall be the duty of every person, firm or corporation or agent or manager of any corporation employing children to keep a register in which shall be recorded the name, birthplace, age and place of residence of every person employed by him, them or it, under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, or any agent or manager of any corporation, to hire or employ in any manufacturing establishment, factory or workshop any child over the age of fourteen years and under the age of sixteen years, unless there is first provided and placed on file an affidavit made by the parent or guardian, stating the age, date and place of birth of said child; if said child have no parent or guardian, then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and which said register and affidavit shall be produced for inspection on demand by the inspector, assistant inspector or any of the deputies appointed under this act. The factory inspector, assistant inspector and deputy inspectors shall have power to demand a certificate of physical fitness from some regular physician of good standing in case of children who may appear to him or her physically unable to perform the labor at which they may be engaged, and shall have power to prohibit the employment of any minor that can not obtain such a certificate.

**2872. Employment of female only eight hours per day.]** § 5. No female shall be employed in any factory or workshop more than eight hours in any one day or forty-eight hours in any one week.

**2873. Written notice stating hours of labor to be posted.]** § 6. Every person, firm or corporation, agent or manager of a corporation employing any female in any manufacturing establishment, factory or workshop, shall post and keep posted, in a conspicuous place in every room where such help is employed, a printed notice stating the hours for each day of the week between which work is required of such persons, and in every room where children under sixteen years of age are employed a list of their names, ages and place of residence.

**2874. Meaning of words "factory," "workshop," etc., declared.]** § 7. The words "manufacturing establishment," "factory" or "workshop," wherever used in this act, shall be construed to

mean any place where goods or products are manufactured or repaired, cleaned, or sorted, in whole, or in part, for sale, or for wages. Whenever any house, room, or place is used for the purpose of carrying on any process of making, altering, repairing or finishing for sale, or for wages any coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars, or any wearing apparel of any kind whatsoever, intended for sale, it shall within the meaning of this act be deemed a workshop for the purposes of inspection. And it shall be the duty of every person, firm or corporation to keep a complete list of all such workshops in his, their or its employ, and such list shall be produced for inspection on demand by the board of health or any of the officers thereof, or by the State inspector, assistant inspector, or any of the deputies appointed under this act.

**2875. Penalty for violation of law.]** § 8. Any person, firm or corporation who fails to comply with any provision of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

**2876. Inspector appointed.]** § 9. The Governor shall, upon the taking effect of this act, appoint a factory inspector, at a salary of fifteen hundred dollars per annum, an assistant factory inspector, at a salary of one thousand dollars per annum, and ten deputy factory inspectors, of whom five shall be women, at a salary of seven hundred and fifty dollars per annum each. The term of office of the factory inspector shall be four years, and the assistant factory inspector and the deputy factory inspectors shall hold office during good behavior. Said inspector, assistant inspector and deputy inspectors shall be empowered to visit and inspect at all reasonable hours, and as often as practicable, the workshops, factories and manufacturing establishments in this State where the manufacture of goods is carried on. And the inspectors shall report in writing to the Governor, on the fifteenth day of December, annually, the result of their inspections and investigation, together with such other information and recommendations as they may deem proper. And said inspectors shall make a special investigation into alleged abuses in any of such workshops whenever the Governor shall so direct, and report the result of the same to the Governor. It shall also be the duty of said inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in the State.

**2877. Appropriates for salaries and expenses.]** § 10. That the following named sums, or so much thereof as may be necessary, respectively for the purposes hereinafter named, be and are hereby appropriated:

First—Twenty thousand dollars for the salaries of inspector, assistant inspector and the ten deputy factory inspectors, as hereinbefore provided.

Second—The sum of eight thousand dollars to defray traveling expenses and other necessary expenses incurred by said inspector, assistant factory inspector or deputy inspectors while engaged in the performance of their duties, not to exceed four thousand dollars in any one year.

**2878. When and how to be drawn.]** § 11. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for the sums herein specified, upon the presentation of proper vouchers, and all sums herein appropriated shall be paid upon monthly pay rolls, duly certified by the inspector, and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated. Such warrants shall be drawn in favor and payable to the order of the person entitled thereto.

#### LABOR ON STREETS.

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

**2879. Labor on streets, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city council in all cities and the president and board of trustees in all villages in this State, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

**2880. Fines and penalties.]** § 2. Any such city council or president and board of trustees or any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

#### TO PROTECT THE LABOR OF NATIVE AND NATURALIZED AMERICAN CITIZENS.

AN ACT to protect the labor of native and naturalized American citizens, and of those who have in good faith declared their intentions to become naturalized American citizens. [Approved June 1, 1889. In force July 1, 1889.]

**2881. None but citizens, or those having declared their intention, to be paid from public funds.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be unlawful for any board or commission, or any officer or other person acting for the State, or for any county, township, city, village, district, or other municipality in the State, or any contractor, or sub-contractor, under any or either of said municipalities, to employ any person or persons other than native born or naturalized citizens,

or those who have in good faith declared their intentions to become citizens of the United States, when such employes are to be paid, in whole or in part, directly or indirectly, out of any funds raised by taxation.

**2882. Person employing labor to be paid out of public funds to make list, etc.] § 2.** It shall be the duty of any person or persons employing labor or other services, to be paid for, in whole or in part, directly or indirectly, out of any funds raised by taxation, to file with the treasurer or disbursing officer of such funds a certificate showing to the best of his knowledge and belief that the persons so employed, and on whose account payment is to be made out of such public funds, are citizens of the United States, or have in good faith declared their intentions to become such citizens, or are of such age or sex that they cannot declare their intention to become citizens, or can not be formally declared to be citizens by an order of a court of record.

**2883. Penalty for violating this act.] § 3.** Any treasurer or disbursing officer, who shall knowingly or willfully pay out any of the funds in his hands, raised by taxation, to any person not a native born or naturalized citizen, or who has not in good faith declared his intentions to become a citizen, for labor or any other services, shall be liable to the municipality to which such funds belonged for the amount so paid, to be recovered in any court of competent jurisdiction: Provided, that when such payment is made on the requisite certificate of the employer, no liability shall attach to such treasurer or disbursing officer.

**2884. Making false certificate — penalty.] § 4.** Any employer, contractor, or sub-contractor, or other person, whose employes are to be paid, in whole or in part, directly or indirectly, from funds raised by taxation, who shall knowingly or negligently make false certificate that said employes are native or naturalized citizens, or have declared their intentions to become citizens, for the purpose of drawing such funds or any part thereof, shall be personally liable to the municipality to which such funds belonged for the amount so drawn, and any alien who earns wages, the pay for which is to come out of any such public funds by falsely representing that he is a native or naturalized citizen, or has declared his intention to become a citizen, shall forfeit the amount so earned. Such contract is declared null and void.

**2885. Employer to investigate and discharge aliens.] § 5.** Whenever any employer, contractor, or sub-contractor, by written or oral information, or from any source has reason to believe that he has in his employ persons other than native or naturalized citizens, or those who have in good faith declared their intentions to become citizens, whose pay is to be drawn in whole or in part, directly or indirectly, from such public funds, he shall at once investigate the matter, and if he shall find said information to have been correct, he shall discharge such employe or employes, and a failure to do so shall ren-

der him liable to the municipality to which such funds belonged for any of such funds paid to such alien for labor or services performed after such discovery.

**2886. Failure to take final papers.]** § 6. In all cases where an alien, after filing his declaration of intention to become a citizen of the United States, shall, for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith.

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## FERRIES AND BRIDGES.

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

**2887. License and regulate.]** § 1. Be it enacted by the People of the state of Illinois, represented in the general assembly, That it shall be lawful for the corporate authorities of any city or village, now or hereafter incorporated under any special or general law of this state, to acquire by purchase, lease or gift, and maintain, license and regulate ferries and bridges, so acquired, and the approaches thereto, not exceeding four acres of land for each ferry or bridge, within the corporate limits or within five miles of the corporate limits thereof, and from time to time fix the tolls thereon.

AN ACT to amend an act and the title thereto entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879. [Approved June 16, 1891. In force July 1, 1891.]

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits and to control the same," approved and in force May 5, 1879, be amended, with the title thereto, so as to hereafter read as follows:

An act to enable cities and villages to build, acquire and maintain bridges and ferries outside their corporate limits and to control the same; also to construct, improve and maintain roads outside of their corporate limits.

**2888. Bridges — ferries — limits — toll.]** § 1. That it shall be lawful for any city or village within this State to build, or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits,

or at any point within five (5) miles of the corporate limits of such city or village; also to construct, improve and maintain roads within five (5) miles of the corporate limits of such city or village, connecting with said bridges and ferries on either side thereof. That all such ferries, bridges and roads shall be free to the public and no toll shall ever be collected by any such city or village authority: Provided, that where any city or village has become or is the owner of any toll bridges or ferries and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll on such bridges and ferries: And provided, further, that in all cases where a bridge shall hereafter be built, or a ferry acquired across a navigable stream, by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair and of maintaining, opening and closing the proper draws therefor, and lights; or, in case of a ferry, keeping the approaches and boat in repair and operating the same.

**2889. Control by city.]** § 2. Every bridge or ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case the county may assist in the construction of said bridge, as is now provided by law.

#### FAST DRIVING ON BRIDGES IN CITY.

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

**2890. Penalty for fast driving, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whoever shall ride or drive faster than a walk, over any bridge in this State, owned or controlled, either the whole or a part thereof, by any city, village or town of this State, shall, for each offense, be fined in a sum not exceeding ten dollars nor less than one dollar, Provided, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police mag-



istrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender. All fines collected under this act shall be paid into the common school fund of the county. Whereas, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages and towns of this state, therefore an emergency exists, and this act shall take effect from and after its passage.

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## FIRE-ESCAPES.

AN ACT relating to fire-escapes for buildings. [Approved June 29, 1885.  
In force July 1, 1885.]

**2891. Fire-escapes to be put on certain buildings within six months—kind of.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That within six (6) months next after the passage of this act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire-escapes attached to the outer walls thereof and extending from, or suitably near the ground, to the uppermost story thereof, and provided with platforms of such form and dimensions, and in such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization, and the board of county commissioners in counties not under township organization, except in villages, towns and cities organized under any general or special law of this State, such approval shall be had by the corporate authorities of such villages, towns and

cities: Provided, however, that all buildings, more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire-escape for every fifty (50) persons for which, working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story shall be provided with such numbers of said ladder or stair fire-escapes as the boards of supervisors or commissioners or corporate authorities aforesaid may direct.

**2892. On certain buildings hereafter erected.] § 2.** All buildings of the numbers of stories and used for the purposes set forth in section one (1) of this act, which shall be hereafter erected within this State, shall upon or before their completion, each be provided with fire-escapes of the kind and number, and in the manner set forth in said section one (1) of this act.

**2893. Owner may be compelled to erect—proceedings.] § 3.** After the expiration of six (6) months next after the passage of this act, the boards of supervisors and commissioners, and in villages, towns and cities, the corporate authorities thereof, as aforesaid may, at any time, direct the sheriff of their respective counties to serve a written notice in behalf of the people of the State of Illinois, upon the owner or owners, trustees, lessee, or occupant of any building within their county, not provided with fire-escapes in accordance with the requirements of this act, commanding such owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire-escape or escapes within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also during any term, visit or hear testimony relating to any building or buildings within their respective counties, for the purpose of ascertaining whether it or they are provided with fire-escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook county, and to the criminal court of Cook county, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire-escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustees, lessee, or occupant of such building or buildings.

**2894. Owner failing to erect on notice—penalty.] § 4.** Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire-escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five (25) or more than two hundred (200) dollars, and to a further fine of fifty (50) dollars for each additional week of neglect to comply with such notice.

**2895. Fines—how applied.] § 5.** All the money or moneys,

collected as fines under and by virtue of this act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

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## HORSE AND DUMMY RAILROADS.

AN ACT in regard to horse and dummy railroads. [Approved March 19, 1874.  
In force July 1, 1874.]

**2896. Eminent domain.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any company which has been, or shall be incorporated under the general laws of this state, for the purpose of constructing, maintaining or operating any horse or dummy railroad or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side tracks and appurtenances, and may, subject to the provisions contained in this act, locate and construct its road upon or over any street, alley, road or highway, or across or over any waters in this state, in such manner as not to unnecessarily obstruct the public use of such street, alley, road or highway, or interrupt the navigation of such waters.

**2897. Compensation for property taken or damaged.] § 2.** When it is necessary for the construction, maintenance or operation of such road, or the necessary sidings, side tracks or appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain.

**2898. Location of road — consent — notice — damages.] § 3.** No such company shall have the right to locate or construct its road upon or along any street or alley, or over any public ground in any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village, nor upon or along any road or highway, or upon any public ground without any incorporated city, town or village, except upon the consent of the county board. Such consent may be granted for any period, not longer than twenty years, on the petition of the company, upon such terms and conditions, not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: Provided, no such consent shall be granted, unless at least ten days' public notice of the time and place of presenting such petition shall have been first given by publication in some newspaper published in the city or county where such road is to be constructed, and except upon the condition that the company will pay all damages

to owners of property abutting upon the street, alley, road, highway or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

**2899. Control of streets reserved — police power.] § 4.** Every grant to any such company of a right to use any street, alley, road, highway or public ground, shall be subject to the right of the proper authorities to control the use, improvement and repair of such street, alley, road, highway or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such railroad, whether such right is reserved in the grant or not.

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## HOSPITALS.

### CITY MAY CONTRIBUTE TO NON-SECTARIAN HOSPITAL.

AN ACT to enable cities and counties in this State to contribute toward the support of non-sectarian public hospitals located within their respective limits. [Approved May 23, 1889. In force July 1, 1889.]

**2900. City, etc., may contribute to non-sectarian hospital.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be lawful for any county or any city of this State to contribute such sum or sums of money towards the support of any non-sectarian public hospital for the sick or infirm, located within its limits, as the county board of the county, or city council of the city, shall deem discreet and proper.

### PUBLIC HOSPITALS IN CITIES.

AN ACT to enable cities to establish and maintain public hospitals. [Approved June 17, 1891. In force July 1, 1891.]

**2901. What cities may establish non-sectarian public hospitals.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city council of each incorporated city of this State having a population of less than one hundred thousand (100,000) inhabitants shall have the power to establish and maintain a non-sectarian public hospital for the use and benefit of the inhabitants of such city, and any person falling sick, or being injured or maimed within its limits, and may levy a tax not to exceed two mills on the dollar annually, on all the taxable property of the city, such tax to be levied and collected in like manner with the general taxes of the said city, and to be known as the "hospital fund."

**2902. How established — election — notice — taxation.] § 2.** When one hundred legal voters of any such incorporated city shall present a petition to the city council of such city, asking that an annual tax may be levied for the establishment and maintenance of a public hospital in such city, and shall specify in their petition a rate of taxation not to exceed two mills on the dollar, such city council shall instruct the city clerk to and such city clerk shall, in the next legal notice of the regular annual election in such city, give notice that at such election every elector may vote "for a . . . . . mill tax for a public hospital," or "against a . . . . . mill tax for a public hospital," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such city shall be "for the tax for a public hospital," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said city, and shall be known as the "hospital fund," and thereafter the city council of such city shall include and appropriate in the annual appropriation bill such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such hospital.

**2903. Board of directors.] § 3.** When any such city council shall have decided to establish and maintain a public hospital under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of three directors, one of whom may be a woman, for the same, chosen from the citizens at large, with reference to their fitness for such office.

**2904. Directors' term of office — removal.] § 4.** Said directors shall hold office one-third for one year, one-third for two years and one-third for three years from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July each year, appoint as before one director to take the place of the retiring director, who shall hold office for three years, and until his successor is appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

**2905. Vacancies — how filled.] § 5.** Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council and be filled in like manner as original appointments, and no director shall receive compensation as such and shall not be interested either directly or indirectly, in the purchase or sale of any supplies for said hospital.

**2906. Organization and power of board.] § 6.** Said directors shall immediately after appointment, meet and organize by the election of one of their number president, and one as secretary and by the election of such other officer as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be expedient, not inconsistent with this act and the ordinances of said city. They shall have the exclusive control of the expenditures of all moneys col-

lected to the credit of the "hospital fund," and of the construction of any hospital building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: Provided, that all moneys received for such hospital shall be deposited in the treasury of said city to the credit of the "hospital fund," and drawn upon by the proper officers of said city upon the properly authenticated vouchers of the hospital board. Said board shall have the power to purchase or lease ground, to occupy, lease or erect an appropriate building or buildings for the use of said hospital; shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public hospital, and one or all of said directors shall visit and examine said hospital at least twice each month and make monthly reports of its condition to the city council.

**2907. For whose benefit established.] § 7.** Every hospital established under this act shall be for the benefit of the inhabitants of such city, and any person falling sick or being injured or maimed within its limits; but every such inhabitant or person who is not a pauper shall pay to such board or such officer as it shall designate for such city, such reasonable compensation for occupancy, nursing, care, medicines or attendance, according to the rules and regulations prescribed by said board; such hospital always being subject to such reasonable rules and regulations as said board may adopt in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of said hospital any and all inhabitants and persons who shall willfully violate such rules or regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such city in this State, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe.

**2908. Duty of directors—meetings—funds—report, what to contain.] § 8.** Said board of directors shall, in the name of such city, receive and collect from such inhabitant or person the compensation aforesaid, and shall as often as once in each month, pay over to the city treasurer all compensation received or collected during the month, and take the receipt of such treasurer therefor; and shall also at the regular monthly meeting of the city council report to such city council the names of the persons or inhabitants from whom such compensation has been received or collected, and the amount so received or collected from each and the date when so received or collected. And said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the "hospital fund" and from other sources, and how such money has been expended and for what purposes; the number of

patients and such other statistics, information and suggestions as they may deem of general interest.

**2909. Rules and regulations.]** § 9. When such hospital is so established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same, and all furniture and other articles used or brought there shall be subject to such rules and regulations as said board may prescribe.

**2910. Donations — may vest title.]** § 10. Any person desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

**2911. Physicians—privileges of.]** § 11. All physicians who are recognized as legal practitioners by [the] State Board of Health of Illinois shall have equal privileges in treating patients in said hospital.

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## HOUSES OF ILL-FAME.

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

**2912. Licensing and medical inspection forbidden.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employe of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

**2913. Emergency.]** § 2. Whereas, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

## HOUSES OF CORRECTION.

AN ACT to establish houses of correction, and authorize the confinement of convicted persons therein. [Approved April 25, 1871. In force July 1, 1871.

**2914. Cities may establish.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be lawful for the municipal authorities of any city within this state to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this state, or ordinance of any city or village, authorizing the confinement of convicted persons, in any such house of correction. [As amended by act approved May 31, 1879. In force July 1, 1879.]

**2915. Inspectors — appointment — term of office.] § 2.** The management and direction of any house of correction already established or which may hereafter be established in any such city, shall be under the control and authority of a board of inspectors, to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board, who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of said board, for one, two and three years from and after the first Monday in May, in the year of our Lord 1871, and thereafter one member shall be appointed each year for the full term of three years.

**2916. Rules — employees — appropriations.] § 3.** That whenever a board of inspectors have been organized as in section second of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and, upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employees thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city.

**2917. Compensation and duties of inspectors—records.] § 4.** Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board, at the house of correction, once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine, and



make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. One of said appointed inspectors shall visit the said house of correction once, at least, in each month. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and, with the other books and records of said house of correction, shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any such city.

**2918. Books — quarterly statement — accounts.] § 5.** The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, from whom received and to whom paid, and for what purpose; proper vouchers for each, to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him, to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year shall be made out and submitted to the legislative authority of said city, and to the Governor of the State, to be by him transmitted to the General Assembly. [As amended by act approved May 31, 1879. In force July 1, 1879.]

**2919. Further reports—removal of officers, etc.] § 6.** The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may, with the approval of the mayor, remove any inspector of said institution. But any subordinate officer or employee may be removed by the superintendent at his discretion, but immediately upon the removal of such officer or employee, he shall report to said board the name of the person removed, and the cause of such removal.

**2920. Duties of superintendent—appointment—term of office—deputy.] § 7.** The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor by and with the consent of said board of inspectors, and shall hold his office for four years and until his successor shall have been duly appointed and qualified, but he may be removed by the inspectors at any

time, when in their judgment it shall be advisable. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof, and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof, and the safe keeping of prisoners.

**2921. County may use house of correction.] § 8.** The board of supervisors or commissioners of any county, and the board of trustees of any village or town, in any county in this State, in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of such city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto, by any court or magistrate, in any of said counties, whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which such agreement shall have been made, or of the trustees of the village or town in behalf of which such agreement has been made, as the case may be, to give public notice thereof, in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force. [As amended by act approved May 31, 1879. In force July 1, 1879.]

**2922. Commitment.] § 9.** In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received, and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced to be forthwith conveyed by some proper officer to said house of correction. [As approved May 31, 1879. In force July 1, 1879.]

**2923. Conveying convict to house of correction—fees.] § 10.** It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correc-

tion, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or persons so sentenced shall be allowed such fees, as compensation therefor, as shall be prescribed or allowed by the board of supervisors or commissioners of the said county.

**2924. Application of other laws, etc.] § 11.** All provisions of law and ordinances authorizing the commitment and confinement of persons in jails, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such house of correction.

**2925. House of shelter.] § 12.** It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which any female convict may be imprisoned in one or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of inspectors, a matron and other teachers and employees for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employees of the said house of correction.

**2926. Expenses.] § 13.** The expenses of maintaining any such house of correction over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid from time to time by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city.

**2927. United States convicts.] § 14.** It shall be lawful for the inspectors of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States or other federal officer, until discharged by law.

**2928. Bridewell changed to house of correction.] § 15.** That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall, immediately upon the appointment of the inspectors in this act contemplated, be known and denominated as the house of correction of the city in which it is located.

**2929. Salary of superintendent—record of conduct—good time.] § 16.** The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of such city, to be paid quarterly. It shall be his duty to keep a

record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convict offending, and the date and character of each offense, and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence, for each month he or she shall continue to obey all the rules of said house of correction.

**2930. Oath--bond.]** § 17. The inspectors of any such house of correction and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendent shall severally give bond to such city with sureties, and in a penal sum such as may be required by the legislative authority thereof, for the faithful performance of their duties.

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#### INTEREST ON PUBLIC FUNDS.

AN ACT to compel State, county, city, township, school and park treasurers and other custodians of public funds to account for interest on such funds under their control. [Approved June 16, 1893. In force July 1, 1893.]

**2931. Public officers to account for interest on public funds in their hands--oath.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the State Treasurer and every county, city, township, school and park treasurer, and every other custodian of public funds, who shall be hereafter elected or appointed and qualified, shall at the end of each fiscal year account for interest on the daily balances of the funds from time to time in his custody, at a rate of not less than two per cent. per annum, and as much higher as solvent banks that are reasonably accessible pay on the daily balances of accounts that are subject to sight draft or check. Three-fourths of such interest shall belong to the public and be added to the fund; and the remaining one-fourth of such interest shall belong to such treasurer or custodian, and may be retained by him as extra compensation for the extra care and responsibility assumed in making the fund bear interest: Provided, that nothing herein contained shall be so construed as to in any way release such treasurer or custodian or his bondsmen from any liability: And, provided further, that if any such treasurer or custodian shall keep such funds or any part thereof in his personal possession and not in a bank or on deposit for the purpose of receiving interest on the same and keep the same in actual money and not in securities, and shall not in any way use such funds, or any part thereof himself, or receive any interest or thing of value or compensation for the use of said

funds, or permit them to be used by any person, persons, co-partnership, or corporation for his benefit, then he shall not be required to account for any interest on the funds so kept: Provided, no responsible depository accessible shall be willing to pay interest, and in that case he shall make, sign and file an affidavit in the following form:

I (name and official title) do solemnly swear that during the fiscal year ending.....the total amount of funds which came into my hands as such officer was \$.....; that the daily balances were as shown by the schedule hereto annexed and made a part of this affidavit, and marked "exhibit one;" and that I kept in my possession of the above funds, a sum, the daily balance of which were as shown by schedule marked "exhibit two," hereto annexed, and made a part of this affidavit. And I further swear that all of the funds shown by "exhibit two" were actually held by me during all of the time therein shown and not in securities of any kind; and that I did not use any part of said funds for my personal benefit; and that no part thereof was deposited with any person, persons, co-partnership or corporation, for the purpose of drawing interest on such funds, and that I have not directly or indirectly received any interest on the same, and that neither I nor any person, persons, co-partnership or corporation derived any benefit or use for me from such balances or any part thereof as shown in schedule marked "exhibit two," and that I am under no circumstances to get any benefit therefrom, and further, that no responsible depository, reasonably accessible, was willing to pay interest.

.....  
Subscribed and sworn to before me.....a .....  
within and for..... county, Illinois, this .....day of  
....., 189..

[Official Seal.]

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JURISDICTION.

TERRITORIAL JURISDICTION.

AN ACT to extend the jurisdiction of towns and cities on any river within or on the borders of this state, for the purpose of police regulations. [Approved and in force Feb. 15, 1865.]

**2932. To enforce ordinances on boats, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That cities and towns on any river within or on the borders of this state, shall have the right to extend and enforce their ordinances so as to include any boat or other floating structure, which shall be kept within two miles of the city or town limits, as a place for drinking spirituous liquors, or for gaming, or for the purpose of prostitution: Provided, no authority shall be given by this law, beyond what the law now authorizes, to interfere with any steamer or other boat, the usual business of which is the carrying of freight or passengers.

AN ACT to define the jurisdiction of cities and incorporated towns and villages lying in different counties. [Approved June 18, 1891. In force July 1, 1891.]

**2933. Extending into different counties.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That cities and incorporated towns and villages which are now or which may hereafter be incorporated or extended into different counties, shall have the right to extend and enforce their ordinances over the entire territory embraced within the limits of such cities, incorporated towns or villages for all municipal purposes.

**2934. Suit—where brought.]** § 2. That whenever any provision is made by the statutes of this State that any suit or proceeding affecting lands or the assessment or collection of taxes shall be commenced by any city, incorporated town or village in any court of the county wherein such city, incorporated town or village is situate, it shall be held and construed to mean in the county wherein the lands to be affected or upon which the taxes are assessed or to be assessed and collected are situate.

#### POLICE JURISDICTION.

AN ACT to define police districts, and the powers and the duties of the police therein. [Approved and in force May 13, 1887.]

**2935. What shall be a police district.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the territory which is embraced within the limits of adjoining cities, villages and incorporated towns, within any county in this State shall be a police district.

**2936. Police may go into any part of such district to suppress riot, etc.—duty of mayor.]** § 2. It shall be lawful for the police of any city, village or incorporated town in such district to go into any part of such district to suppress riot, to preserve the peace and protect the lives, rights and property of citizens, and for such purposes it shall be the duty of the mayor of any city, the president or the president and board of trustees of any village or incorporated town in such district, and the chiefs of police therein, to use the police forces under their control anywhere in such district.

**2937. Emergency.]** § 3. Whereas, an emergency exists, this act shall be in force from and after its passage.

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#### LIBRARIES.

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

**2938. Establishment by city—tax—fund.]** § 1. That the

city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed two mills on the dollar annually on all the taxable property in the city: Provided, That in cities of over one hundred thousand inhabitants, after the year 1896, such tax shall not exceed one mill on the dollar annually, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the library fund: Provided, That the said annual library tax in cities of over ten thousand inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized. [As amended by act approved June 15, 1895. In force July 1, 1895.]

**2939. Directors.]** § 2. When any city council shall have decided to establish and maintain a public library and reading room, under this act the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board.

**2940. Term of office — removal.]** § 3. Said directors shall hold office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors who shall hold office for three years, and until their successors are appointed. The mayor may by and with the consent of the city council, remove any director for misconduct or neglect of duty.

**2941. Vacancies — compensation.]** § 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

**2942. Organization — powers of directors — funds.]** § 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and

of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: Provided, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

**2943. Who may use library.]** § 6. Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading-room to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe. [As amended by act approved March 27, 1874. In force July 1, 1874.]

**2944. Report of directors.]** § 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well [as] the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

**2945. Penalties.]** § 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

**2946. Donations.]** § 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate



so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

**2947. Powers of villages, towns and townships.] § 10.** When fifty legal voters of any incorporated town, village or township shall present a petition to the clerk of the town, village or township (or trustee of schools in counties not under township organization), asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify, in their petition, a rate of taxation not to exceed two mills on the dollar, such clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election in such town or township, give notice that at such election every elector may vote "For a.....mill tax for a free public library," or "Against a.....mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such town, village or township shall be "For the tax for the free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town or township, and shall be known as the "Library Fund"; Provided, that such tax shall cease in case the legal voters of any such town, village or township shall so determine by a majority vote, at any annual election held therein; and the corporate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act.

**2948. Directors in villages, etc.] § 11.** At the next regular election after any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, one-third for three years, and annually thereafter there shall be elected two directors, who shall hold their office for three years and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities.

**2849. Emergency.] § 12.** Whereas, all the libraries of Chicago were destroyed by the recent fire in that city, and large donations of books have been made to found a free library, and whereas no suitable building or organization exists to receive or preserve them, therefore an emergency exists that this law shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

**2950. Erection of building -- plans -- cost.] § 13.** Whenever any board of directors of any public library, organized under the provisions of the act to which this is an amendment, shall determine to erect a building to be used for their library, or to accumulate a

fund for the erection of such building, they may do so as follows: The directors shall cause a plan for such building to be prepared, and an estimate to be made of its cost; they may then determine the time or years over which they will spread the collection of the cost of said building, not exceeding twenty (20) years, and shall make a record of their said proceedings and transmit a copy thereof to the city council for its approval.

If the council shall approve the action of the board the board shall divide the total cost of said building into as many parts as they shall determine to spread the cost of the collection thereof, and shall certify the amount of one of said parts to the city council, each and every year during the time or term over which they shall have determined to spread the collection of the cost of said building.

The city council on receiving the said last mentioned certificate shall in its next annual appropriation bill include the amount so certified, and shall levy and collect a tax to pay the same, with the other general taxes of the city; Provided, the said levy shall not exceed five (5) mills on the dollar in any one year and shall not be levied oftener than for the number of years into which the library board shall have divided the costs of said building: And provided, further, no city shall construct more than one building under the provisions of this act, and when said sum herein mentioned shall have been collected the said tax shall cease. [Added by act approved June 19, 1891. In force July 1, 1891.]

**2951. Duty of board—erection of building—investment of funds.] § 14.** The library board shall determine when they will proceed with the construction of the building; they may proceed at once or may determine to wait and allow the fund to accumulate, but shall not delay construction of said building longer than for the collection of said fund. If they shall determine to wait, they shall certify their action to the city council and said city council shall invest said money in good interest paying securities, there to remain until the same is needed for the construction of the building under the provisions of this act. [Added by act approved June 19, 1891. In force July 1, 1891.]

**2952. How contract to be let.] § 15.** When the directors shall determine to commence the construction of the building they may then revise the plan therefor or adopt a new plan and provide estimates of the costs thereof, and shall advertise for bids for the construction of said building and shall let the contract to the lowest and best responsible bidder, and may require from such bidder securities for the performance of his bid as the board shall determine: Provided, the said directors may let the contract for one part of said building to one bidder, and for another part to another bidder as they shall determine: And provided, further, the board of directors shall not in any new plan increase the per cent of the tax levy hereunder, without the approval of the city council. [Added by act approved June 19, 1891. In force July 1, 1891.]

**2953. May rent portion—borrow money—tax levy.] § 16.** If the board of directors shall think best they may construct the building so that a portion thereof may be rented, and may at any time during the construction thereof borrow money and execute a mortgage on the lot and building, not exceeding one-half the value thereof, and the money so obtained shall be used exclusively in the completion of said building. The levy of a tax hereunder shall not constitute a part of the general tax of the city, nor shall it affect any appropriation made or to be made for the support of the library. This act shall not apply to any city in this State having over one hundred thousand inhabitants. [Added by act approved June 19, 1891. In force July 1, 1891.]

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AN ACT to enable library associations to sell and transfer their real and personal property. [Approved March 24, 1874. In force July 1, 1874.]

**2954. Library associations may sell, etc., to public libraries—meeting—notice.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any library association organized under any law of this state, and owning any real or personal property in this state, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this state, such sale or lease may be made in the manner following, viz: the directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate.

**2955. Vote—manner of making conveyance, etc.] § 2.** If the members, subscribers or stockholders representing the majority in amount of the stock of such association, shall vote, at such meeting, in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service or publication of notice as herein required, to be filed in the office of the clerk of the circuit court of the county where the property of such association is situate; after which the president and secretary of the said association

shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote; which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said associations in and to the real or personal property in said instrument described as therein set forth.

· SOLDIERS' MEMORIAL HALL.

AN ACT to authorize the Soldiers' Home in Chicago to erect and maintain a Soldiers' Memorial Hall on the north one quarter of Dearborn Park in the city of Chicago. [Approved June 4, 1889. In force July 1, 1889.]

Whereas, in the original subdivision of a tract of land in the western part of the southwest fractional quarter of section ten (10), township thirty-nine (39) north, range fourteen (14), east of the third principal meridian, as subdivided and platted under authority of the Secretary of War, in the year eighteen hundred and thirty-nine, a square or tract of land in said subdivision, a part of which is known as "Dearborn Park," was set aside for park purposes and so dedicated by the general government; and

Whereas, the circumstances under which said dedication was made no longer exist; so that said park can be used or utilized for the purposes for which said dedication was made; the growth and development of business having now rendered it worthless for such purposes; therefore,

**2956. Authorized to erect a soldiers' memorial hall on Dearborn Park.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Soldiers' Home in Chicago, a corporation incorporated under and by virtue of a special act of the Legislature of the State of Illinois, approved and in force February 28, 1867, be and the said corporation hereby is authorized and empowered to erect and maintain on the north one quarter of a piece of ground now known as "Dearborn Park" in that part of the city of Chicago known as Fort Dearborn addition to Chicago, and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, and on the west by the east line of an alley known as Dearborn Place, a Soldiers' Memorial Hall building to commemorate the virtues, sufferings and sacrifices of the soldiers and sailors of the State of Illinois in the late civil war, and for the uses hereinafter set forth.

**2957. To be under control of the managers of the soldiers' home.]** § 2. Said Memorial Hall building when erected shall be used under the direction and control of the managers of the said Soldiers' Home in Chicago, by all non-political organizations of United States soldiers and sailors of the late civil war, for all purposes not inconsistent with such organizations without charge, but no part thereof shall be rented by said Soldier's Home in Chicago for pecu-

niary profit, except for such charitable objects as are provided for in its charter, and the care, maintenance and protection of said building.

**2958. To be a public hall, etc.] § 3.** The main or principal hall of such memorial building shall be a public hall, in which non-political public meetings may be held under the direction and control of the directors of the said Soldiers' Home, and the sanction and approval of the mayor and common council of the city of Chicago: Provided, however, such public meeting shall not interfere with the use of said hall by any of the before mentioned organizations in the manner contemplated by this act.

**2959. Chicago public library — storage — how used.] § 4.** The directors of the Chicago Public Library shall have the privilege of storing and keeping in such unoccupied portions of said Memorial Hall building as may not be required for other purposes, all such maps, charts, books, periodicals, papers and other literature relating to the late civil war and military history of this country, as they may desire. At the expiration of fifty years from the completion of said Memorial Hall building and at any time after the expiration of that period, the directors of the Soldiers' Home in Chicago, at their option, by a two-thirds vote of all their members, may turn over, transfer and convey to the directors of the Chicago Public Library all the right, title and interest of the Soldiers' Home in Chicago, in and to the said Memorial Hall building and grounds, and the said directors of the Chicago Public Library in such case are hereby authorized and empowered to receive, accept, hold and maintain the same in perpetuity: Provided, however, said building shall never be deprived of its distinctive character as a Soldiers' Memorial Hall, or be used by the directors of the Chicago Public Library or any other persons to the exclusion of any of the non-political organizations of the soldiers and sailors of the late civil war.

#### CHICAGO PUBLIC LIBRARY.

AN ACT to authorize the Chicago public library to erect and maintain a public library on Dearborn Park in the city of Chicago, and to authorize the Soldiers' Home in Chicago to sell and dispose of its interest in the north one quarter of the said park. [Approved June 2, 1891. In force July 1, 1891.]

Whereas, in the original subdivision of a tract of land in the west part of the south west fractional quarter of section ten, township 39 north, range 14, east of the third principal meridian, as subdivided and platted under the authority of the secretary of war in the year 1839, a square or tract of land in said subdivision, a part of which is known as Dearborn Park, was set aside for park purposes, and was so dedicated by the general government:

And, whereas, the circumstances under which said dedication was made, no longer exist, so that said park can not be used or utilized for the purposes for which said dedication was made, the growth and development of business having now rendered it worthless for such purposes; therefore,

**2960. May erect public library on Dearborn Park—memorial hall.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Chicago public library be and it is hereby authorized to take possession of the piece of ground now known as Dearborn Park, in that part of the city of Chicago, State of Illinois, known as the Fort Dearborn addition to Chicago, and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, on the west by the east line of an alley known as Dearborn place, and to erect and maintain thereon a public library building under and in pursuance of the power and authority conferred upon said the Chicago public library by an act entitled "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and the various amendments thereto: Provided, that no building shall be erected upon the north one-quarter ( $\frac{1}{4}$ ) of said ground by the Chicago public library until it has obtained, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago acquired in the same, under and by virtue of an act entitled "An act to authorize the Soldiers' Home in Chicago to erect and maintain a soldiers' memorial hall on the north one-quarter ( $\frac{1}{4}$ ) of Dearborn park, in the city of Chicago," approved June 4, 1889: And provided further, that in case the Chicago public library shall obtain, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago may have in said north one-quarter ( $\frac{1}{4}$ ) of Dearborn park, then and in such case the Chicago public library, in erecting such library building, shall construct in such part of it as it may elect or determine a hall to be known and forever maintained as a memorial hall to commemorate the patriotism and sacrifices of the Union soldiers and sailors of the late civil war, which hall, when completed, may be leased by the Chicago public library at a nominal rental for the period of fifty years to the grand army hall and memorial association of Illinois, to be used by it and such other organizations of union soldiers and sailors of the late civil war having their headquarters in Cook county, as it may direct, for the purposes of their organization.

**2961. Soldiers' Home in Chicago may sell, etc.]** § 2. The Soldiers' Home in Chicago is hereby authorized to sell, assign, transfer and convey to the Chicago public library, upon such terms and conditions as may be agreed upon, all the right, title and interest which said Soldiers' Home in Chicago now hold in or to the north one-quarter ( $\frac{1}{4}$ ) of said Dearborn park; and when such assignment or conveyance is made the said Chicago public library shall become seized and possessed of all the rights and interest in and to said north one-quarter ( $\frac{1}{4}$ ) of Dearborn park that are now held by the Soldiers' Home in Chicago, or by the State of Illinois, and may take possession of and use the same for library purposes as provided in section 1 of this act.

## INCORPORATION OF FREE PUBLIC LIBRARIES.

AN ACT to encourage and promote the establishment of free public libraries in cities, villages and towns of this State. [Approved June 17, 1891. In force July 1, 1891.]

**2962. Trustees may form corporation to establish.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever property, real or personal, has heretofore been or shall hereafter be devised or bequeathed by last will and testament, or granted, conveyed or donated by deed or other instrument, to trustees to be applied by them to the foundation and establishment in any of the cities, villages and towns of this State of a free public library, it shall be lawful, when not otherwise provided in said will or other instrument of gift, for the acting trustees in any such case, in order to promote the better establishment, maintenance and management of such library, to cause to be formed a corporation under the provisions of this act, with the rights, powers and privileges hereinafter provided for.

**2963. Corporation—how formed.]** § 2. Such acting trustees may make, sign and acknowledge before any officer authorized to take acknowledgments of deeds in this State, and file in the office of the Secretary of State a statement in writing, in which shall be set forth the intent of such trustees to form a corporation under this act; a copy of the will or other instrument by which endowment of said library has been provided; the name adopted for the proposed corporation (which shall not be the name of any other corporation already existing); the city, village or town in which the library and the principal place of business of the corporation will be located; the number of managers who may be denominated trustees, managers or directors of the corporation; and the names of the trustees, managers or directors who are to constitute the original board of such officers, and who shall hold until their successors respectively are elected and qualified, as in this act provided.

**2964. Perfecting organization — corporate purposes.]** § 3. Upon the filing in his office of such a statement as aforesaid the Secretary of State shall issue to the incorporators, under his hand and seal of State, a certificate, of which the aforesaid statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall thereupon cause such certificate to be recorded in a proper record book for the purpose in the office of the recorder of deeds of the county in which the said library is to be located; and thereupon the corporation shall be deemed fully organized and may proceed to carry out its corporate purposes, and may receive by conveyance, from the trustees under said will, deed or other instrument of donation, the property provided by will or otherwise as aforesaid for the endowment of said library, and may hold the same in whatever form it may have been received or conveyed by said trustees until such form shall be changed by the action of the said corporation.

**2965. Powers of corporation—who members—property—taxation.]** § 4. Organizations formed under this act shall be bodies corporate and politic to be known under the names stated in the respective certificates or articles of incorporation; and by such corporate names they shall have and possess the ordinary rights and incidents of corporations, and shall be capable of taking, holding and disposing of real and personal estate for all purposes of their organization. The provisions of any will, deed or other instrument by which endowment is given to said library and accepted by said trustees, managers or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation.

The trustees, managers or directors of any such corporation shall compose its members, and shall not be less than seven nor more than fifteen in number; shall elect the officers of the corporation from their number; and shall have control and management of its affairs and property; may accept donations, and in their discretion hold the same in the form in which they are given, for all purposes of science, literature and art germane to the object and purpose of said corporation. They may fill by election, subject to the approval of the chief justice, for the time being, of the supreme court of Illinois, vacancies occurring in their own number by death, incapacity, retirement or otherwise, and may make lawful by-laws for the management of the corporation and of the library, which by-laws shall set forth what officers there shall be of the corporation, and shall define and prescribe their respective duties. They may appoint and employ from time to time such agents and employes as they may deem necessary for the efficient administration and conduct of the library and other affairs of the corporation. Whenever any trustee, manager or director shall be elected to fill any vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the recorder of deeds where the articles of incorporation are recorded.

Whenever by the provisions of such will, deed or other instrument by which endowment is created, the institution endowed is declared to be and is free and public, the library and other property of such corporation shall be forever exempt from taxation.

The trustees, managers or directors of such corporation shall, in the month of January in each year, cause to be made a report to the Governor of the State for the year ending on the thirty-first day of December, preceding, of the condition of the library and of the funds and other property of the corporation showing the assets and investments of such corporation in detail.



## MARKETING PRODUCTS.

AN ACT for the protection of farmers, fruit growers, vine growers and gardeners. [Approved January 13, 1872. In force July 1, 1872.]

**2966. Farmer, etc., may sell products without license.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every farmer, fruit and vine grower, and gardener, shall have an undisputed right to sell the produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any State, county or city tax, or license, for doing so, any law, city or town ordinance to the contrary notwithstanding: Provided, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: And, provided, further, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now are or hereafter may be in force prohibiting the sale thereof.

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 MECHANICS' LIENS.

AN ACT to revise the law in relation to mechanics' liens. [Approved and in force July 26, 1895.]

**2967. Lien on the money, bonds or warrants due the contractor.] § 24.** Any person who shall furnish material, apparatus, fixtures, machinery or labor to any contractor for a public improvement in this State, shall have a lien on the money, bonds or warrants due or to become due such contractor for such improvement: Provided, such person shall, before any payment or delivery thereof is made to such contractor, notify the officials of this State, county, township, city or municipality whose duty it is to pay such contractor, of his claim by a written notice and the full particulars thereof. It shall be the duty of such official so notified to withhold a sufficient amount to pay such claim until it is admitted, or by law established, and thereupon to pay the amount thereof to such person, and such payment shall be a credit on the contract price to be paid to such contractor.

Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation, which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount due under their respective contracts.

## OFFICERS.

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

**2968. Supervisor — county commissioner.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be and is hereby declared unlawful for any supervisor or county commissioner, during the term of office for which he is elected, to be appointed to, accept or hold any office, by appointment or election of the board of which he may be a member; and any and all appointments and elections by the board of supervisors or county commissioners, whereby any member or members of said board, or either of them, may be selected to fill any official position, shall be absolutely null and void.

**2969. Aldermen of cities—trustees of villages.] § 2.** That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this state, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void.

**2970. Not to be interested in contracts—not to act as attorney to procure—bribery.] § 3.** It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this state, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

**2971. Penalty.] § 4.** Any alderman, member of a board of trustees, supervisor or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this state, or any law now or hereafter in force in this state, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than one year nor more than five years, or fined in a sum not less than \$200 nor more than \$1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition

thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this state for the period of two years from and after the date of such conviction.

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## OIL INSPECTION.

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

### 2972. Appointment of inspectors—term of office—deputies.]

§ 1. The judge of the county court of any county for townships outside of incorporated cities, towns and villages, the mayor of any city, with the approval of the city council and the board of trustees of any village or town, may, and on the petition of any five inhabitants thereof shall, appoint one or more inspectors for the inspection of coal oil, naphtha, gasoline, benzine, and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector. [As amended by act approved June 17, 1887. In force July 1, 1887.]

2973. Oath — bond — suit on.] § 2. Every such inspector, before entering upon the duties of his office, shall take and subscribe the following oath:

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

He shall also execute a bond payable to the People of the State, in such sum as shall be required by the county judge, city council or board of trustees, with one or more sureties to be approved by the county judge, mayor or president of the board of trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain [suit] thereon for his own use. [As amended by act approved June 17, 1887. In force July 1, 1887.]

2974. Inspector to test.] § 3. Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil

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

**2975. Test—casks marked—inspector not to trade in oil.]** § 4. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package "Approved, fire test being . . . . .;" but if said oils or fluids will ignite at a temperature less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package "Condemned for illuminating purposes; fire-test being . . . . .". Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

**2976. Records kept and open to examination.]** § 5. He shall also, within twenty-four hours after making any inspection, make a full and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

**2977. Penalty for misconduct in office.]** § 6. Any such inspector or deputy who shall falsely brand any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby.

**2978. Penalty for neglect to give notice of, or selling oil not inspected—counterfeit brands, etc.]** § 7. Any manufacturer refiner or producer of, or any dealer in coal oil, naphtha, gasoline, benzine or other mineral oil or fluid, the product of petroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of this state, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard—that is, having igniting point less than one hundred and fifty degrees Fahrenheit, as indicated and determined in the manner herein provided, or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding \$200 and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited, and may be seized and sold.

**2979. Fines, how recovered and disposed of.]** § 8. The fines herein provided may be recovered in the name of the People of the State of Illinois, before any justice of the peace of the county

where the offense is committed, and when collected, one-half shall be paid to the informer, and the other half and the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village or town treasury.

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## ORDINANCES.

### PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

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

**2980. Arrest—imprisonment—work-house.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this State, the first process shall be a summons: Provided, however, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: Provided, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

**2981. Repeal.] § 2.** All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

**2982. Emergency.] § 3.** Whereas, In some of the cities and villages in this State, there is no authority for the imprisonment of offenders in work-houses or houses of correction, and requiring such

offenders to work, therefore, an emergency is declared to exist, and this act shall be in force from and after its passage.

#### SUITS—HOW BROUGHT.

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

**2983. Suits—how brought, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this state, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united would not have exceeded the jurisdiction of the court or magistrate.

#### PROOF OF ORDINANCES AND RECORDS.

AN ACT in regard to evidence and depositions in civil cases. [Approved March 29, 1872. In force July 1, 1872; R. S. ch. 51.]

**2984. Records, etc., of cities, etc.—how certified.] § 14.** The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

**2985. Form of certificate.] § 16.** The certificate of any such clerk of a court, city, village, town, county, or secretary, clerk, cashier, or other keeper of any such papers, entries, records or ordinances, shall contain a statement that such person is the keeper of the same, and if there is no seal, shall so state.

**2986. Sworn copies.] § 18.** Any such papers, entries, records and ordinances may be proved by copies examined and sworn to by credible witnesses.

**2987. Penalty.] § 19.** If any such officer, clerk, secretary, cashier, justice of the peace, or other person authorized to certify copies of any papers, entries, records or ordinances, shall knowingly make a false certificate, he shall be punishable in the same manner as if he were guilty of perjury.

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## PARKS AND DRIVEWAYS.

## COMPLETION AND MANAGEMENT.

AN ACT in regard to the completion of public parks, and the management thereof. [Approved June 16, 1871. In force July 1, 1871.]

2988. Title to lands.] § 14. The title to said lands purchased or condemned under the provisions of this act, shall vest in said commissioners in trust for the use of said towns, but if at any time any city in which is vested the title to the lands already appropriated for such park, shall reimburse said town, principal and interest, for the cost of said lands, then the title shall be conveyed to and vest in said city.

2989. Park police.] § 15. The commissioners of any such park may appoint and support a police force.

2990. Proceedings to open driveway to park.] § 20. If the commissioners of any such park shall wish to establish, open and construct any driveway from the park, they shall make application to the board of trustees of the town in which it is proposed to make the same, if there be a board of trustees, and to the supervisor and assessor, in case there is no such board (the said board of trustees, and supervisor and assessor, being hereby declared corporate authorities for the purpose of this section), for leave to establish, open and construct such driveway, describing the proposed location in detail, and if the board of trustees or supervisor and assessor, as the case may be, shall approve of the proposed improvement, authority in writing shall be given for the establishing, opening and construction of the same, in accordance with the ninth article of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872; and the commissioners shall, in behalf of such town, cause the proceedings to be commenced and prosecuted, in accordance with the provisions of that article. When any such driveway shall be established, it shall form a part of said park, and be managed and governed as a part thereof. When any driveway has been heretofore, or shall be hereafter, constructed and opened, as aforesaid, it shall be lawful to extend the same in the manner aforesaid. If the commissioners of any such park shall think it proper to use any public street or road, or part thereof, for such driveway or part thereof, it shall be lawful to take and use such street, or part thereof, in the discretion of the commissioners, provided the consent of the owners of a majority of the lineal front feet of the property located in the city, incorporated village, or town or other municipality in which said street is located, and abutting on such street or road, or part thereof, proposed to be used by the commissioners, be first obtained in writing, and also the consent of the city council, in case the street is within a city, of the trustees, in case it is within an incorporated village or town, or of the commissioners of highways, in case the street or road is within a township, and the territory is not embraced within an in-

incorporated city, village or town: Provided, that in all cases where a driveway extended as aforesaid, or any street or road, or part thereof, taken for a driveway shall lie in a town, the territory of which is not taxed for the maintenance of such park, it shall be lawful for the corporate authorities, as aforesaid, and they are hereby authorized, from time to time, to levy, or cause to be levied, a special tax or assessment on property benefited, for a sum of money sufficient for the cost of such improvement, and for the maintenance and repair thereof, as shall be ordered and estimated by such board of park commissioners; and such tax or assessment shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes, so far as the same are applicable, the proceeds of such tax or assessment shall be appropriated only for the improvement and maintenance of such portion of the street or driveway lying within the town, the property of which has been so taxed or assessed: Provided, that the maintenance and repair of any such driveway may be made by special assessment or by general taxation, or partly by special assessment and partly by general taxation, as may be determined by such corporate authorities. When any driveway has been extended, as aforesaid, or when the commissioners shall determine to use any street or road, or part thereof, and the consent of the authorities having control thereof shall be given, as aforesaid, the driveway so extended, or the street or part thereof so taken as aforesaid, shall form a part of said park, and may be improved, managed and governed as a part thereof. [Added by act approved June 4, 1889. In force July 1, 1889.]

#### DRIVES TO PUBLIC PARKS.

AN ACT to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property. [Approved and in force April 9, 1879.]

**2991. Drive to public parks — powers of park commissioners over streets, etc.] § 1.** That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or part thereof leading to such park; and shall also have power to accept and add to any such park, any street or part thereof which adjoins and runs parallel with any boundary line of the same, Provided, that the streets so selected and taken, so far as taken, shall lie within the district or territory the property of which shall be taxable for the maintenance of such parks: And provided further, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abut-



ting on such street or streets so far as taken, shall be first obtained: And provided further, that every board of park commissioners who shall have exercised the power hereinabove granted to select and take streets or parts of streets for the purpose of connecting any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, shall have the power to abandon and surrender over any street or part of any street forming the whole or any part of such connection so made, to the proper corporate authorities of the city, village or town respectively, to which the control of any such street or part of a street so abandoned would revert, and for the purpose of connecting the same points or of making any portion of such connection, to select and take in place of any streets, street or part of a street so surrendered, any other and different streets, street or part of a street, which may be desirable and expedient for making the said connection; but such power shall only be exercised upon the consent first obtained of the proper corporate authorities to whom the control of the streets, street or parts of a street, so far as abandoned would revert, and of the proper corporate authorities having control of the streets, street or part of a street, so far as proposed to be taken, and upon the consent in writing first obtained of the owners of a majority of the frontage of the lots and lands abutting on the streets, street or part of a street so far as abandoned, and upon the consent in writing first obtained of the owners of a majority of the frontage of the lots and lands abutting on the streets, street or part of a street, so far as proposed to be taken. [As amended by act approved June 17, 1895. In force July 1, 1895.]

**2992. Taxes—special assessments, etc.] § 2.** That such park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve, maintain and repair such street or streets in such manner as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such board of park commissioners, but not for any subsequent care, maintenance or repair thereof; and to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes, or assessment for corporate purposes; and such special tax or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. per annum from the date of confirmation until paid; and the assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for, or on account of such

corporate bodies or boards, as aforesaid, so far as the same are applicable. [As amended by act approved June 16, 1887. In force July 1, 1887.]

**2993. Control by park commissioners.] § 3.** Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

**2994. Reversion to corporate authorities — when.] § 4.** In case any such streets or parts thereof, shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively as aforesaid.

**2995. City, etc., may grant control to park commissioners.] § 5.** Any city, town or village in this State, shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

**2996. Emergency.] § 6.** Whereas, There is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

#### PARK COMMISSIONERS MAY ACQUIRE CITY PARKS,

AN ACT entitled "An act to enable park commissioners having control of parks to take, regulate, control and improve parks now under the control of incorporated cities, villages or towns." [Approved and in force April 11, 1885.]

**2997. Power of park commissioners—parks now under control of cities, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: That every board of public park commissioners shall have the power to take under its control, and to regulate, control and govern, in the same manner as it may govern other parks or boulevards, under its control, any public park now under the control or jurisdiction of any incorporated city, town or village: Provided, That the park so taken shall lie within the district or territory, the property of which shall be taxable for the maintenance of the parks or boulevards under the control of any such board of park commissioners: And, provided further, That the consent of the authorities of any city, town or village having control of the park so to be taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on the park so to be taken, shall be first obtained.

**2998. Power of park commissioners of parks taken under this act.] § 2.** Such boards of park commissioners shall have the same power and control over the parks taken under this act as are, or may be, by law vested in them, of and concerning the parks, boulevards or driveways now under their control.

**2999. When such parks pass from control of park board.]** § 3. In case any such parks so to be taken shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper authorities of such city, town or village, as the case may be, as aforesaid.

**3000. Power of city or village.]** § 4. Any city, town or village in this State, shall have full power and authority to vest any such board of public park commissioners with the right to control, improve and maintain any such park within the district over which such board of park commissioners has jurisdiction for the purposes of carrying out the provisions of this act, in accordance with its intent.

**3001. Emergency.]** § 5. Whereas, public policy requires that, so far as practicable, there should be, within the jurisdiction of such park boards, but a single authority over the parks lying within such districts respectively; therefore, an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage.

#### PLEASURE DRIVEWAYS.

AN ACT to provide for pleasure driveways in incorporated cities, villages and towns. [Approved and in force March 27, 1889.]

**3002. Pleasure driveways — how established.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law, or special charter, shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain not more than two roads, streets or avenues, and designate the same as pleasure driveways, to be used for pleasure driving only: Provided, said powers shall only be exercised when said corporate authorities are petitioned thereto by the owners of more than two thirds ( $\frac{2}{3}$ ) of the frontage of land fronting upon said proposed pleasure driveway.

**3003. May be laid out under article 9.]** § 2. Said pleasure driveways may be laid out, extended and improved under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, and any and all amendments thereto.

**3004. Power of corporate authorities to regulate, etc.]** § 3. Said corporate authorities may, by ordinance, regulate, restrain and control the speed of travel upon said pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and in all things may regulate, restrain and control the use of said pleasure driveways

by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any and all business traffic or objectionable travel, and make the same a pleasure driveway for pleasure driving only, and may prescribe in such ordinances such fines or penalties for the violation thereof as they are allowed by law to prescribe for the violation of other ordinances.

**3005. Emergency.] § 4.** - Whereas, certain municipalities are about establishing such pleasure driveways, or boulevards, and doubts exist as to their power so to do; therefore an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage.

#### MUSEUMS IN PUBLIC PARKS.

AN ACT concerning museums in public parks. [Approved June 17, 1893. In force July 1, 1893.]

**3006. Museums—in public parks—their erection and use.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the corporate authorities of cities and park districts having the control or supervision of any public park are hereby authorized to purchase or erect and maintain within such public park, edifices to be used as museums for the collection and display of objects pertaining to natural history and the arts and sciences, and charge an admission fee to the same not exceeding 25 cents for each visitor over ten years of age and not exceeding 10 cents for each visitor of ten years of age and under, the proceeds thereof to be devoted to the maintenance of such museums: Provided, that all such museums shall be open to the public without charge for two days in each week, and to the children in actual attendance upon any of the schools in this State at all times: And provided, also, that prior to the establishment of any such museum this act shall have been submitted at any election to the electors of the city or park district proposing to establish the same and shall have been adopted by a majority of the electors voting upon such proposition at the election at which this act is so submitted.

#### PARK COMMISSIONERS MAY ACQUIRE STREETS.

AN ACT to enable park commissioners or park authorities to take, regulate, control and improve public streets and to pay for the improvement thereof. [Approved June 21, 1895. In force July 1, 1895.]

**3007. Streets taken by park commissioners, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every board of park commissioners or park authorities shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, (?) by selecting and taking any connecting street or

streets, or parts thereof, leading to such park, boulevard or driveway, and shall also have power to accept and add to any parks or park under their control any street or parts thereof which adjoins or runs parallel with any boundary line of the same: Provided, that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such parks, boulevard or driveway. And provided further, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such streets, so far as taken, shall be first obtained.

**3008. Special taxes—special assessments.] § 2.** That such board of park commissioners or park authorities shall have power to improve such street or streets, or parts thereof, in such manner as they may deem best and as they have or may hereafter have power to improve other streets under their control, and for that purpose they are hereby authorized to pay for the improvement thereof by levying, assessing and collecting a special tax on contiguous property abutting on said street or streets or parts thereof so improved or a special assessment on property benefited, in the manner in which said board of park commissioners or park authorities are now or may be hereafter empowered by law to levy, assess and collect special taxes on contiguous property or special assessments for benefits in other cases, or to pay therefor by general taxation, or both; but no such special tax or special assessment shall be levied for the maintenance and repair of such improved street; but the same shall be maintained and repaired by said park boards or park authorities as in other cases. And such special taxes or special assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing six per cent. per annum interest from the date of confirmation thereof by the court until paid, and the same shall be collected and enforced in the same manner as is or may hereafter be provided by law for the collection and enforcement of other special taxes or special assessments for or on account of said park commissioners or park authorities so far as the same is applicable.

**3009. Control by park commissioners.] § 3.** Such park boards or park authorities shall have the same power and control over the streets or part of streets so selected and taken under this act as are now or may be hereafter vested in them over and concerning parks, boulevards or driveways or other streets.

**3010. Reversion.] § 4.** In case any such streets or parts thereof shall pass from the control of any such park commissioners or park authorities, the power and authority over the same, granted or authorized by this act, shall revert to the proper corporated authorities of such city, town or village respectively, as aforesaid.

**3011. City, etc., may vest control in park commissioners.] § 5.** Any incorporated city, town or village in this State shall have full power and authority to invest any of such park commissioners,

or park authorities, with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

**3012. Streets already taken included.]** § 6. The provisions of this act so far as the same applies to improving, maintaining and repairing any street or streets or parts thereof, and of the levy, assessment and collection of special taxes and special assessments, shall apply to any street or streets or parts thereof that have been heretofore selected and taken under the control of any park commissioners or other park authorities, and to any such street or streets or parts thereof which, or portions of which, have not yet been improved by such park commissioners or park authorities.

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### PATROL WAGONS.

AN ACT to prevent the use of uncovered patrol wagons for the conveyance of prisoners, and prescribing certain penalties for the violation thereof.  
[Approved June 17, 1893. In force July 1, 1894.]

**3013. Patrol wagons to be covered.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly. That all cities of fifty thousand inhabitants or upwards in this State owning, controlling or using patrol wagons, omnibuses, vans or other vehicles of any class or kind, for the purpose of conveying prisoners to police stations, jails, houses of correction, penitentiaries or other places for the detention of such prisoners, shall provide suitable covers or canopies for such patrol wagons, omnibuses, vans or other vehicles, so that the prisoners who may be conveyed therein shall not be exposed to public view.

**3014. Unlawful to convey prisoner in uncovered patrol wagon.]** § 2. It is and shall be unlawful for the authorities or officers of any such city in this State to compel any person who is under arrest, imprisoned or detained, or in their care, custody or charge, to ride or to be driven in an open or uncovered patrol wagon, omnibus, van or other vehicle of any class or kind, named in the first section of this act in or through the public streets, or other public places in this State.

**3015. Penalty.]** § 3. Any sheriff, coroner, constable, marshal, policeman, warden, superintendent, or other officer of such city, violating the provisions of this act, shall be fined not less than ten dollars nor more than one hundred dollars. Provided, this act shall not become a law nor go into effect until July 1, 1894.

## PLATS.

AN ACT to revise the law in relation to plats. [Approved March 21, 1874. In force July 1, 1874.]

**3016. Laying out towns, etc.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: Whenever the owner of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, widths, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant and fix in such manner that the same shall not be moved by frost, at the corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found.

**3017. Certificate of surveyor—acknowledgment—record.] § 2.** The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect and certified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds.

**3018. Dedication — effect of.] § 3.** The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in

the corporate name thereof in trust to and for the uses and purposes set forth or intended.

**3019. Neglect to plant corner stone, etc.] § 4.** Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be fined in any sum not less than 25 nor exceeding \$100.

**3020. Penalty for selling without plat recorded, etc.] § 5.** Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town, city or village, or any addition thereto, or any re-subdivision of any lot or block therein, before all the requisitions of this act have been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased.

#### VACATION OF PLATS.

**3021. Of the whole plat.] § 6.** Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, executed, acknowledged or proved, and recorded in like manner as deeds of land; which declaration being duly recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

**3022. Of part of plat.] § 7.** Any part of plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: Provided, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: And, provided, further, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

**3023. Canceling plat of record.] § 8.** When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

#### PLATS TO BE RECORDED.

**3024. Plats of highways, etc., to be made and recorded.] § 9.** Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended or



the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or effect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining.

**3025. Prosecuting offenders.] § 10.** Whenever it shall come to the knowledge of the recorder of deeds of any county that any of the provisions of this act have been violated, it shall be his duty to notify the state's attorney of the fact, and the state's attorney shall immediately institute suit, and prosecute the same to final judgment against the person offending.

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## PROPERTY—CONVEYANCE.

### TO AUTHORIZE CITIES AND VILLAGES TO CONVEY REAL OR PERSONAL ESTATE.

AN ACT to authorize cities and villages to convey any real or personal estate, or their right and title therein, when the same shall be no longer necessary for, or profitable to, or its longer retention be for the best interests of such city or village. [Approved March 22, 1889. In force July 1, 1889.]

**3026. City council or board of trustees may pass ordinance to sell real or personal estate no longer necessary.]**  
 § 1. Be it enacted by the People of the State of Illinois, represented

in the General Assembly, That any city or village incorporated under any general or special law of this State, which shall have acquired or hold any real or personal estate for any purpose whatsoever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or of the board of trustees of any such village, at any regular or at any special meeting called for such purpose, to sell such property when the same shall, in the opinion of such majority of such city council or board of trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of such city or village.

**3027. What ordinance shall specify—notice of sale—opening of bids, etc.] § 2.** Such ordinance shall specify the location of such real or personal estate, and the use thereof, of whatever kind the same may be, and before any sale shall be made under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and proposal to sell shall be published in one of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this State nearest to such city or village. Such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall advertise for sixty days for bids therefor. All such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: Provided, however, that the city council or board of trustees may, by a majority vote, reject any and all bids.

**3028. By whom and when conveyance to be made.] § 3.** Upon any bid having been accepted, and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real or personal estate and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation.

AN ACT to authorize cities and villages to convey real estate held by them for school or academy purposes to the proper school officers. [Approved June 27, 1885. In force July 1, 1885.]

**3029. How city or village may convey real estate held for school purposes.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: That any city or village, incorporated under any general or special law of this State, which shall hold any real or personal estate which shall have been conveyed to such city or village, by virtue of any general or special law of this State, or otherwise, for school or academy purposes, is hereby au-

thorized and empowered, by ordinance or resolution of the city council of any such city, and of the president and board of trustees of any such village, to cause such real or personal estate to be conveyed and transferred to the proper school officers, authorized to hold the same, for the use of the district in which such real or personal estate shall be situated, by proper deed or deeds of conveyance, executed by the proper officers of such city or village, under the common seal thereof.

**3030. When real estate ceases to be used for school purposes.]** § 2. That if any real estate conveyed by virtue of this act, shall, at any time, cease to be used for school purposes for a period of three years, then it shall be the duty of the school officers, holding the title to such real estate to convey the same back to said city or village to be by it thereafterwards held, enjoyed and disposed of as other corporate property, which condition shall be inserted in any deed made by any such city or village by virtue of this act. Said reconveyance, in case of the non-use of such real estate for the period aforesaid, may be compelled and enforced by any taxpayer of said city or village by proper proceedings to be instituted by him for that purpose.

**3031. Trustees under special charter — rights of.]** § 3. That in all cases where any such real or personal estate shall have been under the control of any trustees, appointed or elected by virtue of any general or special law of this State, that whenever such estate shall be conveyed as aforesaid, that the duties of such trustees, in relation thereto shall cease and determine, and it shall be their duty to immediately settle and adjust all matters relating to such trust or estate and make report to the proper authority of their acts and doings, upon the approval of which said trustees will be released and discharged from the further performance of duty in that behalf. All moneys which may remain in the treasury of such city or village, to the credit of any fund connected with the use of such real or personal estate, while so held by such city or village, shall be used by such city or village for any lawful corporate purpose.

**3032. Repeal.]** § 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

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## RAILROADS.

### INCORPORATION OF RAILROAD COMPANIES.

AN ACT to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized; and authorizing the same and all railroad companies of this State to own and hold

the stock and securities of railroad companies of other states owning connecting lines. [As amended by act approved June 2, 1891. In force July 1, 1891.]

**3033. Laying out, constructing and using roads.] § 19.** Every corporation formed under this act shall, in addition to the powers hereinbefore conferred, have power:

Fifth—To construct its railway across, along or upon any stream of water, watercourse, street, highway, plank road, turnpike or canal, which the route of such railway shall intersect or touch; but such corporation shall restore the stream, watercourse, street, highway, plank road and turnpike thus intersected or touched, to its former state, or to such state as not unnecessarily to have impaired its usefulness, and keep such crossing in repair: Provided, that in no case shall any railroad company construct a roadbed without first constructing the necessary culverts or sluices, as the natural lay of the land requires for the necessary drainage thereof. Nothing in this act contained shall be construed to authorize the erection of any bridge, or any other obstruction, across or over any stream navigated by steamboats, at the place where any bridge or other obstructions may be proposed to be placed, so as to prevent the navigation of such stream; nor to authorize the construction of any railroad upon or across any street in any city, or incorporated town or village, without the assent of the corporation of such city, town or village: Provided, that in case of the constructing of said railway along highways, plank roads, turnpikes or canals, such railway shall either first obtain the consent of the lawful authorities having control or jurisdiction of the same, or condemn the same under the provisions of any eminent domain law now or hereafter in force in this state.

Sixth—To cross, intersect, join and unite its railways with any other railway before constructed, at any point in its route and upon the grounds of such other railway company, with the necessary turnouts, sidings and switches, and other conveniences, in furtherance of the objects of its connections; and every corporation whose railway is or shall be hereafter intersected by any new railway, shall unite with the corporation owning such new railway in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in manner prescribed by law.

Seventh—To receive and convey persons and property on its railway, by the power and force of steam or animals, or by any mechanical power.

#### FENCING AND OPERATING RAILROADS.

AN ACT in relation to fencing and operating railroads. [Approved March 31, 1874. In force July 1, 1874.]

**3034. Boards at crossings.] § 5.** Every railroad corporation

shall cause boards, well supported by posts or otherwise, to be placed and constantly maintained upon each public road or street, where the same is crossed by its railroad on the same level. Said boards shall be elevated so as not to obstruct the travel, and to be easily seen by travelers. On each side of said boards shall be painted in capital letters, of at least the size of nine inches each, the words "railroad crossing," or "look out for the cars." This section shall not apply to streets in cities or incorporated towns or villages, unless such railroad corporation shall be required to put up such boards by the corporate authorities of such cities, towns or villages: Provided, that when warning boards have already been erected, under existing laws, the maintenance of the same shall be a sufficient compliance with the requirements of this section.

**3035. Bell and whistle — crossings.]** § 6. Every railroad corporation shall cause a bell of at least thirty pounds weight, and a steam whistle placed and kept on each locomotive engine, and shall cause the same to be rung or whistled by the engineer or fireman, at the distance of at least eighty rods from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or whistling until such highway is reached.

**3036. Killing stock — frightening team.]** § 6½. Any engineer, or person having charge of and running any railroad engine or locomotive, who shall willfully or maliciously kill, wound or disfigure any horse, cow, mule, hog, sheep or other useful animal, shall, upon conviction, be fined in the sum of not less than the value of the property so killed, wounded or disfigured, or confined in the county jail for a period of not less than ten days; and any such engineer or fireman, or other person, who shall wantonly or unnecessarily blow the engine whistle, so as to frighten any team, shall be liable to a fine of not less than \$10 nor more than \$50.

**3037. Starting train without signal.]** § 7. If any engineer on any railroad shall start his train at any station, or within any city, incorporated town or village, without ringing the bell or sounding the whistle a reasonable time before starting, he shall forfeit a sum not less than \$10 nor more than \$100, to be recovered in an action of debt in the name of the People of the State of Illinois, and such corporation shall also forfeit a like sum, to be recovered in the same manner.

**3038. Approaches at crossings.]** § 8. Hereafter, at all of the railroad crossings of highways and streets in this state, the several railroad corporations in this state shall construct and maintain said crossings, and the approaches thereto, within their respective rights of way, so that at all times they shall be safe as to persons and property.

**3039. Neglect to make, etc., crossings—notice.]** § 9. Whenever any railroad corporation shall neglect to construct and maintain any of its crossings and approaches, as provided in section 8 of this act, it shall be the duty of the proper public authorities, having the charge of such highways or streets, to notify, in writing, the nearest agent

of said railroad corporation of the condition of said crossing or approaches, and direct the same to be constructed, altered or repaired in such manner as they shall deem necessary for the safety of persons and property.

**3040. When company neglects, authorities to construct, etc.]** § 10. If any railroad corporation of this State shall, after having been notified, as provided in section 9 of this act, neglect or refuse to construct, alter or repair such crossing or approaches within thirty days after such notice, then said public authorities shall forthwith cause such construction, alteration or repairs to be made.

**3041. Company to pay expense and \$100.]** § 11. Said railroad corporation shall be holden for all necessary expenses incurred in making such construction, alteration and repairs, and in addition thereto shall be liable to a fine of \$100 for such neglect to comply with the requirements of this act, which fine shall be enforced by the said public authorities, in the name of the People of the State of Illinois, before any court of competent jurisdiction in the county. Such fine, when collected, to be paid into the treasury of the authorities enforcing the fine.

**3042. Draw bridge — railroad crossing, etc. — stop.]** § 12. All trains running on any railroad in this State, when approaching a crossing with another railroad upon the same level, or when approaching a swing or draw bridge, in use as such, shall be brought to a full stop before reaching the same, and within eight hundred (800) feet therefrom, and the engineer or other person in charge of the engine attached to the train shall positively ascertain that the way is clear and that the train can safely resume its course before proceeding to pass the bridge or crossing. [As amended by act approved June 19, 1885. In force July 1, 1885.]

**3043. Penalty.]** § 13. Every engineer or other person having charge of such engine, violating the provisions of the preceding section, shall be liable to a penalty of two hundred dollars for each offense, to be recovered in an action of debt in the name of the People of the State of Illinois, and the corporation on whose road such offense is committed shall be liable to a penalty of not exceeding two hundred dollars, to be recovered in like manner, the amount so recovered to be paid into the treasury of the county in which the offense occurs, but no recovery shall be had in any case for any offense committed more than sixty days prior to the commencement of the action. The provisions of this and of the preceding section shall extend to and govern all cases of neglect or failure to stop the train as required by law before passing any bridge or railroad crossing, whether occurring before or after the said provisions shall take effect, and no act or part of an act inconsistent with such operation and effect being given to this law shall in any way apply hereto. [As amended by act approved June 19, 1885. In force July 1, 1885.]

**3044. Two or more railroads crossing each other on same level — requirements.]** § 1. Be it enacted by the People of the

State of Illinois, represented in the General Assembly, That when and in case two or more railroads crossing each other at a common grade, or any railroad crossing any stream or harbor by swing or draw bridge shall, by a system of interlocking and automatic signals, or by other works, fixtures and machinery to be erected by them, or either of them, render it safe for engines and trains to pass over such crossing or bridge without stopping, and such system of interlocking and signals, works or fixtures shall first be approved by the Railroad and Warehouse Commissioners, or any two of them, and a plan of such interlocking and signals, works and fixtures for such crossing designating the plan of crossing shall have been filed with such Railroad and Warehouse Commissioners then, and in that case, it is hereby lawful for the engines and trains of any such railroad or railroads to pass over said crossing or bridge without stopping, any law, or the provisions of any law, now in force to the contrary notwithstanding; and all such other provisions of laws contrary thereto are hereby declared not to be applicable in such case: Provided, that the said Railroad and Warehouse Commissioners shall have power in case such interlocking system, in their judgment, shall by experience prove to be unsafe or impracticable to order the same to be discontinued. [As amended by act approved May 28, 1891. In force July 1, 1891.]

**3045. Civil engineer to examine system, etc.—compensation.]**

§ 2. The said Railroad and Warehouse Commissioners may appoint a competent civil engineer to examine such proposed system and plans, and report the result of such examination for the information of such Railroad and Warehouse Commissioners; and said Railroad and Warehouse Commissioners are hereby authorized to allow and reward five dollars per day as a compensation for the services of such civil engineer, or such reasonable sum as such commissioners shall deem fit, and to allow and reward such other and further sums as they shall deem fit to pay all other fees, costs and expenses to arise under said application, to be paid by the railroad company or companies in interest, to be taxed and paid or collected as in other cases. And the said Railroad and Warehouse Commissioners are also empowered on application for their approval of any such system of interlocking and signals, works or fixtures, to require of the applicant security for such fees, costs and expenses, or the deposit, in lieu thereof, of a sufficient amount in money for that purpose to be fixed by them.

**3046. Not to obstruct highway—stoning, etc., train.] § 14.**

No railroad corporation shall obstruct any public highway by stopping any train upon, or by leaving any car or locomotive engine standing on its track, where the same intersects or crosses such public highways, except for the purpose of receiving or discharging passengers or freight, or for taking in or setting out cars, or to receive the necessary fuel and water, and in no case to exceed ten minutes for each train, car or locomotive engine.

Any person who shall throw any stone or other hard substance

at any railroad car, train or locomotive, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not more than \$200.00, and shall stand committed to the county jail until such fine and costs shall be paid. [As amended by act approved June 21, 1895. In force July 1, 1895.]

**3047. Speed through cities, etc. — damages.] § 24.** Whenever any railroad corporation shall by itself or agents, run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation or their agents; and in addition to such penalties as may be provided by such city, town or village, the person aggrieved by the violation of any of the provisions of this section, shall have an action against such corporation so violating any of the provisions to recover a penalty of not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the People of the State of Illinois, for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less, however, than fifty dollars (\$50), where the offense committed by such violation may appear not to be malicious or willful: Provided, that no such ordinance shall limit the rate of speed, in case of passenger trains to less than ten miles per hour, nor in any other case to less than six miles per hour. [As amended by act approved May 22, 1877. In force July 1, 1877.]

**3048. Flagmen — shelter.] § 35.** In all cases where the public authorities having charge of any street over which there shall be a railroad crossing, shall notify any agent of the corporation owning, using or operating such railroad, that a flagman is necessary at such crossing, it shall be the duty of such railroad company, within sixty days thereafter, to place and retain a flagman at such crossing, who shall perform the duties usually required of flagmen; and such flagman is hereby empowered to stop any and all persons from crossing a railroad track when, in his opinion, there is danger from approaching trains or locomotive engines; and any railroad company refusing or neglecting to place flagmen, as required by this section, shall be liable to a fine of \$100 per day for every day they shall neglect or refuse to do so; and it is hereby made the duty of such public authorities having charge of such street, to enforce the payment of such fine, by suit, in the name of the town or municipal corporation wherein such crossing shall be situate, before any court of competent jurisdiction in the county, and the prosecuting attorney shall attend to the prosecution of all suits as directed by said public authorities. All the moneys collected under the provisions of this act shall be paid into the treasury of the town or municipal corporation in whose name such



suits shall have been brought: Provided, that when any railroad company is required to keep a flagman at a crossing, it shall have the right to erect and maintain in the highway or street crossed a suitable house for the shelter of such flagman, the same to be so located as to create the least obstruction to the use of such street or highway, and afford the best view of the railroad track in each direction from such crossing.

**3049. Penalties.] § 36.** If any railroad corporation, or any of its agents, servants or employees, shall violate any of the provisions of this act, such corporation, agent, servant or employee shall, severally, unless otherwise herein provided, be liable to a fine of not less than \$10 nor more than \$200, to be recovered in an action of debt, in the name of the People of the State of Illinois, for the use of any person aggrieved, before any court of competent jurisdiction.

**3050. Corporation Defined.] § 37.** The word "corporation." as used in this act, shall be construed to include all companies, lessees, contractors, persons or association of persons, owning, operating or using any railroads in this state.

**3051. Street railroads.] § 38.** This act shall not apply to horse cars or street railroads.

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## RELIEF FUNDS.

### POLICE AND FIREMEN'S RELIEF FUNDS.

AN ACT to amend "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877. In force July 1, 1877. [Approved May 10, 1879. In force July 1, 1879.]

**3052. How fund created.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That one-half of all the rates, taxes and license fees which are, or may be hereafter required by law, to be paid by corporations, companies or associations not incorporated under the laws of this State, engaged in any village or city in this State effecting fire insurance, and one-fourth of all moneys collected as a tax on dogs, where such city or village contains a population of 10,000 or more has a regularly organized fire department, by such city or village, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered for violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village to whom the same shall be paid, as a fund for the relief of disabled members of the police

and fire departments of such city or village. [As amended by act approved June 23, 1883. In force July 1, 1883.]

**3053. Mayor, etc., trustees of fund.] § 2.** The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village, shall be custodian of the funds of said police and firemen's relief fund. The said board shall select from their number a president and secretary.

**3054. Board to control fund.] § 3.** The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments as hereinafter provided, not to exceed the sum of five dollars (\$5.00) per annum, which shall be received and held by the treasurer of said relief fund, in like manner as the other moneys herein provided, to be paid to him; and any person who having become entitled to the benefits of this fund, shall not within one month after notice in writing to him from said board of the assessment against him, pay the same, shall not be entitled to, or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the trustees of the fund to become a member thereof, and shall have by a majority vote of said trustees been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him accruing during his membership in such police or fire department. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board: Provided, that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board, obligatory on the board, or chargeable against it as a legal right; but the board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

**3055. Treasurers to give bond for fund.] § 4.** The treasurer of the board shall be the custodian of the fund in the first section

of this act mentioned, and of all moneys donated, paid or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said board or of any person or persons injured by such breach.

**3056. Warrants drawn on treasurer.] § 5.** It shall be the duty of the mayor and clerk, or the comptroller if there be one, and the officer or officers of such city or village, who are or may be authorized by law, to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer, as prescribed by the first (1) section hereof.

**3057. Permanent disability—death—annuity.] § 6.** When, in the judgment of the board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty or other person entitled to the benefits of this fund as hereinafter provided, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum, as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years' service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred (\$600) dollars per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

**3058. Who may obtain benefits.] § 7.** Any person who

shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the fund hereby provided for all assessments regularly made upon him by the board of trustees as required by this act, and the regulations of the said board of trustees passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the board of trustees in the same manner, as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to the benefits of this fund after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, etc., the same as prior to his ceasing to be a member of said departments, and the widow or children of such person shall be entitled to all benefits hereby secured to other members of this organization.

**3059. How money paid out.] § 8.** All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary, and no warrant shall be drawn except by order of the board, duly entered in the record of the proceedings of the board. In case the said relief fund, or any part thereof, shall by order of the said board or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund. Provided, that nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board.

**3060. Repeal.] § 9.** All acts or parts of acts, or amendments thereto, heretofore enacted, and in any manner conflicting with the provisions of this act, are hereby expressly repealed.

#### FIREMEN'S FUND.

AN ACT to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns, whose population exceeds fifty thousand inhabitants, having a paid fire department. [Approved May 13, 1887. In force July 1, 1887.]

**3061. Fund, how created—treasurers of fund.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cities, villages or incorporated towns whose population exceeds fifty thousand, having a paid fire department, one (1) per centum of all revenues collected or received by such cities, villages or incorporated towns from licenses issued by such cities, villages or incorporated towns shall be set apart by the treasurer of such cities, villages or incorporated towns to whom the same

shall be paid, as a fund for the pensioning of disabled and superannuated members of the fire departments, and of the widows and orphans of deceased members of the fire departments of such cities, villages or incorporated towns. The treasurers of such cities, villages or incorporated towns shall be ex-officio treasurers of such fund.

**3062. Board of trustees of firemen's pension fund.]** § 2. The treasurer, clerk, attorney, marshal or chief officer of the fire department, and the comptroller of such city, village or incorporated town, shall constitute and be a board by the name of the "Board of Trustees of the Firemen's Pension Fund." The said board shall select from their number a president and secretary: Provided, that in villages and incorporated towns the "Board of Trustees of the Firemen's Pension Fund" shall consist of the president of the board of trustees, the town or village clerk, the town or village attorney, and the chief officer of the fire department.

**3063. Management of fund—assessment of members—deciding upon applications—record of meetings.]** § 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid, or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows and minor children, and shall assess each member of the fire department not to exceed one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city, village or incorporated town, who shall be ex-officio treasurer of such board, to the credit of such fund, subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meetings and proceedings. [As amended by act approved March 28, 1889. In force July 1, 1889.]

**3064. Rewards — gifts — devises, etc. — permanent fund.]** § 4. All rewards in moneys, fees, gifts and emoluments that may be paid or given for, or on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by said member, or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars (\$100,000) in the whole; and such money, real estate, personal property, right of property, or other valuable thing so obtained, also all fines and penalties imposed upon members of such fire department, shall in like manner be paid into said pension fund and treated as a part thereof, for the uses of such pension fund: Provided, that

the sum of two hundred thousand dollars (\$200,000) which may be received and accumulated, shall be, when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the uses and purposes of such pension fund. [As amended by act approved March 28, 1889. In force July 1, 1889.]

**3065. Power of board to draw fund—investing same—deposit of securities.]** § 5. The said board of trustees shall have power to draw such pension fund from the treasury of such city, village or incorporated town, and may invest such fund, or any part thereof, in the name of the "Board of Trustees of the Firemen's Pension Fund," in interest-bearing bonds of the United States, of the State of Illinois, of any county of this State, or of any township or any municipal corporation of the State of Illinois. And all such securities shall be deposited with the treasurer of said city, village or incorporated town as ex-officio treasurer of said board, and shall be subject to the order of said board.

**3066. Interest from investment of fund—diminishing rate from licenses.]** § 6. The interest received from any such investment of said fund, after said fund shall have reached the sum of two hundred thousand dollars, shall be applicable to the payment of pensions under this act. And when such interest shall become so applicable, it shall be in the power of the council of said city, village or incorporated town to diminish such annual rate of one (1) per centum from licenses, so that said income from interest and from licenses shall meet the requirements of the pension lists, as provided by this act.

**3067. Retirement on account of physical or mental disability.]** § 7. If any member of the fire department of any such city, village or incorporated town shall, while in the performance of his duty, become and be found, upon an examination by a medical officer ordered by said board of trustees to be physically or mentally permanently disabled, by reason of service in such department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department: Provided, no such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement the said board of trustees shall order the payment to such disabled member of such fire department, monthly, from said pension fund, a sum equal to one-half the monthly compensation allowed to such member as salary at the date of his retirement. [As amended by act approved March 28, 1889. In force July 1, 1889.]

**3068. Death while in the performance of duty, etc. — pension to widow—when fund insufficient.]** § 8. If any member of such fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in said service, die

from any cause while in said service, or during retirement, or after retirement after twenty-two years' service, as hereinafter provided, and shall leave a widow, minor child or minor children under sixteen years of age, surviving, said board of trustees shall direct the payment from said pension fund of the following sums monthly, to-wit: To such widow, while unmarried, thirty dollars; to the guardian of such minor child or children, six dollars for each of said children until it, or they, reach the age of sixteen years: Provided, however, that there shall not be paid to a family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof, the full amount per month, as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof, until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries. [As amended by act approved March 28, 1889. In force July 1, 1889.]

**3069. Beneficiaries under prior act.] § 9.** The widows and orphans of deceased firemen and retired members of the fire department, who are now entitled to pension or annuity under the provisions of an act entitled "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, as amended, shall be entitled to the benefits, pensions and annuities provided for by this act: Provided, such persons shall thereupon cease to receive pensions, relief or benefits under said act of May 24, 1877.

**3070. Retirement after twenty-two years' service, etc.] § 10.** Any member of the fire department of any such city, village or incorporated town, after becoming fifty years of age and having served twenty-two years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, or if he shall be discharged from such fire department the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board, upon the recommendation of the fire marshal or chief officer of any fire department provided for in this act, shall have the power to assign members of the fire department retired or drawing pensions under this act, to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow or minor child or children, under sixteen years of age, if any surviving him, shall be entitled to the pension provided for in this act, but nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such

fire department after she shall have re-married. [As amended by act approved March 28, 1889. In force July 1, 1889.]

**3071. To whom act applies.]** § 11. This act shall apply to all persons who are now, or shall hereafter become, members of such fire departments, and all such persons shall be eligible to the benefits secured by this act.

**3072. Treasurer of board, custodian of fund—books and accounts — bond.]** § 12. The treasurer of the board shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board; and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board; and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, village or incorporated town, with good and sufficient securities, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, village or incorporated town, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of such city, village or incorporated town, for the use of said board, or of any person or persons injured by such breach.

**3073. Duty of mayor, or etc., to draw warrants.]** § 13. It shall be the duty of the mayor, or the president of the board of trustees and clerk, or the comptroller, if there be one, and the officer or officers of such city, village or incorporated town who are or may be authorized by law to draw warrants upon the treasurer of such city, village or incorporated town, upon request made in writing by said board to draw warrants upon the treasurer of such city, village or incorporated town, payable to the treasurer of said board, for all funds in the hands of the treasurer of such city, village or incorporated town belonging to said pension fund.

**3074. Money paid only upon warrants signed, etc.—interest from fund.]** § 14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the records of the proceedings of the board. In case the said pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit, shall belong



to and constitute a part of said fund: Provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

**3075. Report of board of conditions of funds.] § 15.** The board of trustees shall make report to the council of said city, village or incorporated town, of the conditions of said pension fund on the first day of January in each and every year.

**3076. Fund not subject to levy either before or after order of distribution, etc.] § 16.** No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said fire department, or to the widow or guardian of such minor child or children, or a deceased or retired member of such department, be held, seized, taken, subjected to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against such member, or his said widow, or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

**3077. Repeal.] § 19. [17.]** All acts or parts of acts inconsistent with this act are hereby repealed.

#### POLICE PENSION FUND.

AN ACT to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns. [Approved April 29, 1887. In force July 1, 1887.]

**3078. How fund created.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in each city, village, or incorporated town in this State, having a population of fifty thousand inhabitants or more, there shall be paid to the treasurer thereof, and by him and the comptroller (if there be one), set apart, the following moneys, to constitute a Police Pension Fund, viz:

First—Two per centum of all moneys received from licenses for the keeping of saloons or dram shops.

Second—Three-fourths of all moneys received for taxes or from licenses upon dogs.

Third—All moneys received from fines imposed upon members of the police force of said city, village or town, for violation of the rules and regulations of the police department.

Fourth—All proceeds of sales of unclaimed stolen property.

Fifth—One fourth of all moneys received from licenses granted to pawnbrokers, second-hand dealers and junk stores.

Sixth—All moneys received as fees and from fines for carrying concealed weapons.

Seventh—One half of all costs collected in money for violation of city ordinances.

Eighth—All rewards given or paid to members of such police force, except such as shall be accepted by the chief officer of police.

Ninth—One per centum per month, which shall be paid by, or deducted from the salary of each and every member of the police force of such city, village or town: Provided, no such member shall be compelled to pay more than two dollars per month from his salary.

**3079. Board of police pension fund commissioners.] § 2.** The president of the board of trustees, the comptroller, the city, village or town clerk, the superintendent or chief officer, or in his absence or inability to act, then the officer next in authority to him of the police department, the city, village or town treasurer, and the city, village or town attorney of any such city, village or town, shall ex-officio be and constitute a board of commissioners, to provide for the disbursement of said fund or funds, and designate the beneficiaries thereof as herein directed, which board shall be known as the Board of Police Pension Fund Commissioners of such city, village or town.

**3080. Who shall be pensioned — service for twenty years, etc.] § 3.** Whenever any person, at the time of the taking effect of this act or thereafter, shall have been duly appointed and sworn, and have served for the period of twenty years or more, upon the regularly constituted police force of any such city, village or town of this State, which now is, or hereafter may be, subject to the provisions of this act, said board shall order and direct that such person shall, after becoming fifty years of age and his service upon such police force shall have ceased, be paid from such fund a yearly pension equal to one-half the amount of the salary attached to the rank which he may have held on said police force for one year next preceding the expiration of said term of twenty years.

**3081. Physical disability—retiring from active service.] § 4** Whenever any person, while serving as a policeman in any such city, village or town, shall become physically disabled while in, and in consequence of, the performance of his duty as such policeman, said board shall, upon his written request, or without such request, if it deem it for the good of said police force, retire such person from active service and order and direct that he be paid from said fund a yearly pension, not exceeding one-half the amount of the salary attached to the rank which he may have held on said police force for one year next preceding such retirement: Provided, that whenever such disability shall cease such pension shall cease.

**3082. Certificate of disability.] § 5.** No person shall be retired as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said board certificates of his disability, which certificates shall be subscribed and sworn to by said person and by the police surgeon ( if there be one) and two prac-

ting physicians of such city, village or town, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid.

**3083. Death in performance of duty—pension to widow—death in service.] § 6.** Whenever any member of the police force of such city, village or town shall lose his life while in the performance of his duty, or receive injuries from which he shall thereafter die, leaving a widow, or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one-half the amount of the salary attached to the rank which such member held on said police force at the time of his death, shall be paid to such widow during her life, or if no widow, then to such child or children, until they shall be sixteen years of age: Provided, if such widow or child, or children, shall marry, then such persons so marrying shall thereafter receive no further pension from such fund. Whenever any member of the police force shall die after ten years' service therein, and while still in the service of such city, village or town, as such policeman, leaving a widow, or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, said board may order and direct that such pension as said board may deem proper, not exceeding one-half the amount of the salary attached to the rank which he held at the time of his death, shall be paid to such widow, or if there be no widow, then to such child or children, until they shall be sixteen years of age, said pension to cease upon marriage, as provided above.

**3084. Reporting to chief for examination—service in cases of emergency.] § 7.** Any person retired for disability under this act, may be summoned to appear before the board herein provided for, at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto. And all members of the police force who may be retired under the provisions of this act, except those who voluntarily retire after twenty years' service, shall report to the chief of police of the city, village or town where so retired, on the second Tuesday of each and every month, and in cases of emergency may be assigned to, and shall perform such duty as said chief of police may direct, and such persons shall have no claim against the city, village or town for payment for such duty so performed.

**3085. Pension lost by crime, misdemeanor, etc.] § 8.** Whenever any person who shall have received any benefit from said fund shall be convicted of any crime or misdemeanor, or shall become an habitual drunkard, or shall become a non-resident of this State, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board under this act, in respect to said examination or duty, then such board shall order that such pension allowance as may have been

granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit, under this act.

**3086. Meetings of board — officers — certificate — record — list of pensioners—quorum.]** § 9. The board herein provided for shall hold quarterly meetings on the second Tuesdays of April, July, October and January of each year, and upon the call of its president; it shall select from its members a president and secretary, who shall hold such respective positions until their successors are elected; it shall issue certificates, signed by its president and secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from such fund by said board, which certificates shall state for what purpose such payment is to be made; it shall keep a record of all its proceedings, which record shall be a public record; it shall on the Tuesday named above, or at each quarterly meeting, send to the treasurer of its city, village or town, and to the comptroller, or city, village or town clerk, a written or printed list of all persons entitled to payments, from the fund herein provided for, stating the amount of such payments and for what granted, as ordered by such board, which list shall be certified and signed by the president and secretary of such board, and by the secretary thereof, attested under oath. A majority of all the members of said board shall constitute a quorum, and have power to transact business: Provided, that no resolution shall be passed, or order made by such board, for the payment of money, unless by the affirmative vote of a majority of all the members thereof.

**3087. Powers of board.]** § 10. The board herein provided for shall, in addition to other powers herein granted, have power:

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, in the same manner as is or may be provided by law for the taking of testimony before masters in chancery, and its president, or any member of said board, may administer oaths to such witnesses.

Second—To appoint a clerk and define his duties.

Third—To provide for the payment from said fund of all its necessary expenses, including clerk hire, printing, and witness fees: Provided, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Fourth—To make all needful rules and regulations for its guidance in conformity with the provisions of this act.

**3088. Report to board by treasurer.]** § 11. On the third Tuesday of April of each year the treasurer of every such city, village or town shall make a sworn report to the board herein provided for, and to the mayor and city council of such city, or the president of, and the board of trustees of such city, village or town, of all moneys received and paid out by him on account of said fund, during the previous year, and of the amount of said fund then in his hands; and all surplus of said fund then remaining in his hands, exceeding the

average amount per year paid out by him on account of said fund during the three years next preceding, shall be by him transferred to, and become a part of, the funds of every such city, village or town, and no longer under the control of said board or subject to its order; and whenever this act shall take effect in any such city, village or town, the treasurer thereof shall give a new bond the same as now is, or hereafter may be, required by law, which new bond, when so given and the sureties thereon, shall be for the security of such fund, the same as other funds belonging to any such city, village or town. Payments provided for in this act shall be made by such treasurer quarterly, upon proper vouchers.

**3089. Beneficiaries under prior act — when not sufficient money.]** § 12. All members of the police force, and any widow or child or children of such members of any such city, village or town, who, upon the taking effect of this act, shall be entitled to receive any benefit under an act entitled "An Act to amend an act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, in force July 1, 1877, as amended by act approved May 10, 1879, in force July 1, 1879, shall receive no payments or benefits under said act, but shall, in lieu thereof, be entitled to the benefits provided for in this act. But if at any time there shall not be sufficient moneys belonging to such fund to pay the allowances of such board to its beneficiaries, then they shall be paid *pro rata* from such fund, but no allowance or order of such board shall be held to create any liability against any such city, village or town, except upon the fund so set apart as aforesaid for the payment thereof.

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## REVENUE.

### ASSESSMENT OF PROPERTY AND COLLECTION OF TAXES.

AN ACT for the assessment of property and for the levy and collection of taxes. [Approved March 30, 1872. In force July 1, 1872.]

**3090.** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the property named in this section shall be assessed and taxed, except so much thereof as may be, in this act, exempted:

First—All real and personal property in this State.

Second—All moneys, credits, bonds or stocks and other investments, the shares of stock of incorporated companies and associations, and all other personal property including property *in transitu* to or from this state, used, held, owned or controlled by persons residing in this state.

Third—The shares of capital stock of banks and banking companies doing business in this state.

Fourth—The capital stock of companies and associations incorporated under the laws of this state.

PROPERTY EXEMPT FROM TAXATION.

**3091.** § 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say—

First—All lands donated by the United States for school purposes, not sold or leased. All public school houses. All property of institutions of learning, including the real estate on which the institutions are located, not leased by such institutions or otherwise used with a view to profit.

Second—All church property actually and exclusively used for public worship, when the land (to be of reasonable size for the location of the church building) is owned by the congregation.

Third—All lands used exclusively as graveyards or grounds for burying the dead.

Fourth—All unentered government lands; all public buildings or structures of whatever kind, and the contents thereof, and the land on which the same are located, belonging to the United States.

Fifth—All property of every kind belonging to the state of Illinois.

Sixth—All property belonging to any county, town, village or city, used exclusively for the maintenance of the poor. All swamp or overflowed lands belonging to any county, so long as the same remain unsold by such county. All public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres.

Seventh—All property of institutions of purely public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

Eighth—All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

Ninth—All market houses, public squares or other public grounds used exclusively for public purposes. All works, machinery and fixtures belonging exclusively to any town, village or city, and used exclusively for conveying water to such town, village or city.

Tenth—All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

## TOWNS, CITIES, ETC.

**3092. Certificate of rates.] § 122.** The proper authorities of towns, townships, districts, and incorporated cities, towns and villages, collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk, the several amounts which they severally require to be raised by taxation, anything in their respective charters, or in acts heretofore passed by the General Assembly of this state, to the contrary notwithstanding. [As amended by act approved May 3, 1873.]

## COLLECTORS' BOOKS—EXTENDING RATES.

**3093. Collectors' books.] § 123.** The county clerk shall, annually, make out for the use of collectors, in books to be furnished by the county, correct lists of taxable property as assessed and equalized. [As amended by act approved June 2, 1881. In force July 1, 1881.]

**3094. Books.] § 124.** In counties not under township organization such book shall be made up by congressional townships; but parts of fractional townships, less than full townships, may be added to full townships, at the discretion of the county board. In counties under township organization, said books shall be made to correspond with the organized townships. Separate books may be made for the collection of all taxes within the corporate limits of cities, towns and villages. This section shall not be construed to interfere with the tax book provided for in this act, for the use of county collectors, for collecting all taxes charged against railroad property and the capital stock of telegraph companies. [Added by amendment approved June 2, 1881. In force July 1, 1881.]

**3095. Rates — how extended — valuation — equalization.] § 125.** The respective county clerks shall cause the collector's books to be properly ruled for the several classes of property, providing for each class three columns for value, the first to show the assessed valuation, the second to show the valuation as corrected and equalized by the county board, and the third to show the valuation as equalized or assessed by the State Board of Equalization. Said books to contain proper columns for the extension of the several kinds of taxes and other purposes, and to contain proper columns to insert opposite each piece, lot or tract of land any sales made of the same for taxes or special assessments for the two preceding years not canceled, "such tax sales shall be designated by the word 'sold' to be stamped in the proper column opposite the respective lot or tract of land not released prior to December 1st of each year," and the several collectors shall stamp or cause to be stamped upon all receipts given for taxes the information in said column, to be known as the tax sale column. [As amended by act approved and in force June 19, 1893.]

**3096. Rates — how extended — valuation — equalization.]**  
 § 126. Said clerks shall extend the rates of addition or deduction ordered by the county board and State Board of Equalization, in the several columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property, as corrected and equalized by the county board—except that in case of railroad property denominated “railroad track” and “rolling stock” said rates shall be extended on the listed valuations of such designated property. In all cases of extension of valuations, where the equalized valuation shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar. [As amended by act approved June 2, 1881. In force July 1, 1881.]

**3097. Extension of town, city, etc., taxes.]** § 127. The said clerks shall estimate and determine the rate per cent. upon the proper valuation of property in the respective towns, townships, districts and incorporated cities, towns and villages, in their counties, that will produce, within the proper divisions of such counties, not less than the net amount of the several sums that shall be required by the county board, or certified to them according to law.

**3098. State and county taxes.]** § 128. All State and county taxes shall be extended by the respective county clerks upon the property in their counties, upon the valuation produced by the equalization and assessment of property by the State Board of Equalization. Town, district, village, city and other taxes, shall also be extended against such assessed and equalized valuation of property within their respective jurisdictions. In the extension of taxes, the fraction of a cent shall be extended as one cent. [As amended by act approved June 2, 1881. In force July 1, 1881.]

**3099. Forfeited property—back taxes.]** § 129. In all cases where any real property has heretofore been or may hereafter be forfeited to the state for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year to add the amount of back tax, interest, penalty and printers’ fees remaining due on such real property, with one year’s interest at ten per cent. on all taxes heretofore forfeited, and twenty-five per cent. on all taxes hereafter levied and forfeited on the amount of tax due, to the tax of the current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected: Provided, that the county clerk shall first carefully examine said list, and strike out therefrom all errors, and otherwise make such corrections as may be necessary with respect to such property or tax. [See section 229. As amended by act approved May 31, 1879. In force July 1, 1879.]

**3100. Statement to auditor.]** § 130. When the books or lists for the collectors are completed, the county clerk shall make a complete statement of the assessment and taxes charged, on blanks, and in conformity to instructions furnished to him by the auditor.



The clerk shall record said statement, and forward it, properly certified, to the auditor.

**3101. State and county equalized rates stated.]** § 131. It shall be the duty of the county clerk to make, in each collector's book, a certificate of the rate of deduction or addition determined by the State Board of Equalization in the county to which such books shall pertain; and, also, the rate of addition or deduction determined by the county board in the town, district, city, or village to which such book shall pertain.

**3102. Collector's warrant.]** § 132. To each collector's book a warrant, under the hand and official seal of the county clerk, shall be annexed, commanding the collector to collect from the several persons named in said book, the several sums entered in the column of totals opposite their respective names. The warrant shall direct the collector to pay over the several kinds of taxes that may be collected by him, to the respective officers entitled thereto, less the compensation for collection allowed him by law. [As amended by act approved June 2, 1881. In force July 1, 1881.]

#### DELIVERY OF COLLECTOR'S BOOKS—WARRANTS.

**3103. Order to pay over taxes collected.]** § 138. The warrant shall direct the town or district collector, after deducting the compensation to which he may be legally entitled, to pay over to the proper officers the amount of tax collected for the support of highways and bridges, and to the supervisor of the town the moneys which shall have been collected therein, to defray town expenses; to the proper school officers, the district school tax; to the city or incorporated town or village treasurer, or other proper officer, the taxes or special assessments collected by him for such city or incorporated town or village, or others, as often and at such times as may be demanded by the proper officer; and to the county collector, the county tax and the taxes payable to the state treasury collected by him.

**3104. County clerk's certificate to county collector.]** § 139. On the delivery of the tax books to the town or district collectors, the clerk shall make a certified statement setting forth the name of each town or district collector, the amount of taxes to be collected and paid over for each purpose for which the tax is levied in each of the several towns or districts, cities and villages, and furnish the same to the county collector.

#### MANNER IN WHICH TAXES ARE TO BE COLLECTED.

**3105. Kind of funds.]** § 154. The county revenue shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, county orders and jury certificates, and in no other currency. The revenue for state purposes shall be collected in gold and silver coin, United States legal tender notes, cur-

rent national bank notes and auditors' warrants, and in no other currency. The revenue for city purposes shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, city comptrollers', city auditors', or city clerks' warrants or orders on the city treasurer, and in no other currency. State taxes levied for any special purpose other than to defray the ordinary expenses of the state government shall be collected in gold and silver coin, United States legal tender notes, current national bank notes and in no other currency. All other taxes shall be collected in gold and silver coin, United States legal tender notes and in current national bank notes, and in no other currency unless otherwise specially provided for. [As amended by act approved May 25, 1877. In force July 1, 1877.]

SWORN STATEMENTS OF COLLECTIONS TO BE MADE—PAYMENTS.

**3106. Thirty day settlements with cities, etc.] § 164.** Town and district collectors shall, every thirty days, when required so to do by the proper authorities of incorporated towns, cities and villages, road and school districts, for which any tax is collected, render to said authorities a statement of the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected. [As amended by act approved May 3, 1873.]

**3107. Thirty day settlements with county collector.] § 165.** Such town and district collectors shall, every thirty days, render a similar account of the taxes payable to the state treasury, and of the county taxes, to the county collector, and at the same time pay over the amount of such taxes to said county collector.

**3108. Local taxes to be paid over, etc.] § 166.** Said town and district collectors shall pay over the town, road, school and other local taxes, as may be directed in the warrant attached to the collector's book.

**3109. Final settlement for local taxes before return.] § 167.** Each town and district collector shall make final settlement for the township, district, city, village and town taxes, charged in the tax books, at or before the time fixed in this act for paying over and making final settlement for state and county taxes collected by them. In such settlements, said collectors shall be entitled to credit for the amount of their commissions on the amount collected, and for the amount uncollected on the tax books, as may be determined by the settlement with the county collector.

**3110. Duplicate receipts.] § 168.** The officer to whom any such moneys may be paid, under the preceding sections, shall deliver to the collector duplicate receipts therefor.

## RETURN OF DELINQUENT SPECIAL ASSESSMENT.

**3111. To county collector—his duties—transfer of amount.]** § 178. When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector on or before the tenth day of March next after the same shall have become payable, in like forms as returns are made for delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as they are required to collect, account for and pay over taxes. The county collector may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts, or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot. [As amended by act approved May 3, 1873.]

**3112. Demand for assessment when tax paid.]** § 179. When any special assessment is returned against property, the taxes upon which shall have been paid to the town or district collector, it shall be the duty of the county collector to cause demand to be made for the payment of such special assessment, or a notice thereof to be sent by mail, or otherwise, to the owner, if his place of residence is known. The certificate of a collector that such demand was made or notice given, shall be evidence thereof.

**3113. Form of receipt.]** § 180. On the application of any person to pay any tax or special assessment upon any real property, it shall be the duty of the county collector to make out to such person a receipt, in which shall be noted all taxes and assessments upon such property, returned to such collector and not previously paid. [As amended by act approved June 2, 1881. In force July 1, 1881.]

## ADVERTISEMENT FOR JUDGMENT AND SALE.

**3114. When application for judgment made, etc.]** § 185. All applications for judgment and order of sale for taxes and special assessments on delinquent lands and lots shall be made at the June term of the county court. If from any cause the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued, and it shall not be necessary to readvertise the list or notice required by law to be advertised before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter; and if judgment is rendered the sale shall be made on the Monday specified in the notice as provided in section 182, such Monday to be fixed by the county collector in the notice. If for any cause the collector is prevented from advertising and obtaining judgment at said term it shall be held to be legal to obtain judgment at any subsequent term

of said court; but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall be held on his official bond for the full amount of all taxes and special assessments charged against him: Provided, That any such failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax or assessment, or to a rendition of a judgment against any delinquent lands or lots included in the application of the county collector: And provided further, That on the application for judgment at such subsequent term it shall not be deemed necessary to set forth or establish the reasons of such failure. And provided further, That in counties where Probate Courts have been or may hereafter be established it shall be lawful to make such application for judgment and order of sale to the May term of the County Court. [As amended by act which became a law and in force June 26, 1895.]

FINAL SETTLEMENT OF COUNTY COLLECTOR.

**3115. Statement to county clerk.] § 231.** On or before the third Monday in June, annually, the county collector shall make out and file with the county clerk a statement in writing, setting forth, in detail, the name of each person charged with personal property tax which he has been unable to collect, by reason of the removal or insolvency of the person charged with such tax, the value of the property, and the amount of tax, the cause of inability to collect such tax, in each separate case, in a column provided in the list for that purpose. Said collector shall, at the same time, make out and file with the county clerk a similar detailed list of errors in assessment of real estate, and errors in footing of tax books, giving in each case a description of the property, the valuation and amount of several taxes and special assessments, and cause of error. The truth of the statements contained in such lists shall be verified by affidavit of the county collector. County collectors, in cases of removals and insolvencies, may give, as the cause of inability to collect, the same cause as sworn to by the town or district collectors, stating in their return the fact that such was the statement made by the town or district collector, and that such tax still remains uncollected.

**3116. Credit on forfeited property—printer's fee.] § 232.** If any lands or lots shall be forfeited to the state for taxes or special assessments, the collector shall be entitled to a credit in his final settlement, for the amount of the several taxes and special assessments thereon—the county to allow the amount of printers' fees thereon, and be entitled to said fees so allowed, when collected.

**3117. Settlement with county board.] § 233.** On the third Monday in June, annually, the county board shall settle with and allow the county collector credit for such allowance as he may be legally entitled to.

**3118. When collector to account with clerk.] § 234.** If there be no session of the county board held at the proper time for settling

and adjusting the accounts of the county collector, it shall be the duty of the collector to file the lists with the county clerk, who shall examine said lists and correct the same, if necessary, in like manner as said board is required to do. Said county clerk shall make an accurate computation of the value of the property and the amount of the delinquent tax and special assessments returned, for which the collector is entitled to credit.

**3119. Clerk to certify to auditor.]** § 235. The county clerk shall immediately, in either case, certify to the auditor of public accounts the valuation of property, and the amount of state taxes due thereon, for which the collector may be allowed credit.

**3120. Clerk to certify to local authorities, etc.]** § 236. The county clerk shall also, at the same time, certify to the several authorities or persons with whom the county collector is to make settlement, showing the valuation of property and amount of taxes and special assessments due thereon allowable to said collector in the settlement of their several accounts.

**3121. Credits on final settlement — examination of accounts, etc.]** § 237. The auditor and other proper authorities or persons shall, in their final settlements with the collector, allow him credit for the amount so certified: Provided, that if the auditor or such other proper authorities or persons shall have reason to believe that the amount stated in said certificate is not correct, or that the allowance was illegally made, he or they shall return the same for correction; and when the same shall appear to be necessary, in the opinion of the auditor or such other proper authorities or persons, he or they shall designate and appoint some competent person to examine the collector's books and settlement, and the person so designated and appointed shall have access to the collector's books and papers, appertaining to such collector's office or settlement, for the purpose of making such examination.

**3122. Final order—corrections, etc.]** § 238. In all cases when the adjustment is made with the county clerk, the county board shall, at the first session thereafter, examine such settlement, and if found correct shall enter an order to that effect; but if any omission or error is found, said board shall cause the same to be corrected, and a correct statement of the facts in the case forwarded to the auditor and other proper authorities or persons, who shall correct and adjust the collector's accounts accordingly.

#### PARTIAL SETTLEMENT OF COUNTY COLLECTORS.

**3123. April statement to clerk.]** § 239. On or before the tenth day of April, annually, after he has made settlement with town or district collectors, the county collector shall make a sworn statement, showing the total amounts of each kind of tax received by him from town or district collectors, and the total amount of each col-

lected by himself—which statement shall be filed in the office of county clerk. [As amended by act approved May 3, 1873.]

**3124. Clerk to notify auditor, etc., amount due them.]** § 240. The clerk shall immediately, on the receipt of such statement, certify to the auditor and to other proper authorities or persons, the amount for which the collector is required to settle with them severally.

**3125. April payment to state treasurer.]** § 241. The county collector shall, on or before the fifteenth day of April following, pay over to the state treasurer the taxes in his hands, payable to the state treasury, as shown by the statement required by section 239, of this act. [As amended by act approved May 3, 1873.]

**3126. Effect of failure of a collector to obtain judgment.]** § 242. The failure of any county collector to obtain judgment shall not prevent him from presenting his statement of credits, and making settlement for taxes and special assessments in his hands, at the time required by this act; but if, from no fault of the collector, he fail to obtain judgment and sale of delinquent real estate at the time required by this act, shall be allowed, in his settlements, a temporary credit for the amount of taxes and special assessments in such delinquent list, which delinquent taxes and special assessments shall be accounted for and paid immediately after sale is had.

**3127. April payment to local authorities.]** § 243. He shall, within the same time, pay over to the other proper authorities or persons, the amounts so shown to be in his hands, and payable to them.

**3128. To pay cities, etc., every ten days.]** § 244. The county collector shall report and pay over the amount of tax and special assessments, due to towns, districts, cities, villages, corporations and persons, collected by him on delinquent property, at least once in every ten days, when demanded by the proper authorities or persons.

**3129. Failure to make report—suit.]** § 245. Any county collector failing to make the reports and payments hereinbefore required, for five days after the time specified for that purpose, or after demand made as aforesaid, the auditor or such other authorities or persons, may bring suit upon the collector's bond.

**3130. Failure to account and pay over—suit.]** § 246. If any county collector fails to account and pay over as required in the preceding sections, his office may be declared vacant by the county board, or by any court in which suit is brought on his official bond.

**3131. When bond sued by city, town, etc.]** § 262. Cities, towns, villages or corporate authorities, or persons aggrieved, may prosecute suit against any collector or other officer collecting or receiving funds for their use, by suit upon the bond, in the name of the People of the State of Illinois, for their use, in any court of competent jurisdiction, whether the bond has been put in suit at the instance of the auditor or not; and in case of judgment thereon the auditor may, if he shall so elect, have a writ of inquiry of damages for any amount that may be due to the state treasury from such officer. Cities, towns, villages and other corporate authorities or persons, shall

have the same rights in any suits or proceedings in their behalf as is provided in case of suits by or in behalf of the state. [As amended by act approved March 24, 1874.]

WHEN RECORDS ARE DESTROYED.

**3132. New assessment.] § 269.** When assessment rolls or collectors' books, in whole or in part, of any county, town, city, incorporated village or district, shall be lost or destroyed by any means whatever, a new assessment, or new books, as the case may require, shall be made under the direction of the county board. Said board shall, in such cases, fix reasonable times and dates for performing the work of assessment, equalization, levy, extension and collection of taxes, and paying over the same, or making new books, as the circumstances of the case may require. All the provisions of this act shall apply to the dates fixed by the county board, in the same manner that they apply to the dates for similar purposes, as fixed by this act. The county board is hereby fully empowered to select and appoint persons, where it may find the same necessary, to carry into effect the provisions of this section.

**3133. Special assessment — return limited.] § 279.** When any special assessment is not returned to the county collector on or before the first day of March next after it is due, the same may be returned on or before the first day of March in the succeeding year; and, if not then returned, it shall be considered barred, unless return is prevented by an injunction or order of court; and the time such return is thus prevented shall be excluded from the computation of such time.

PENALTIES OF OFFICERS.

**3134. Delivering books before collector's bond filed.] § 285.** If any county clerk shall deliver the tax books into the hands of the county collector, or if any collector shall receive said books or collect any taxes until such collector's bond has been approved and filed, as required by this act, said clerk and collector, and each of them, shall be liable to a penalty of not less than \$500, and all damages and costs, to be recovered in an action of debt; and the auditor shall bring suit therefor, in the name of the People of the State of Illinois—the amount recovered on such fines to be paid into the state treasury as revenue fund. Nothing in this section shall be construed as relieving the securities of a collector from liabilities incurred under a bond not approved and filed by the auditor.

**3135. Collector — neglect to obtain judgment, etc.] § 286.** If any collector shall, by his own neglect, fail to obtain judgment at the May term of the county court, or shall fail to present his list of delinquencies on personal property, or errors in assessment of real estate, at the time required by this act, he shall lose the benefit of any abatement to which he might have been entitled, and shall pay to the state

and county the full amount charged against him, after deducting the fees allowed by this act for collecting and paying over taxes. If the county court is not held at the May term, the collector shall have further time to pay over the amount due on the delinquent list.

**3136. Failure to do any duty under this act.]** § 287. If any officer shall fail or neglect to perform any of the duties required of him by this act, upon being required so to do by any person interested in the matter, he shall be liable to a fine of not less than \$10 nor more than \$500, to be recovered in an action of debt in the circuit court of the proper county, and may be removed from office at the discretion of the court; and any officer who shall knowingly violate any of the provisions of this act, shall be liable to a fine of not less than \$10 nor more than \$1,000, to be recovered in an action of debt, in the name of the People of the State of Illinois, in any court having jurisdiction, and may be removed from office at the discretion of the court, and said fines, when recovered, shall be paid into the county treasury.

**3137. Refusal by clerk, assessor or other officer to do duty.]** § 288. Every county clerk, assessor, collector or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this act, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this act shall be prevented or hindered, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the same be entered upon the tax list at less than its fair cash value, shall, for every such offense, neglect or refusal, be liable, on the complaint of any person, for double the amount of the loss or damage caused thereby, to be recovered in an action of debt, in the name of the People of the State of Illinois, in any court having jurisdiction, and may be removed from his office at the discretion of the court.

#### COLLECTION OF TAXES AND ASSESSMENTS.

AN ACT in relation to the collection of taxes and special assessments.  
[Approved and in force May 2, 1873.]

Whereas certain requirements of the general revenue law of this state, relating to the mode of advertising the list of delinquent taxes and special assessments, to making application for judgment thereon, and the manner of making the tax sale, are impracticable; and whereas, it is desirable to remove existing defects as to the manner of collecting the taxes and special assessments: therefore,

**3138. When description in special assessment different from tax books.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: When a return to the county collector has been made or shall hereafter be made of any real estate delinquent for any special assessment, or annual installment thereof, levied by any incorporated city, town or village, or by any corporate authorities, commissioners or persons, pursuant to law, which assessment or installment thereof is required by law to be in-



cluded in the advertisement and notice of application for judgment for state and county taxes, and the description or subdivision of any real estate described in such return is different from the description or subdivision thereof as described in the town or district collector's book returned to such county collector, it shall and may be lawful for the county collector to advertise all the real estate delinquent for any such assessment described in such return, according to the description thereof, as contained in such return; but such advertisement shall be made at the same time, and shall form part of his advertisement of real estate delinquent for state and county taxes.

**3139. How described.]** § 2. The said real estate, so advertised, may be described in the county collector's delinquent return, according to the description thereof, as contained in such return and advertisement; and like proceedings shall be had to the application for judgment, and the judgment thereon, the sale and issuance of the certificate of the sale thereof, redemption from such sales and issuance of deeds thereon, as may be required by law to be had in regard to lands delinquent for state and county taxes.

**3140. City, etc., may buy in at sale.]** § 3. Any incorporated city, town or village, or corporate authorities, commissioners, or persons interested in any such special assessment or installment thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf.

**3141. Emergency.]** § 4. Whereas many special assessments are now in process of collection, whereby an emergency exists why this act shall take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

#### UNIFORMITY OF TAXATION.

AN ACT to restore uniformity in the taxation of real and personal property, for all purposes, in the several counties and cities of this state. [Approved January 4, 1872. In force July 1, 1872.]

**3142. Uniformity restored.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the real and personal property within all incorporated towns and cities in every county in this state shall be taxable for all purposes, any local or special law in regard to exemption of any particular town or city to the contrary notwithstanding; and all provisions of law in conflict with this act are hereby repealed; but nothing herein shall be construed as authorizing the taxation of property allowed to be exempt by any general law now in force or that may hereafter be passed. And all laws requiring any city to support and provide for its paupers, to assume liabilities, or perform duties required of counties by the general laws of this state, are hereby repealed; and the general laws of this state upon such subjects, in re-

lation to counties and cities, shall be applicable to all counties and cities in the state.

REBATE AND REDUCTION OF TAXES, ETC.

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

**3143. Rebate when property destroyed by fire.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

**3144. Reduce or release tax or assessment.] § 2.** That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

**3145. Emergency.] § 3.** Whereas a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared

that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

## SURPLUS FUND OR TAX.

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

**3146. Proportion of tax.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no city, town or village within any county in this state, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

**3147. Drawback—amount city, etc., may receive.] § 2.** Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

## MUNICIPAL TAXES.

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

**3148. How may be assessed and collected.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all cities, villages and incorporated towns in this state, whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this state; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

## RATE OF TAXATION.

AN ACT in relation to the rate of Taxation in Cities, Villages and Incorporated Towns. [Approved and in force May 30, 1881.]

**3149. Rate of taxation.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all cities, villages and incorporated towns in this state not now having, by their respective charters, the power to levy and collect as high a rate of taxation as is herein authorized and provided for, shall here-

after have power to assess, levy and collect annually upon the taxable property within their respective limits, for all corporate purposes, in addition to all taxes which any such city, town or village may now or hereafter be authorized by law to levy and collect to support and maintain schools, erect school buildings and for all other school purposes, and to pay interest on its registered bonded indebtedness, such an amount as their respective corporate authorities may prescribe, not exceeding in any year the rate of one per cent. of the assessed valuation of such taxable property as equalized by the State Board of Equalization for the preceding year. And the said rate authorized by this act shall be in lieu of all rates and items of taxation now provided and authorized in such charters, for all purposes other than for schools, the erection of school buildings, and all other school purposes, and for paying interest on the registered bonded indebtedness of such city, town or village.

**3150. Legalization—levy.]** § 2. Every tax levy made for lawful corporate purpose by any city, village or incorporated town, within this state, in the year 1880, up to the rate of taxation above authorized, is hereby ratified, authorized, legalized and confirmed to the same effect in all respects as though such levy had been made subsequent to the going into effect of this act.

**3151. Emergency.]** § 3. Whereas, an emergency exists, by reason of certain cities in this state being now without necessary power to levy taxes, therefore, this act shall take effect and be in force from and after its passage.

#### REFUNDING ILLEGAL TAXES.

AN ACT to refund illegal taxes. [Approved June 27, 1885. In force July 1, 1885.]

**3152. City may refund illegal taxes—limitation.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, whenever, in any of the cities of this State, any taxes for city purposes have been collected and paid into the city treasury without authority of law, and the city council of such cities have caused certificates to be issued to the persons or corporations who have paid such illegal taxes, certifying that such taxes were illegally assessed and collected, the city council of such cities are hereby authorized to make an appropriation as soon as possible after this act shall take effect for the purpose of refunding such illegal taxes, with six per cent. interest per annum from the date of such certificates, and warrants shall be drawn for the payment of such sums and interest, out of the fund so appropriated, to the persons or corporations who obtained such certificates, or their assignees or legal representatives in the usual manner prescribed by the charter of said cities, or by the general law: Provided, such certificates are presented to the comptroller of such cities for exchange for warrants within two years

after this act shall go into effect. And the treasurers of any such cities shall pay said warrants out of said appropriations.

TAX ON RECEIPTS OF INSURANCE COMPANIES.

AN ACT to amend section thirty (30) of an act entitled "An act to incorporate and govern fire, marine and inland navigation insurance companies, doing business in the state of Illinois." [Approved March 11, 1869.]

**3153. Tax on net receipt.]** § 30. Every agent of any insurance company incorporated by the authority of any other state or government, shall return to the proper officer of the county, town or municipality in which the agency is established, in the month of May, annually, the amount of the net receipts of such agency for the preceding year, which shall be entered on the tax lists of the county, town and municipality, and subject to the same rate of taxation for all purposes—state, county, town and municipal—that other personal property is subject to at the place where located; said tax to be in lieu of all town and municipal licenses; and all laws and parts of laws inconsistent herewith are hereby repealed: Provided, that the provisions of this section shall not be construed to prohibit cities having an organized fire department from levying a tax, or license fee, not exceeding two per cent., in accordance with the provisions of their respective charters, on the gross receipts of such agency, to be applied exclusively to the support of the fire department of such city. [As amended by act approved May 31, 1879. In force July 1, 1879.]

TAX OR LICENSE FEE FROM FOREIGN FIRE INSURANCE COMPANIES.

AN ACT entitled "An act to enable cities, towns and villages, organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments." [This act became a law May 31, 1895. In force July 1, 1895.]

**3154. Foreign fire insurance companies to pay tax or license fee — penalty.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all corporations, companies and associations not incorporated under the laws of this State, and which are engaged in any city, town or village organized under any general or special law of this State in effecting fire insurance shall pay to the treasurer of the city, town or village, for the maintenance, use and benefit of the fire department thereof, a sum of not exceeding two per cent. of the gross receipts received by their agency in such city, town or village. Cities, towns and villages are hereby empowered to prescribe by ordinances the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay, upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or

with such corporation, companies or associations respectively. Every person who shall act in any city, town or village as agent or otherwise for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July of each and every year, render to the city, town or village clerk, a full, true and just account, verified by his oath, of all the premiums which during the year ending on every first day of July preceding such report, shall have been received by him or any other person for him in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agents shall also pay to the treasurer of any such city, town or village at the time of rendering the aforesaid report, the amount of rates fixed by the ordinances of the said cities, towns or villages for which the companies, corporations or associations represented by them are severally chargeable by virtue of this act, and the ordinances passed in pursuance hereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city, town or village until the said requisitions shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

**3155. Penalty for violating this act.]** § 2. Any person or persons violating any of the provisions of this act shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand (\$1,000) dollars or imprisoned in the county jail not exceeding six (6) months, either or both, in the discretion of the court. The amount of said tax or license fee may also be recovered of said corporation, company or association, or its agent, by an action in the name and for the use of any such city, town or village as for money had and received. Provided, That this act shall only apply to such cities, towns and villages as have an organized fire department, or maintain some organization for the prevention of fires.

**3156. Repeal.]** § 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

#### SEWERAGE, WATER AND LIGHT TAXES.

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

**3157. Sewerage fund tax.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That

the legislative authority of any city which now has, or may hereafter have, established a system of sewerage for such city, shall have power annually to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on the dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The sewerage fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: Provided, however, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: Provided, further, that a two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes not to exceed three mills on each dollar of the taxable property of such city: and, provided, such "sewerage fund tax" shall not be included, prior to the year 1891, in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872. [As amended by act approved and in force March 22, 1889.]

**3158. Water fund and light tax.]** § 2. The legislative authority of any city which now has, or which may hereafter have established or hired water-works for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water-works, or to the creation of a sinking fund to be applied to the establishment of water-works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: Provided, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water-works will be insufficient therefor: Provided, further, that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: And, provided, further, that the legislative authority of each of the cities, villages and incorporated towns in this State, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to

such city, village or incorporated town: Provided, also, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1), of article VIII of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

**3159. Repeal.]** § 3. An act entitled "An act in relation to the levy and collection of taxes for sewerage and water-works in the cities of this State, that may have established a system of sewerage and water-works for such city," approved and in force April 22, 1871, is hereby repealed.

APPORTIONMENT OF SPECIAL ASSESSMENTS PAYABLE IN INSTALLMENTS.

AN ACT concerning the apportionment of special assessments payable in installments. [Approved April 13, 1875. In force July 1, 1875.]

**3160. Apportionment of special assessments payable in installments.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cases where any special assessment, payable in installments, has been, or hereafter shall be made by any corporate authority, for supplying water, or other corporate purpose, and the owner or owners of any lot, block or parcel of land so assessed, or some of them, shall desire to subdivide the same, and to apportion such assessment and the several installments thereof in such manner that each parcel of such proposed subdivision shall bear its just and equitable proportion thereof, the same may be done in the manner following, to-wit: The owner or owners of such lot, block or parcel of land shall present to such corporate authority a petition, setting forth:

1. The descriptive character of the assessment and the date of the confirmation of the same.
2. The names of the owners.
3. A description of the land proposed to be subdivided, together with the amount of each installment thereon, and the year or years for which the same are due.
4. A plat showing the proposed subdivision.
5. The proposed apportionment of the amount of each installment on each lot or parcel according to such proposed subdivision. Such petition shall be acknowledged in the manner provided for the acknowledgment of deeds, and if such corporate authority shall be satisfied therewith, they shall cause to be indorsed upon or attached to such petition their approval by their clerk or secretary, under their corporate seal, and the same, so approved, shall be filed and recorded in the office of the county clerk in which such land shall be situate, and such apportioned assessment shall stand in place of the original assessment, and the same and the several installments thereof shall be deemed duly apportioned, and the several amounts so apportioned shall be liens upon the several parcels charged, respectively; and for the



purpose of collecting the same all proceedings shall be had and taken as if said assessment and installments had been made and apportioned in the first instance according to such apportioned description and amounts, and the respective owners shall be held to have waived every and all objections to such assessment and the apportionment aforesaid: Provided, this act shall not apply to any lot, block or parcel of land on which there shall remain due and unpaid any installment. In case the owners are unable to agree as to such apportionment, or any of them are under legal disability, one or more of them may file a petition with the circuit court of the county in which such land so assessed is situate, substantially in form as hereinbefore provided; and in such case such corporate authority, together with all owners or persons interested, not joined as petitioners and unknown owners, if any, shall be made parties defendant, and all proceedings in relation thereto shall be had as in cases in chancery. The court may hear and determine the case according to the right of the matter. A copy of the record of the proceedings of the court in the premises in case of an apportionment, duly certified, shall be filed and recorded in the office of such county clerk, and the same shall thereupon, as to the land therein embraced, the owners thereof, the apportionment aforesaid, and the collection of the several amounts apportioned, have the same force and effect as is hereinbefore provided in cases where such corporate authorities shall approve of a petition and file and record the same.

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- (1) AN ACT to authorize the division of special assessments in cities, towns and villages into installments, and authorizing the issue of bonds to anticipate the collection of the deferred installments. [Approved June 17, 1893. In force July 1, 1893.]

**3161. Assessment may be divided into installments.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever the corporate authorities of any city, town or village have heretofore levied, or shall hereafter levy any special assessment pursuant to law, it shall be lawful for such corporate authorities at any time, prior to the commencing the collection thereof, to provide by ordinance that said assessment be divided into installments not more than seven in number, the first of which installments shall be due and payable on and after confirmation thereof, and the second installment one year thereafter, and so on until all are paid. But such division shall be so made that the first installment shall include all the fractional amounts, leaving each of the remaining installments equal in amount and multiples of \$100, which said assessment and installments shall bear interest from and after thirty days succeeding the date of confirmation at the same rate and be collected in like manner as is now provided by law: Provided, that any special assessment levied for building sewers and laying water mains may in like manner be divided into not exceeding ten installments.

3162. Bonds to issue in anticipation of collections.] § 2. That for the purpose of anticipating the collection of the second and succeeding installments provided for in the next preceding section it shall be lawful for such corporate authorities to issue bonds payable out of said installments bearing interest at the rate of not to exceed six per centum per annum, payable annually, and signed by such officers as may by ordinance be prescribed; said bonds shall be issued in sums of \$100 or some multiple thereof, but shall not be dated or issued until at least ninety days after the installment out of which they are payable begins to draw interest. Each bond shall state on its face out of which installment it is payable, and state by number or other designation, the assessment to which such installment belongs. Such bond shall not exceed in the aggregate the amount of such deferred installments, and shall be divided into as many series as there are deferred installments, and one series shall become due in one year from date, the second series in two years from date, and so on. Provided, the corporate authorities issuing such bonds may, if they deem it for the best interests of the property owners, make such bonds redeemable at the option of the corporation issuing the same at the time of any annual payment of interest, on twenty days' notice being given by the proper authorities in a newspaper published in the county in which the corporation issuing such bonds is located, and such bonds may be in substantially the following form:

STATE OF ILLINOIS, }  
COUNTY OF..... }

Series Name.  
Bond No.....

\$.....  
..... of .....

IMPROVEMENT BOND.

The.....of.....in.....county, Illinois, for value received, promises to pay to bearer on the .....day of..... A. D....., the sum of .....dollars, with interest thereon from date hereof, at the rate of.....per centum per annum, payable annually on presentation of the coupons hereto annexed.

Both principal and interest of this bond are payable at the office of the treasurer of said.....of.....

This bond is issued to anticipate the collection of a part of the..... installment of special assessment No..... levied for the purpose of .....which said installment bears interest from the.....day of....., A. D....., and this bond and the interest thereon are payable solely out of said installment when collected.

Dated this.....day of.....A. D.....

Which said bonds may have coupons attached to represent the interest to accrue thereon.

Said bonds may be sold or paid to the contractor having the contract for the improvement for which the assessment was levied at not less than their par value and interest accrued to time of delivery whether sold or paid to the contractor.

**3163. Applies to all municipal corporate bodies.] § 3.** Corporate authorities as used in this act shall be held to include the city council of cities, and the board of trustees of towns and villages, and the body authorized to enact ordinances in any city, town or village.

**3164. Assessments may be paid in bonds.] § 4.** Any property owner may pay his assessment wholly or in part with the bonds issued under this act on account of such assessment, and in making such payment such bonds shall be taken at their par value and interest accrued to the date of making the same. All bonds received in payment of such assessment shall be cancelled by the officers receiving the same as of the date of their receipt and deposited with the treasurer of the city, town or village issuing the same.

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RIOTS.

AN ACT to indemnify the owners of property for damages occasioned by mobs and riots. [Approved June 15, 1887. In force July 1, 1887.]

**3165. City, or if not in city, county, liable for three-fourths damages.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any building or other real or personal property, except property in transit, shall be destroyed or injured in consequence of any mob or riot composed of twelve or more persons, the city, or if not in a city, then the county in which such property was destroyed, shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for three-fourths of the damages sustained by reason thereof.

**3166. Action, how brought—judgment.] § 2.** Such action may be brought in the form of an action on the case, or other appropriate action, and whenever any final judgment shall be secured against any such city or county in any such action, the same shall be paid in due course as in case of other judgments.

**3167. When entitled to recover.] § 3.** No person or incorporation shall be entitled to recover in any such action if it shall appear on the trial thereof that such destruction or injury of property was occasioned or in any way aided, sanctioned or permitted by the carelessness, neglect or wrongful act of such person or corporation: nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage.

**3168. Action by party against persons engaged in riot — lien of city, etc.] § 4.** Nothing in this act shall be construed to prevent any person or corporation whose property has been injured

or destroyed in consequence of any mob or riot, from having or maintaining an action or actions against any person or persons, engaged or in any manner participating in such mob or riot, for the recovery of the damages sustained thereby: Provided, that when such city or county, shall have paid any part of such damage, such city, or county, making such payment shall have a lien to the amount so paid upon any judgment or claim, against any person or persons engaged in, or in any manner participating in such mob or riot, together with the right and power to enforce and collect such judgment or claim, and when such city or county shall have been reimbursed the money so paid by it, such portion of such judgment or judgments, or claim or claims remaining unpaid shall then revert to, and become the property of the original owner thereof, and such owner shall have the right to enforce and collect the same.

**3169. Action by city or county against persons engaged in riot.] § 5.** It shall be lawful for the city or county against which a judgment, or judgments, for damages shall be recovered under the provisions of this act, to bring an action, or actions against any person or persons engaged or in any manner participating in said mob or riot, for the recovery of the amount of said judgment or judgments and costs, and such action shall not abate or fail by reason of too many or too few parties defendant being named therein; the same shall to all intents and purposes be treated as an action of trespass brought by the owners of such property, except that the statute of limitations as to such action shall not begin to run against said city or county until its liability is fixed by judgment as hereinbefore provided.

**3170. Notice of claim of damages—when action shall be brought.] § 6.** No action shall be maintained under the provisions of this act, by any person or corporation whose property shall have been destroyed or injured as aforesaid, unless notice of claim for damages be presented to such city or county within thirty days after such loss or damage occurs, and such action shall be brought within twelve months after such destruction or injury occurs, but nothing in this act shall be construed as authorizing any recovery by the United States, the State of Illinois, or any county, for the destruction of, or injury to property by mobs or riots.

**3171. When city or county settles claim.] § 7.** Any city or county may settle with, and pay, the owner of any such property the damages so sustained; and any such city or county which shall have paid any sum under the provisions of this act, whether by voluntary settlement or otherwise, may recover the same with all costs paid by it from any or all the persons engaged in the destruction or injury of the property so paid for.

## SALARIES OF CITY OFFICERS.

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

**3172. When to be fixed—not changed during term.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid.

**3173. Emergency.] § 2.** Whereas the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

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 SCHOOLS.

AN ACT to establish and maintain a system of free schools. [Approved and in force May 21, 1889.]

## ARTICLE VI.

## BOARD OF EDUCATION.

**3174. Board in cities of 100,000 inhabitants—election and terms of members.] § 17.** In cities having a population exceeding one hundred thousand inhabitants from and after this act shall take effect, the board of education shall consist of twenty-one members, to be appointed by the mayor, by and with the advice and consent of the common council, seven of whom shall be appointed for the term of one year, seven for the term of two years, and seven for the term of three years: Provided, however, that in such cities

wherein there is now a board of education, holding their office by appointment, such officers shall continue in office until the time at which their terms would have expired under the law in force at the time of their appointment. At the expiration of the term of any members of said board, their successors shall be appointed in like manner and shall hold their office for the term of three years. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council for the unexpired term: And, provided further, that from and after this act shall take effect there shall be appointed by the mayor by and with the advice and consent of the common council six members, two of whom shall be appointed for the term of one year, two for the term of two years and two for the term of three years. [As amended by act approved June 22, 1891. In force July 1, 1891.]

**3175. Who eligible to membership.] § 18.** Any person having resided in any such city more than five years next preceding his appointment, shall be eligible to membership of such board of education.

**3176. Organization of board.] § 19.** The said board of education shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties, and compensation and terms of office.

**3177. Books — records — yeas and nays.] § 20.** The said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money.

**3178. Power of board — with consent of council.] § 21.** The said board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council:

First—To erect or purchase buildings suitable for school houses, and keep the same in repair.

Second—To buy or lease sites for school houses, with the necessary grounds.

Third—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

**3179. Powers of board.] § 22.** The said board of education shall have power—

First—To furnish schools with the necessary fixtures, furniture and apparatus.

Second—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of school teachers from school taxes.

Third—To hire buildings or rooms for the use of the board.

Fourth—To hire buildings or rooms for the use of schools.

Fifth—To employ teachers and fix the amount of their compensation.

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

Seventh—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be deemed necessary and expedient for such purpose.

Eighth—To expel any pupil who may be guilty of gross disobedience or misconduct.

Ninth—To dismiss and remove any teacher whenever, in their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal.

Tenth—To apportion the scholars to the several schools.

Eleventh—To lease school property, and to loan moneys belonging to the school fund.

**3180. Duty of board.] § 23.** It shall be the duty of such board of education: First—To take the entire superintendence and control of the schools in such cities.

Second—To examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates gratuitously.

Third—To visit all the public schools as often as once a month.

Fourth—To establish all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary.

Fifth—To determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation.

Sixth—To take charge of the school houses, furniture, grounds, and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated.

Seventh—To provide fuel, and such other necessaries for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

Eighth—To inquire into the progress of scholars and the government of the schools.

Ninth—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

Tenth—To prescribe what studies shall be taught, and what books and apparatus shall be used.

Eleventh—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

Twelfth—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts, and the object of such expenditures.

Thirteenth—To communicate to the city council, from time to time, such information within their possession as may be required.

**3181. Powers exercised only at meetings.] § 24.** None of the powers herein conferred upon the board of education of such cities shall be exercised by them except at a regular meeting of such board.

**3182. Conveyances—how made.] § 25.** All conveyances of real estate shall be made to the city in trust, for the use of schools, and no sale of real estate or interest therein, used for school purposes, or held in trust for schools, shall be made except by the city council, upon the written request of such board of education.

**3183. Moneys held by city as special fund.] § 26.** All moneys raised by taxation for school purposes, or received from the State common school fund, or from any other source for school purposes, shall be held by the city treasurer, as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk.

**3184. Board of education—limit as to expenditures.] § 27.** Said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund, the rental of school lands or property, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize any such board of education to levy or collect any tax upon the demand, or under the direction of such board of education.

**3185. No power given to board to be exercised by city.] § 28.** All schools in such cities shall be governed as hereinbefore stated, and no power given to the board of education shall be exercised by the city council of such city.

## ARTICLE XVI.

### MISCELLANEOUS.

**3186. No compensation—exempt from road labor and military service.] § 10.** Trustees of schools, school directors, mem-



bers of boards of education, or other school officers performing like duties, shall receive no pecuniary compensation, but they shall be exempt from road labor and from military duty during their term of office.

SCHOOL TEACHERS' FUND.

AN ACT to provide for the formation and disbursement of a public school teachers' and public school employes' pension and retirement fund in cities having a population exceeding one hundred thousand inhabitants. [Approved May 31, 1895. In force July 1, 1895.]

**3187. Board of education in cities having population of over 100,000—power to create such fund.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the board of education in cities having a population exceeding one hundred thousand inhabitants, shall have power, and it shall be the duty of said board to create a public school teachers' and public school employes' pension and retirement fund, and for that purpose set apart the following moneys, to-wit:

1. An amount not exceeding one per cent per annum of the respective salaries paid to teachers and school employes elected by such board of education, which amount shall be deducted in equal installments from said salaries at the regular times for the payment of such salaries.

2. All moneys received from donations, legacies, gifts, bequests, or otherwise, on account of said fund.

3. All moneys which may be derived from any and all sources: Provided, however, That no taxes shall ever be levied or an appropriation of public money be made for said fund except as herein provided.

**3188. Board of Trustees—how created—powers of.] § 2.** The board of education, together with the superintendent of schools, and two representatives to be selected annually by the teachers and employes of the public schools under control of said board shall form a board of trustees, a majority of whom shall determine the amount to be deducted from the salaries paid to teachers and employes as aforesaid, and shall have charge of, and administer said fund and shall have power to invest the same as shall be deemed most beneficial to said fund, in the same manner and subject to the same terms and conditions as township treasurers are permitted to invest school funds in article four (4) of an act entitled "An act to establish and maintain a system of free schools," in force May 4, 1889, and shall have power to make payments from said fund of annuities, granted in pursuance of this act, and shall from time to time make and establish such rules and regulations for the administration of said fund as they shall deem best.

**3189. Rules for retirement of teachers.] § 3.** Said board of education shall have power by a majority vote of all its members to retire any female teacher or other female school employe who shall have taught in public schools or rendered service therein for a period

aggregating twenty years; and any male teacher or male school employe who shall have taught or rendered service for a period aggregating twenty-five years, and such teacher or school employe also shall have the right after said term of service to retire and become a beneficiary under this act: Provided, however, That three-fifths of said term of service shall have been rendered by said beneficiary within the limits of the municipality where said board of education has jurisdiction.

**3190. What annuity retired teachers may receive.] § 4.** Each teacher and school employe so retired or retiring shall thereafter be entitled to receive as an annuity one-half of the annual salary paid to said teacher or employe at the date of such retirement, said annuity to be paid monthly during the school year: Provided, however, That such annuity shall not exceed the sum of six hundred dollars (\$600), which shall be paid by said board of education out of the fund created in accordance with this act in the manner provided by law for the payment of salaries.

**3191. How principal and interest of fund for payment of annuities to be used.] § 5.** Said board of trustees is hereby given the power to use both the principal and income of said fund for the payment of annuities hereinbefore mentioned, and shall have power to reduce, from time to time, the amount of all annuities. Provided, That such reduction shall be at the same rate in all cases.

**3192. Monthly certificates of amounts deducted from salaries to be made to the city treasurer—special fund—how and when drawn.] § 6.** The president and secretary of such board of education shall certify monthly to the city treasurer all amounts deducted from the salaries of teachers, special teachers, principals and employes of the board of education in accordance with the provisions of this act, which amounts as well as all other moneys contributed to said fund, shall be set apart and held by said treasurer as a special fund for the purposes hereinbefore specified, subject to the order of said board of education, superintendent of schools, and two representatives, as aforesaid, and shall be paid out upon warrants signed by the president and secretary of said board of education.

**3193. Treasurer — custody of pension fund, books and accounts—inspection—bond.] § 7.** The city treasurer shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of said board of trustees, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the said board. And said books and accounts shall always be subject to the inspection of the said board or any member thereof.

The treasurer shall, within ten days after his election or appointment, execute a bond to the city with good and sufficient securities in such penal sum as the said board shall direct, to be approved by the said board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for

all moneys and profits which may come into his hands as such treasurer, and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come into his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of said city for the use of said board of trustees or of any person or persons injured by such breach.

**3194. Removal of teacher, etc.—investigation—when money paid back to teacher.]** § 8. No teacher or other school employe who has been or who shall have been elected by said board of education shall be removed or discharged except for cause upon written charges, which shall be investigated and determined by the said board of education whose action and decision in the matter shall be final.

If at any time a teacher or school employe who is willing to continue is not re-employed or is discharged before the time when he or she would under the provisions of this act be entitled to a pension, then such teacher or school employe shall be paid back at once all the money with interest he or she may have contributed under the law.

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## SEWERAGE.

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

**3195. May contract for sewerage, etc.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

**3196. How contract made.]** § 2. The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or

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

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### SIDEWALKS.

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

**3197. Sidewalks by taxation.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in addition to the mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by general taxation upon the property thereof, and not otherwise appropriated.

**3198. What ordinance may provide.]** § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide

that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town, or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town, or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town, or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

3199. In case owner neglects to construct.] § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town, or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town, or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town, or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town, or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax-list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax-list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town, or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by

garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town, or village.

**3200. Special tax — duty of clerk — report.] § 4.** Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town, or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

**3201. General officer to obtain judgment — by what laws governed.] § 5.** When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

**3202. When constructed by owner may obtain order.] § 6.** Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town, or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town, or village, an itemized statement of the

cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town, or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner, an order on the treasurer of such city, town, or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

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SPARROWS—BOUNTY FOR KILLING.

AN ACT to provide for the payment of bounties for killing English sparrows. [Approved and in force July 1, 1891.]

**3203. Bounty for killing English sparrows.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every person being an inhabitant of this State who shall kill an English sparrow in any county not under township organization or in any organized township, village or city in this State during the months of December, January and February, shall be entitled to receive a bounty of two cents for each sparrow thus killed, to be allowed and paid in the manner hereinafter provided.

**3204. Bounty certificate.] § 2.** Every person applying for such bounty shall take such sparrow, or the head thereof, in lots of not less than ten, to the county clerk in counties not under township organization, or to the clerk of the township, village or city within which such sparrow shall have been killed, who shall thereupon decide upon such application, and if satisfied of the correctness of such claim, shall issue a certificate stating the amount of bounty to which such applicant is entitled, and deliver the same to said applicant, and shall destroy the heads of such sparrows.

**3205. Bounty—how paid.] § 3.** Such certificate may be presented by the claimant or his agent to the county clerk of the county in which such sparrow or sparrows have been killed, who shall thereupon draw a warrant for the amount on the treasurer of said county, and said treasurer shall, upon presentation of said warrant, pay the same from the general or contingent fund of said county.

**3206. Penalty.] § 4.** If any person, in applying to the clerk of counties not under township organization or to the clerk of any township, village or city for the certificate stating the amount of bounty to which he may be entitled under this act, shall have in his

possession or present to such clerk the head or heads of any bird or birds other than the English sparrow, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars for each head of such bird other than the English sparrow so being in his possession or presented to the clerk. And it shall be the duty of the clerk to whom such application is made, upon finding the head of any bird, other than the English sparrow, among the heads presented to him, to confiscate the heads so presented and preserve them to be used as evidence against the person applying for the bounty, and refuse to issue the certificate.

**3207. Bulletin of information.]** § 5. It is hereby made the duty of the director of the State laboratory [laboratory] of natural history, to prepare, as soon after this act shall take effect as practicable, a bulletin of information for the use of the clerks of county, townships, villages and cities in this State, to enable them to distinguish the heads of the English sparrow from those of other birds, and which said bulletins shall be delivered to said clerks free of charge.

**3208. False certificate—penalty.]** § 6. If any clerk of any county not under township organization, clerk of any township, village or city shall knowingly issue any certificate for the payment of the bounty, provided for in this act, for the killing of any bird other than the English sparrow, such clerk shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars.

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## STEAM BOILER EXPLOSIONS.

AN ACT to insure the better protection of life and property from steam boiler explosions. [Approved June 3, 1889. In force July 1, 1889.]

**3209. Persons in charge of steam boilers — license — penalty.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits, to provide for the examination, licensing and regulation of persons having charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise, within the limits of the respective cities, towns and villages which may adopt such ordinances, the business of operating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof.



**3210. Board to examine—license, etc.]** § 2. To require that all persons engaged in such occupation within the jurisdiction of such towns, cities and villages, so adopting such ordinances, shall submit to an examination by a competent board of examiners to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf.

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STREETS.

USE OF STREETS BY ELEVATED RAILROADS.

AN ACT in regard to the use of streets and alleys in incorporated cities and villages by elevated railroads and elevated ways and conveyors.  
[Approved June 18, 1883. In force July 1, 1883.]

**3211. Petition of land-owners.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no person or persons, corporation or corporations, shall construct or maintain any elevated railroad or any elevated way or conveyor to be operated by steam power, or animal power or any other motive power, along any street or alley in any incorporated city or village, except by the permission of the city council or board of trustees of such city or village, granted upon a petition of the owners of the lands representing more than one-half of the frontage of the street or alley, or of so much thereof as is sought to be used for such elevated railroad or elevated way or conveyor; and the city council, or board of trustees, shall have no power to grant permission to use any street or alley, or part thereof, for any of the purposes aforesaid, except upon such petition of land-owners as is herein provided for.

**3212. When street more than one mile.]** § 2. When the street or alley, or part thereof, sought to be used for any of the purposes aforesaid, shall be more than one mile in extent, no petition of land owners shall be valid for the purposes of this act, unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and fractional part of a mile, of such street or alley or of the part thereof sought to be used for any of the purposes aforesaid.

**3213. Repeal.]** § 3. All acts and parts of acts inconsistent herewith are hereby repealed.

## VACATION OF STREETS.

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

**3214. Three-fourths vote required—damages.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That no city council of any city, or board of trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the aldermen of the city or trustees of the village or town authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

**3215. Rights of adjoining owners.]** § 2. When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this state or by order of the city council of any city or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such street, alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners.

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 TELEGRAPH AND TELEPHONE COMPANIES.

AN ACT relating to telegraph, telephone, electric light and other wires, poles and cables. [Approved June 16, 1887. In force July 1, 1887.]

**3216. Poles attached to building, etc.—no lapse of time raise presumption of prescriptive right.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, Whenever any wire, pole or cable used for any telegraph, telephone, electric light or other electric purpose, or for the purpose of communication, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatever shall raise a presumption of any grant of, or justify a prescriptive right to, such attachment or extension.

AN ACT to revise the law in relation to telegraph companies. [Approved March 24, 1874. In force July 1, 1874.]

**3217. Consent necessary to erect poles, etc., on roads, streets, etc. — record — alteration.]** § 4. No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any road, highway, or public ground, outside the corporate limits of a city, town, or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley, or other highway or public ground, within any incorporated city, town, or village, without the consent of the corporate authorities of such city, town, or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town, or village, as the case may be, shall have power to direct any alteration in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration.

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## TENEMENT AND LODGING HOUSES.

AN ACT for the regulation and inspection of tenement and lodging houses, or other places of habitation. [Approved and in force May 30, 1881.]

**3218. Architect — plans.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of any architect or architects, builder or builders of, or other person or persons interested in any projected tenement, lodging house, or other places of habitation, in any incorporated city of fifty thousand (50,000) inhabitants, to submit plans and specifications of any such building or buildings to the health commissioner or commissioners of such incorporated city; that the said health commissioner or commissioners may examine the said plans and specifications, for his or their approval or rejection, as to the proposed plans for the ventilation of rooms, light and air shafts, windows, ventilation of water closets, drainage and plumbing.

**3219. Duty of plumber.]** § 2. It shall be the duty of any plumber or other person or persons interested in the contract for the plumbing work of such building or buildings, to receive a written certificate of instruction from the health commissioner or commissioners before commencing work on the said building or buildings, and to proceed according to the plans, specifications and instructions, as approved by the health commissioner or commissioners of said city.

**3220. Health commissioner — notice.]** § 3. It shall be the duty of any plumber or other person or persons interested in the plumbing work, after the completion of said plumbing work, and before any of the said plumbing work is covered up in any building or buildings, or on the premises connected with said building or buildings, to notify in writing the health commissioner or commissioners, that said building or buildings, or other premises, are now ready for inspection, and it shall be unlawful for any plumber or other person or persons to cover up, or in any way conceal such plumbing work in or about such building or buildings, until the health commissioner or commissioners approve of the same.

**3221. Architect—penalty.]** § 4. If any architect or architects, builder or builders, violate the provisions of this act, he or they shall be fined in a sum not less than one hundred (100) nor more than two hundred (200) dollars for each offense.

**3222. Penalty — plumber.]** § 5. If any plumber or other person or persons interested in the plumbing work, violate any of the provisions of this act, he or they shall be fined in the sum not less than one hundred (100) nor more than two hundred (200) dollars for the first offense, and the further penalty of ten dollars (\$10) for each and every day such plumbers or other interested person or persons shall, after first conviction, neglect or refuse to comply with any provisions of this act, or the written instructions of the health commissioner or commissioners, and for the second offense, a like penalty and a forfeiture of his or their license to do business in said city for one (1) year after conviction.

**3223. Emergency.]** § 6. Inasmuch as the health of the people is endangered, an emergency exists requiring this act to take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

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## TOLL ROADS.

AN ACT to revise the law in relation to toll roads. [Approved March 25, 1874. In force July 1, 1874.]

**3224. Location — when consent required.]** § 4. No such road shall be located on any public road or highway outside the corporate limits of a city, town or village without the consent of the county board of the county, and consent of the commissioners of highways of the town in which such highway is situated, nor upon any street, alley or other highway or public ground within any incorporated city, town or village, without the consent of the corporate authorities of such

city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county.

**3225. No toll gate in city, etc.]** § 12. No toll gate shall be erected or kept, or toll demanded, within the corporate limits of any incorporated city, or within one hundred and sixty rods of such limits.

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## WARRANTS.

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

**3226. When warrants may be drawn.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That warrants payable on demand shall hereafter be drawn and issued upon the treasurer of this State or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

**3227. Issued in anticipation of taxes.]** § 2. That whenever there is no money in the treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district, or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of any said tax levy: Provided, that warrants drawn and issued under the provisions of this section shall show upon the face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn shall be set apart and held for their payment.

**3228. Jurors' certificates.]** § 3. All jurors' certificates shall hereafter be issued in conformity with the provisions of this act.

## INTEREST ON WARRANTS.

AN ACT to provide for payment of interest on warrants of municipal corporations. [Approved June 15, 1895. In force July 1, 1895.]

**3229. Interest on warrants of municipal corporations.]** § 1. Be it enacted by the People of the State of Illinois, represented in the

General Assembly, That whenever any warrants shall hereafter be lawfully drawn by the proper officers of any city, village or town for the payment of money out of any particular fund in anticipation of the collection of a tax heretofore levied for such fund, such warrants shall, unless paid within thirty days after their issuance, bear interest, payable out of such fund and tax levy, at the rate of five per centum per annum from their respective dates until paid, or until notice shall be given by publication in a newspaper or otherwise, to their holders that the money for their payment is available and that they will be paid on presentation.

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## WATER.

### CONSTRUCTION OF WATER WORKS,

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

**3230. Power to supply water—letting contract—emergency.]** § 1. That all cities, incorporated towns and villages in this State, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection, construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water works. Provided, that all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks' public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county. And, provided, further, that no member of the city council or board of trustees or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

Whereas, An emergency exists, therefore this act shall be in force from and after its passage. [As amended by act approved and in force May 14, 1879.]

**3231. Borrowed money—tax.]** § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general

tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same.

**3232. May acquire property for works, etc.]** § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works shall extend ten miles beyond its corporate limits.

**3233. Rules — tax — assessment — lien.]** § 4. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide.

**3234. Special assessment.]** § 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

**3235. Separate fund.]** § 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct.

**3236. When act not apply.]** § 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

**3237. Emergency.]** § 8. Whereas many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore an emergency exists that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

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

**3238. Cities — powers and privileges.]** § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all cities owning or operating water works under any charter granted by act of any general assembly of this state, or under the general incorporation laws of this state, whether by boards of water commissioners or by officers appointed for that purpose, are hereby granted the following powers and privileges, for the purpose of increasing or bettering the source of supply from which such water is obtained.

**3239. Powers of board — may raise money — vote.]** § 2. Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of a majority of the city council of any city owning or operating such water works, it shall be necessary for the public health, or for any other cause, to increase the source of water supply, or to substitute for it such better source as, in their judgment, the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by act of any general assembly of this state, construct wells, either by boring or excavation, and protect and equip the same after construction, or may lease water privileges from private parties or corporations owning wells already or hereafter to be constructed, and may pay for such construction or lease, and for the expenses maintained in operating the same, out of any earnings of such water works under their control which may be in their hands at the time of the taking effect of this act, or which may accrue to them hereafter: Provided, that no money shall be expended under the provisions of this act, for the purposes herein specified, until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water works may be situated, at any election for city officers or special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election: Provided, further, that no money shall be expended under the provisions of this act, for the purposes aforesaid, other than the surplus earnings of such water works.



## AUTHORITY TO CONTRACT FOR WATER.

AN ACT to enable cities, incorporated towns and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied. [Approved April 9, 1872. In force July 1, 1872. This title is as amended by act approved June 30, 1885. In force July 1, 1885.]

**3240. Power to contract for water.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly: That in all cities, incorporated towns and villages where water works have been, or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, incorporated towns and villages may contract with such person or incorporated company for a supply of water for public use for a period not exceeding thirty years. [As amended by act approved June 30, 1885. In force July 1, 1885.]

**3241. Tax.] § 2.** Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

## WATER RATES.

AN ACT to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual company or corporation to any such city, town or village and the inhabitants thereof. [Approved June 6, 1891. In force July 1, 1891.]

**3242. May fix rates for water supply.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the corporate authorities of any city, town, or village, now or hereafter incorporated under any general or special law of this State, in which any individual, company or corporation has been, or hereafter may be, authorized by such city, town, or village to supply water to such city, town, or village and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water furnished by such individual, company or corporation to such city, town or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the circuit court of the county in which such city, town or village may be.

## PURCHASE OR LEASE WATER WORKS.

AN ACT to enable cities, incorporated towns and villages to purchase or lease water works. [Approved June 19, 1893. In force July 1, 1893.]

**3243. City, etc., may lease or purchase water works.] § 1.** Be it enacted by the People of the State of Illinois, represented in the

General Assembly, That in all cities, incorporated towns and villages where water works are now constructed or may hereafter be constructed by any person or incorporated company the city, town, or village authorities in such cities, towns and villages may purchase or lease such water works from the owner or owners of the same. Provided, however, that before said leasing or purchase shall be binding upon said city, incorporated town or village, the question of leasing or purchasing such water works (with the yearly rental, if a leasing, and with the consideration price, if a purchase) shall be submitted to the voters of such city, incorporated town or village at a general election; and if it appear that a majority of such voters voting upon such question at such election, vote for such leasing or purchase, then the said city, incorporated town or village may conclude such leasing or purchase; but if it appear that a majority of such voters voting upon such question at such election, vote against such leasing or purchase, then said city, incorporated town or village shall proceed no further with such leasing or purchase for the term of ten months next ensuing.

**3244. May borrow money and levy general tax.] § 2.** Such cities, incorporated towns and villages may borrow money, and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the purchase and maintaining or the leasing and maintaining of such water works, and appropriate money for the same.

WATER COMPANY MAY LOCATE SOURCE OF SUPPLY BEYOND CORPORATE LIMITS.

AN ACT to enable any water company now or hereafter organized under the laws of this State to change or locate its source of supply beyond the limits of the city, town or village supplied, or whose inhabitants are supplied with water by such company; and for that purpose empowering such company to take or damage private property for pipe lines to such source of supply and for pumping stations, reservoirs or other appurtenances, and to construct, maintain and operate such pipe lines in and under any public or private road, highway, street or public ground, and across or under any of the waters within this State, and across or under any railroad right-of-way; and to prescribe penalties for interfering with or destroying the property or rights of such company. [Approved June 19, 1893. In force July 1, 1893.]

**3245. May enter on land and construct lines.] § 1.** Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any water company now organized, or that may hereafter be organized under the laws of this State, for the purpose of supplying any city, town or village or the inhabitants thereof with water, is hereby empowered to locate its source of supply at or change its source of supply to a point beyond the limits of such city, town or village, and any such company may enter upon any lands and take and damage private property beyond said limits, for the construction, maintenance and operation of a line or lines of water-

pipe, to such source of supply, and also for the necessary pumping stations, reservoirs or other appurtenances; and also construct, maintain and operate beyond said limits such line or lines of water pipe across or under any railroad right of way, and in and under any public or private road, highway, street, alley or public ground or across or under any of the waters within this State: Provided, however, that such source of supply shall not be located more than ten miles distance from the corporate limits of said city or village and that such line or lines of water pipe shall not interfere with any railroad, sewer, gas pipes, water pipes, or other conduit already laid in or under such public or private road, highway, street, alley or public ground by public authority: And provided, also, that such company shall, in the construction and repair of said line or lines of water pipe, restore such public or private road, highway, street, alley or public ground, to the same condition as before, and shall not unnecessarily interfere with the public use of the navigation of said waters. Provided further, the laying of such water pipes or other work shall be done under such reasonable regulations as the authorities of any township, town, city or village wherein such work is done may prescribe.

**3246. Proceed under right of eminent domain.] § 2.** When it is necessary for the construction, maintenance, and operation of such line or lines of water pipes, pumping stations, reservoirs or other appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain.

**3247. Punishment of person interfering.] § 3.** Any person who shall unlawfully and intentionally molest or destroy any part or portion of said line or lines of water pipe, pumping stations, reservoirs or other appurtenances, or the material or property belonging thereto, or shall in any manner interfere with the construction, maintenance or operation thereof, shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding \$100, said fine to be recoverable in any court having jurisdiction of the offense: Provided, that prosecution under the foregoing provisions of this section shall not in any manner prevent a recovery by the company entitled thereto, of the amount of damages done to said property.

PROVISIONS OF THE FORMER CHARTER OF THE CITY  
OF CHICAGO.

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CHAPTER I.

BOUNDARIES.

**3248. Corporate powers.]** § 1. The inhabitants of all that district of country in the county of Cook and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic under the name and style of the City of Chicago; and by that name sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid.

**3249. Corporate limits.]** § 2. The corporate limits and jurisdiction of the city of Chicago shall embrace and include, within the same, all of township thirty-nine north, range fourteen east of the third principal meridian, and all of sections thirty-one, thirty-two, thirty-three, and fractional section thirty-four, in township forty, north range fourteen, east of the third principal meridian, together with so much of the waters and bed of Lake Michigan as lies within one mile of the shore thereof and east of the territory aforesaid.

**3250. Divisions.]** § 3. All that portion of the aforesaid territory lying north of the center of the main Chicago river and east of the center of the north branch of said river, shall constitute the North Division of said city; all that portion of the aforesaid territory lying south of the center of the main Chicago river and south and east of the center of the south branch of said river and of the Illinois and Michigan canal, shall constitute the South Division of said city; and all that portion of the aforesaid territory lying west of the center of the north and south branches of said river and of the Illinois and Michigan canal, shall constitute the West Division of said city. [Act February 13, 1863.]

**3251. Boundaries extended.]** § 1. That the territorial limits of the city of Chicago, shall be and are hereby extended as follows: That part of section thirty (30), township forty (40), north of range fourteen (14) east of the third (3d) principal meridian, which lies west of the north branch of the Chicago river; section twenty-five (25), township forty (40) north of range thirteen (13) east of the third (3d) principal meridian, except that part of said section lying east of

the center of the north branch of the Chicago river; sections twenty-six (26), thirty-five (35) and thirty-six (36), in township forty (40) north of range thirteen (13) east of the third (3d) principal meridian; sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) in township thirty-nine (39) north of range thirteen (13) east of the third (3d) principal meridian; and that part of sections thirty-five (35) and thirty-six (36) in township thirty-nine (39) north of range thirteen (13) east of the third (3d) principal meridian, lying north-west of the center of the Illinois and Michigan canal, shall be and are hereby added to said city, and shall constitute a part of the west division of said city and of the town of West Chicago; and the said added or new territory shall cease to be a part of the several towns to which it now belongs or appertains; and the outside boundary of the west division of the city of Chicago as hereby established, shall be the outside boundary of the several wards of said city which now extend to the present city limits. [Act February 27, 1869.]

**3252. Territory excepted.]** § 1. That the act entitled "An act to amend the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes," approved February 27th, A. D. 1869, including the affirmance of the propositions specified in the first clause of the twentieth section of said act, but excluding the remainder of said section, relating to the holding of an election now past, shall be and is hereby re-enacted and confirmed, and shall be in full force and effect to all intents and purposes, except as hereinafter specified: Provided, that the four added sections of land from the town of Jefferson, in said act specified, viz: section twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36) in township forty (40) north of range thirteen (13) east, shall not become a part of the city of Chicago, or of the town of West Chicago; nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson, the same as if this act had not been passed. [Act March 10, 1869.]

## CHAPTER III.

### POWERS AND DUTIES OF OFFICERS.

**3253. Corporation counsel and city attorney.]** § 2. The corporation counsel of said city and the city attorney, shall devote themselves exclusively to the duties of their respective offices, and shall have their office in such place as shall be provided by the common council. Neither of said officers shall be employed in any other business than that which relates to the duties of their offices respectively, during the terms for which they were chosen. [Act February 16, 1865.]

**3254. Their duties.]** § 7. The counsel to the corporation shall be the chief officer of the law department of the city. He shall, with the assistance of the city attorney and subject to the directions of the comptroller, conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation. Said officers shall hold their office in such place as the city may provide, and, when required, shall furnish written opinions upon subjects submitted to them by the mayor or common council, or any other department of the municipal government. The city attorney shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times, be open to the inspection of the mayor, comptroller, or any committee of the common council. It shall also be the duty of said officers to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city.

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**3255. Officers—transfer of papers by, to successor.]** § 16. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And such successor shall and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this state.

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**3256. Board of education—no salary.]** § 22. No member of the board of guardians of the reform school, or of the board of education, shall receive any compensation for any services he may perform; nor shall any teacher, agent or employe of either board sell, dispose of, or be interested in any articles purchased, or work done, for the school or schools. Nor shall he be interested in any contract, loan, or anything else whereby he may receive any commission, interest, or other profits from the fund appropriated to the reform school or public schools, under the penalty of having his office immediately declared vacant by the common council. [Act February 13, 1863.]

## CHAPTER IV.

### THE COMMON COUNCIL—ITS POWERS AND DUTIES.

**3257. To control finances—general powers.] § 8.** The common council shall have, subject to the provisions hereinafter contained, the general management and control of the finances and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance.

First. To lease the wharfing privileges of the river, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such lease, as are given by law in other cases. But no buildings shall be erected thereon; nor shall a lease for a longer period than three years at any time be executed; and the owner or owners of the adjoining lot or lots shall, in all cases, have the preference in leasing such property; and a free passage over the same for all persons with their baggage, shall be reserved in such lease: Provided, nothing in this section shall be so construed as to impair or prejudice any rights which any person may have acquired by the acceptance of any proposition heretofore made by said city respecting the wharfing privileges.

Second. To remove and prevent all obstructions in the waters, which are public highways in said city, and to widen, straighten and deepen the same.

Third. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Fourth. To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Fifth. To regulate the selling or giving away of any ardent spirits, by any shop-keeper, trader or grocer, to be drunk in any shop, store or grocery, outhouse, yard, garden, or other place within the city.

Sixth. To forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress.

Seventh. To license, regulate and restrain tavern-keepers, grocers and keepers of ordinaries or victualing or other houses or places for the selling or giving away wines and other liquors, whether ardent, vinous or fermented.

Eighth. To license, tax, regulate, suppress and prohibit billiard tables, pin alleys, nine or ten pin alleys, and ball alleys.



Ninth. To license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any individual, firm, or corporation, or otherwise, who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Tenth. To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of junk-shops and places for the sale or purchase of second-hand goods, wares or merchandise.

Eleventh. To license, tax, regulate and suppress hawkers and peddlers.

Twelfth. To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Thirteenth. To authorize the mayor, or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: Provided, that no license shall be granted for more than one year; and that not more than five hundred dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or retail, or by inn-keepers or others, as aforesaid, shall be less than fifty dollars. Bond may be taken on the granting of license, for the due observance of the ordinances or regulations of the common council.

Fourteenth. To prevent any riot or noise, disturbance or disorderly assemblage.

Fifteenth. To suppress and restrain disorderly houses and groceries, and houses of ill-fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Sixteenth. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Seventeenth. To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate, and prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered; and all establishments or places where any nauseous, offensive or unwholesome business may be carried on: Provided, that for the purposes of this section, the

Chicago river and its branches, to their respective sources, and the land adjacent thereto, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city.

Eighteenth. To establish and regulate markets and other public buildings, and provide for their erection and determine their location.

Nineteenth. To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Twentieth. To direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

Twenty-first. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Twenty-second. To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in the street.

Twenty-third. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any substance or material whatever.

Twenty-fourth. To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Twenty-fifth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-sixth. To restrain and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto.

Twenty-seventh. To prevent and regulate the running at large of dogs; to tax and to authorize the destruction of the same when at large, contrary to the ordinance.

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

Twenty-ninth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine

laws, and enforce the same within the city and not to exceed fifteen miles beyond the city bounds.

Thirtieth. To control and regulate the streets and alleys, and to remove and abate any obstructions and encroachments therein.

Thirty-first. To compel all persons to keep the snow, ice and dirt from the side-walks, in front of the premises owned or occupied by them.

Thirty-second. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or side-walks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Thirty-third. To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Thirty-fourth. To license, regulate and restrain runners for boats and stages, cars and public houses.

Thirty-fifth. To regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

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

Thirty-seventh. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.

Thirty-eighth. To regulate the place and manner of selling pickled and other fish.

Thirty-ninth. To regulate the weighing and place and manner of selling hay; and the cutting and sale of ice, and to restrain the sale of such ice as is impure.

Fortieth. To regulate the measuring of wood, and the weighing and selling of coal, and the place and manner of selling the same.

Forty-first. To regulate the inspection of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads, and other packages.

Forty-second. To regulate the inspection of whiskey and other liquors, to be sold in barrels, hogsheads and other vessels.

Forty-third. To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.

Forty-fourth. To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf, and the quality of the same.

Forty-fifth. To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Forty-sixth. To establish and regulate public pounds.

Forty-seventh. To erect lamps, and regulate the lighting thereof.

Forty-eighth. To regulate and license ferries.

Forty-ninth. To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct, at their own expense, such bridges, tunnels or other conveniences, at public railroad crossings, as the common council may deem necessary; also to regulate the running of horse-railway cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail to be used.

Fiftieth. To erect and establish, either within or without the corporate limits of the city, a bridewell or house of correction, and purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction, shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto, by any criminal court or magistrate in and for the city, and all persons sentenced to said bridewell or house of correction, by any criminal court or magistrate in and for the city, for any assault and battery, petit larceny or other misdemeanor punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

Fifty-first. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.

Fifty-second. Exclusively to erect and construct, or to permit or cause or procure to be erected and constructed, float, pivot or draw bridges, over the navigable waters within the jurisdiction of said city, and keep the same in repair; said bridges to have draws of suitable width.

Fifty-third. To preserve the harbor; to prevent any use of the same, or any act in relation thereto, inconsistent with, or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein any earth, ashes or other substance, filth, logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, of passing the bridges, and of coming to, and departing from, the wharves and streets of the city, by steamboats, canal boats, and other crafts and vessels,

and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving, or abiding in the harbor, and to regulate and prescribe by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steamboat, or other craft or vessel, or float, and such changes of station in, and use of, the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts and floats; and to impose penalties not exceeding one hundred dollars for any offense against any such ordinance; and by such ordinance charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat, or other vessel, craft or float. The harbor of the city shall include the piers and so much of Lake Michigan as lies within the distance of one mile into the lake, and the Chicago river and its branches to their respective sources.

Fifty-fourth. To control, regulate, repair, amend and clear the streets and alleys, bridges, side and cross walks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

Fifty-fifth. To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

Fifty-sixth. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies, direct and regulate their construction and cause the expenses to be collected in the manner hereinafter provided.

Fifty-seventh. To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Fifty-eighth. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient.

Fifty-ninth. To do all acts and make all regulations which may be necessary or expedient, for the preservation of health, and the suppression of disease.

Sixtieth. To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass, or any other unwholesome substance, and to require the removal or destruction by any person who shall have, place, or cause to be placed, upon or near his premises, any such substance, or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction thereof by some officer of the city.

Sixty-first. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

Sixty-second. To lease or purchase, improve and maintain suitable grounds, either within or without the corporate limits of said city, for a house of refuge and correction, to erect buildings there-

on, and adopt such rules and regulations for the government thereof, and the punishment of juvenile offenders therein, as may, from time to time, be deemed expedient.

Sixty-third. To authorize the arrest, fine and imprisonment in the city bridewell or house of correction, as vagrants, of all persons, who not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune-telling, places for cock-fighting, or other places of device; and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Sixty-fourth. To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or any officer of said city, by this act; and enforce observance of all rules, ordinances, by-laws and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same. The common council may also enforce such rules, ordinances, by-laws and police and other regulations, as aforesaid, by punishment of fine or imprisonment in the county jail, bridewell, or house of correction, or both, in the discretion of the magistrate or court before which conviction may be had: Provided, such fine shall not exceed five hundred dollars, nor the imprisonment six months.

**3258. Cemeteries—regulation of.] § 9.** The common council is hereby authorized to purchase, for said city, such tracts of land without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary, which shall be exempt from taxation under any law of this state; and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out, and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plat

thereof shall be made out by the board of public works, and a copy thereof filed in the comptroller's office, who shall have charge of the sale and disposition of all lots therein, under the ordinances and regulations of the common council. The proceeds of such sales shall be paid into the city treasury, and be credited and charged on the books of the treasury department to a "cemetery fund" to be kept distinct from all other funds of said city. The said common council is also fully empowered and authorized to provide for the punishment, by ordinance, of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances, established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city, and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits, by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation. [Act February 13, 1863.]

**3259. Liquor licenses — power to revoke.]** § 34. Licenses to sell liquor shall not be granted to any person but the party in actual possession of the premises in which liquor shall be sold; and no license shall be granted to females, except upon the recommendation of a majority of the members of the committee on licenses of said city; and the mayor of said city may, in his discretion, revoke all licenses held in violation of this section, and all licenses held or granted to any person who may be convicted of gambling, immorality, or keeping a disorderly house. And no license shall hereafter be issued or granted to any person convicted as aforesaid, except upon the recommendation of not less than six reputable householders, living in the neighborhood of the applicant, and the board of police. [Act February 15, 1865.]

**3260. Vacation of streets and alleys.]** § 10. The vacating or closing of any street or alley, or portion of the same, in said city, shall be ordered only by the vote of at least three-fourths of all the aldermen authorized by law to be elected; such vote shall be taken by ayes and noes, and entered on the record of the common council.

**3261. Lot lines to extend to center line of streets.]** § 1. That when any street, square, lane, alley, highway, or part thereof, shall have been, or may hereafter be, vacated under or by virtue of any act or acts of this state, the lot or tract immediately adjoining shall extend to the central line of any such street, square, lane, alley, highway, or part thereof, so vacated, unless otherwise specially provided in the act vacating the same: Provided, that the common council of any city in this state shall not have power to vacate, or order closed, any street or alley, or portion of the same, unless such vacation shall be ordered upon the vote of at least three-fourths of all the aldermen of said city, authorized by law to be elected: such vote to be taken by ayes and noes, and entered on the records of the common council. [Act February 16, 1865.]

**3262. Further general powers.] § 1.** The common council of the city of Chicago shall have power, by ordinance:

First. To prevent the interment of the dead within the present or future limits of the city.

Second. To provide for the vacation of the several cemeteries in said city by the purchase and extinguishment of the titles of lot owners, or otherwise.

Third. To purchase grounds and erect thereon a city hall, and provide for the payment thereof by the issuing and negotiating of the bonds of said city, or by the levy and collection of taxes, or partly by both: Provided, however, that no such levy shall in any one year exceed two mills on the dollar on the assessed value of the real and personal estate in the city, made taxable by the laws of this state.

Fourth. To provide for the inspection and regulation of stationary steam engines and boilers.

Fifth. To appropriate not exceeding ten thousand dollars (\$10,000) in any one year from the city treasury for celebrating the Fourth of July, for funeral occasions, and to defray the expenses of entertaining official visitors of sister cities: Provided, however, such order or appropriation shall be passed only by the votes of at least three-fourths of all the aldermen elected, such vote to be entered by ayes and noes on the records of the common council.

Sixth. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges over the Chicago river and its branches.

Seventh. To control and regulate the construction of buildings, chimneys and stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Eighth. To cause the seizure and destruction, or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Ninth. To authorize the use of the streets and alleys in said city by railroad companies, or city railway companies, for the purpose of laying tracks and running cars thereon: Provided, however, permission or authority shall not be given, nor shall any such grant or permission already given be extended, unless by vote at least [of] three-fourths of all the aldermen elected, such votes to be entered by ayes and noes on the records of the council: And provided, further, that no grant, consent, contract or permission heretofore given or made, or hereafter to be made or given, shall in any case be extended until within one year of the expiration of such grant, consent, contract or permission: And provided, further, that in case of a veto by the mayor, any such grant or permission shall receive the votes of three-fourths of all the aldermen elected, to take effect as an act or law of the corporation.

Tenth. To direct, regulate and prohibit the location and man-



agement of houses for the storing of gunpowder, or other combustible material, within the city and within one mile of the limits thereof.

Eleventh. To declare that it shall be unlawful for any hall, theatre, opera house, church, school house, or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm.

Twelfth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Thirteenth. To provide for the borrowing, from time to time, a sum of money not exceeding five hundred thousand dollars in the aggregate, to pay existing debts incurred by said city for sewerage works, and to increase the sewerage works of said city: Provided, however, the said loan or loans shall be made in strict conformity with the provisions of chapter sixteen of the act of 1863, to which this is an amendment.

Fourteenth. To direct and require the board of public works to let the cleaning of the streets, alleys, lanes and highways, or ordinary repairs on the same, or any part thereof, to the lowest reliable and responsible bidder or bidders. The said letting and contracts to be in all respects governed by the provisions of the law in regard to the letting of contracts for improving the streets: Provided, however, it shall require two-thirds of all the aldermen elected to pass any such ordinance, such vote to be taken by ayes and noes, and entered on the records of the council.

Fifteenth. To direct and authorize the board of health to let the scavenger work, night or day, or both, to the lowest reliable and responsible bidder or bidders, or in case a proper contract cannot be made, to authorize said board to do said work. Such letting to be governed in all respects, as nearly as may be, by the provisions of the charter in reference to the letting of street improvements.

Sixteenth. To regulate or prohibit the carrying or wearing by any person under his clothes, or concealed about his person, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapons, and to provide for the confiscation or sale of such weapons.

Seventeenth. To sell or otherwise dispose of any grounds heretofore purchased for a bridewell or house of correction.

Eighteenth. To purchase grounds, either within or without the corporate limits of said city, and erect the necessary buildings thereon for a city bridewell or house of correction.

Nineteenth. To provide for the payment of the same by the levy and collection of taxes, or the issue and negotiation of bonds, or partly by both.

Twentieth. To adopt all necessary rules and regulations for the government of said institution, and the proper discipline of the in-

mates thereof, and also to purchase all materials, tools and machinery necessary to secure the most beneficial results from the labor of said inmates.

Twenty-first. To require the superintendent, warden or keeper to keep such book or books of account as shall fully, and in detail, show all the receipts and expenditures of said institution, and to require a report of the condition thereof, from time to time.

Twenty-second. The common council shall have power to require the board of police commissioners to detail a sufficient number of men from the police force of the city to take charge of the public pounds of said city, and to properly enforce the pound ordinances thereof, and to provide for the election of one or more pound-keepers, and to provide for the payment of such pound-keepers, either by salary or fees, or partly by both, and to make all necessary rules and regulations for the enforcement of any pound ordinance of said city.

Twenty-third. To allow dummies or steam engines to be used on the street railways of said city, upon such terms and conditions as said common council may by contract with said railway companies determine.

Twenty-fourth. That the common council shall have power and authority to regulate and control the slaughtering of all animals in the city, or within four miles thereof, intended for consumption or exposed for sale in the city, and to enforce, by additional ordinances, any regulation, contract or law heretofore made on the subject.

Twenty-fifth. To adjust and settle with property owners any differences arising by reason of any changes made in the dock lines, by the council, on the Chicago river or its branches, if in its discretion the same may be deemed just and proper.

Twenty-sixth. To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or of any officer of said city, by this act, and enforce observance of all rules, ordinances, by-laws, police, sanitary and other regulations made in pursuance of this act, or the act to which this is an amendment, the amendments thereto, or any other act concerning said city, by punishment, fine or imprisonment in the bridewell or house of correction, or both, in the discretion of the magistrate or court before which conviction may be had: Provided, however, such fine shall not exceed five hundred dollars, nor the imprisonment two years.

Twenty-seventh. To prohibit the piling of lumber within the fire limits, by a vote of two-thirds of all the aldermen elected. [Act March 9, 1867.]

**3263. Additional power as to use of horse railways.] § 1.** That the twenty-third article of section one of chapter five of an act entitled "An act supplementary to an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into

one act, and to revise the same," approved February 13th, 1863, and the several amendments thereto, approved March 9th, 1867, be, and hereby is, amended so as to read as follows: "To allow dummies or steam engines to be used on the street railways of said city, upon such terms and conditions as said common council may by contract with said railway companies determine." [Act March 10, 1869.]

## CHAPTER V.

### TREASURY DEPARTMENT.

**3264. Issue of new in place of maturing bonds.] § 38.** Whenever any of the bonds of the city, which may have been heretofore, or may hereafter be, lawfully issued shall become due, the common council may authorize the mayor and comptroller to issue new bonds to an amount sufficient to retire and satisfy the same, running either ten or twenty years, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and payable, principal and interest, in the city of New York. [Act February 13, 1863.]

## CHAPTER VI.

### BOARD OF PUBLIC WORKS.

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**3265. Attachment vs. non-resident property owners for damages—proceedings.]** § 2. Whenever, in any case, injury shall be sustained by any individual, in consequence of any defect in or obstruction upon any sidewalk along the premises of a non-resident owner, whose duty it is hereby declared to be to keep the same, at all times, in a good and thorough state of repair, and a suit for damages be commenced against the city, the city of Chicago may attach such premises, and hold the same to abide the judgment in the case, and in case of a judgement being had therefor against the city, the city may proceed, under such attachment, against said premises in the same manner as provided by law for creditors against non-resident debtors, and the judgment against the city shall be prima facie evidence in such suit or proceeding: Provided, however, that such non-resident owner may, by filing a bond as in other cases of attachment, obtain a release of such premises from such attachment, and in case of such owner desiring a release of such premises, before the determination of such suit against the city, he may do so upon giving and executing his bond, with security to be approved by the mayor, for the amount of damage claimed, conditioned to hold harmless the city against whatever judgment may be rendered in the case.

**3266. Barriers and lights to prevent accidents—clause in contracts.]** § 3. Whenever any board or officer of the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway, or public grounds of said city, there shall be inserted in said contracts substantial covenants requiring such contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or public grounds, for which the city might be liable, and also such other covenants and conditions as experience has or may prove necessary to save the city harmless from damages. And also to provide, in such contracts, that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway, or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agents, employes, or workmen.

**3267. Bond of indemnity from contractors.]** § 4. Whenever any work or improvement is let by contract to any person or

persons, firm or corporation, the board or officers of the city letting the same shall, in all cases, take a bond from such person, persons, or firm or corporation, with good and sufficient sureties, in such amount as shall not only be adequate to insure the performance of the work in the time and manner required in such contract, but also to save and indemnify, and keep harmless the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of said person, firm or corporation, or his or its agents, employes or workmen, in any respect whatever; and in every such case where judgment is recovered against the city by reason of the carelessness or negligence of such person, firm or corporation so contracting, or his, their or its agents, employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, firm or corporation, and his, or their, or its sureties on such bond, not only as to the amount of damages, but as to their liability. [Act March 9, 1867.]

3268. No officer to receive interest on city funds.] § 27. No member or officer of said board, or other officer of said city, and no member of the common council, shall either directly or indirectly receive any interest or profit whatever on account of the deposit of any of the funds belonging to the city; nor shall any member or officer of said board, or officer of said city, or any member of the common council, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage. [Act February 13, 1863.]

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## CHAPTER VII.

### PUBLIC IMPROVEMENTS.

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**3269. Owners and occupants responsible for safe condition of sidewalk.]** § 29. Nothing in the preceding sections contained shall be so construed as to relieve the owners or occupants of real estate from the duty of keeping the sidewalk in front of or adjacent to their respective premises, at all times, in a safe condition, and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon all such owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner or occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against property by attachment, as in other cases of attachment under the laws of the state.

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**3270. Injury to public property.]** § 41. Any person or persons who shall injure or destroy any bridge, the construction of which may have been heretofore or may be hereafter authorized or permitted to be built by the common council, or any public buildings or other property belonging to said city, or shall cause or procure the same to be injured or destroyed, or who shall wantonly spoil or damage any street, alley, sidewalk, public square or ground, shall be subject to a penalty not exceeding five hundred dollars for each offense, to be recovered by the city in an action of debt, and may be imprisoned for a term not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person or persons shall also be liable in a civil action at the suit of the city for the damages occasioned by such injury or destruction. [Act February 13, 1863.]

## CHAPTER XII.

### THE POLICE DEPARTMENT.

**3271. Powers of policemen to enter buildings—take charge of stolen property—serve process.] § 12.** The members of the police force of the said city of Chicago, shall possess, in every part of the county of Cook, all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, by any magistrate of the state of Illinois, may be executed in any part of the county of Cook, by any member of the police force of the said city of Chicago without any backing or indorsement of the said warrant, and according to the terms thereof. The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony has been or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said city of Chicago or county of Cook, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take, then and there, into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force may also serve or execute any process, civil or criminal, issued by the police court of said city, or either of the justices thereof.

\* \* \* \* \*

**3272. Penalty, assaulting elector or police officer.] § 28.** It shall be a misdemeanor, punishable by imprisonment in the county jail, not less than one year nor exceeding two years, for any person, without justifiable or excusable cause, to use personal violence upon any elector in said city of Chicago while attending the polls upon any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any such member to neglect making any arrest for an offense against the law of the state, committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member with a fraudulent design. [Act February 13, 1863.]

**3273. Assuming police power —penalty.] § 5.** It shall be a misdemeanor, punishable by a fine of not less than fifty nor exceeding one hundred dollars, for any person not holding an appointment from the board of police, either as regular or special policeman, to assume to act as a policeman in any capacity within the city of Chicago. [Act March 15, 1869.]



**3274. Penalty, unlawfully wearing star.]** § 6. It shall be unlawful for any person other than a police officer or patrolman to wear a star, or other similar device, like that of a policeman, under penalty of not less than twenty-five dollars nor exceeding one hundred dollars. [Act March 9, 1867.]

## CHAPTER XIII.

### THE POLICE COURT.

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**3275. Court in each division — deputy clerks.] § 3.** The common council shall have power to provide for the holding of a police court in each division of said city; to designate a justice of the peace to hold each of said courts; to fix places for holding them, and to provide for the appointment of a sufficient number of deputy police court clerks for the same. \* \* \* \* \*

[Act February 16, 1865.]

**3276. Suits in the corporate name—lawful to declare in debt.] § 5.** All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act, or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. [Act February 13, 1863.]

**3277. Remission of fines—mayor may release from house of correction.] § 7.** Neither the mayor or common council shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said city, unless two-thirds of all the aldermen authorized to be elected shall vote for such release or remission. \* \* \* \* \*

**3278. Salary of police justices—fees to be relinquished and paid into treasury.] § 8.** The said justices shall be compensated by salary, to be fixed by the common council, for doing the business of said police court, in lieu of all other compensation or fees whatever accruing from the business to be disposed of; and the said justices, so designated, shall not enter upon their duties, nor be appointed to hold such court, as justices of the peace aforesaid, unless they first sign and execute an express relinquishment in writing in favor of the city, of all other fees, emoluments or compensation whatever, than what may be provided by a salary, to be fixed as aforesaid, by the common council; and such express relinquishment shall be filed in the comptroller's office; and all justices' fees and costs, collected in all actions brought for said city, under the city charter, shall be paid into the city treasury as other revenue of the city. \* \* \* \* \*

**3279. Clerk to prosecute—when.] § 13.** It shall be the duty of the police court clerk to see that all cases are properly prosecuted before said police court, in the absence of the city attorney, and no

police officer shall conduct any prosecution. He shall take care that said fines, penalties, forfeitures, fees, judgments and executions are collected in all cases as speedily as may be, and the police justices shall, so far as possible, aid said clerk in the collection thereof.

**3280. Clerk to report daily—pay over moneys daily.] § 14.** The said police court clerk shall, at the close of every day, make a written report to the comptroller, containing the name and number of each case disposed of during the day, in which the city is a party, and its final disposition; the names of all witnesses in each case, to whom certificates for witness fees have been issued, with the amount of each fee; and also the amount of all such fines, fees, penalties and forfeitures as he may have collected during said day. He shall also specify in his said report the number of cases pending; the number of cases in which any fine, forfeiture or penalty has been inflicted, and the amount thereof; and also the amount of moneys outstanding, to be collected in such cases, and the state of each case respectively; and, upon making each and every such statement, he shall verify the same by oath, taken before some competent officer, that such statement is a full, fair and complete statement of the moneys received and collected by him during said day, and of all matters required by law to be embraced in said report. He shall also pay over to the city treasurer, at the close of every day, all moneys received and collected by him as such clerk, and shall file his receipt therefor with the said comptroller.

**3281. Failure to report and pay over—penalty.] § 15.** In case of the failure of such clerk to make such report and pay over said moneys daily, as herein required, a notice shall be served on him by the comptroller, that, within three days, he is required to make such returns, and pay over all moneys received, and in case of the failure of said clerk to pay over said moneys and make such report to the satisfaction of said comptroller, he shall be suspended and removed from office, by the mayor, with the concurrence of the common council, and thereupon the mayor, by and with the advice and consent of the common council, shall appoint his successor to fill the vacancy during the unexpired term.

**3282. Prosecuting attorney—duties of.] § 16.** The common council, if it think proper may, by ordinance, provide for the appointment of a prosecuting attorney for said police court, to manage all city cases before it, and, in such case, may provide for his compensation by a salary. In case of the appointment of such prosecuting attorney of the police court, he shall prosecute all cases before it, and also superintend the collection of fees, fines, forfeitures, judgments and executions, and keep a docket thereof, and file a monthly report of the number of all cases commenced, and all cases disposed of, with the names of parties sued, and the amount of fines, fees and forfeitures collected, with the number of cases where moneys are uncollected, and the amount thereof, and file such reports in the city comptroller's office.

**3283. Council may prescribe other duties of clerk and prosecuting attorney.] § 17.** The clerk of the police court and police prosecuting attorney (if any), shall perform such other duties as may be prescribed by ordinance of the common council.

**3284. Sessions of court held in one place—when may be changed.] § 18.** The sessions of the police court shall be held in but one place, where all examinations upon criminal charges before the justices thereof shall be had; and where, also, all other business of every kind coming before the justices of said police court shall be transacted; and the place of holding said court shall not be changed without a vote of the common council.

## CHAPTER XV.

### CHICAGO WATER WORKS.

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**3285. Aqueducts, etc.—power to construct.]** § 10. The city of Chicago shall have the power to construct such aqueducts along the shore of Lake Michigan, or in the highways, or elsewhere in said Cook county, and to construct such pumping works, break-waters, subsiding-basins, filter beds and reservoirs, and to lay such water mains, and to make all other constructions in said county, as shall be necessary in obtaining from Lake Michigan a sufficient and abundant supply of pure water for said city.

**3286. Power to extend pipes into lake—erect piers, etc.]** § 11. Said city shall have the power to extend aqueducts or inlet pipes into Lake Michigan, so far as may deemed necessary to insure a supply of pure water, and to erect a pier or piers in the navigable waters of said lake, for the making, preserving, and working of said pipes or aqueducts: Provided, that such piers shall be furnished with a beacon light, which shall be lighted at all such seasons and hours as the light on the pier at the entrance of Chicago river.

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**3287. Bonds — record to be kept by comptroller.]** § 17. It shall be the duty of the comptroller of the city of Chicago to keep such a record of all bonds, now or hereafter to be issued for the water supply of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

\* \* \* \* \*

**3288. Property—penalty for injuring—polluting water—penalty.]** § 33. If any person shall willfully do, or cause to be done, any act whereby any work, material or property whatever, constructed, provided or used within the city of Chicago, or elsewhere, by the said board, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court. [Act February 13, 1863.]

## CHAPTER XVI.

### CHICAGO SEWERAGE WORKS.

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**3289. Record of, to be kept by comptroller.] § 20.** It shall be the duty of the comptroller of the city of Chicago to keep such a record of all bonds, now or hereafter to be issued for the sewerage of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

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**3290. Sewers—injury to—penalty—regulations concerning.] § 29.** If any person shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed, provided or used in said city for the purposes specified in this act, he shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

## CHAPTER XVII.

### BOARD OF HEALTH.

**3291. Dead animals to be removed.]** § 1. It shall be the duty of all person or persons, corporation or corporations, having the ownership or control of dead, undressed, unslaughtered hogs, cattle, or other animals or animal matter, within the city of Chicago, or within four miles of the limits of said city, to remove the same within twenty-four hours of their arrival within the above described locality, to some point not only out of the city of Chicago, but beyond the distance of four miles from the limits of said city; and in case the person or persons having ownership, control or possession of such dead animals shall fail so to remove them within the time specified, it shall be the duty of the health officer of Chicago to take immediate possession of and remove the same.

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**3292. Machinery, condensers, etc.]** § 3. No person or persons, corporation or corporations, shall render or manufacture any lard, tallow or soap-grease within the limits of the city of Chicago, without adopting such measures, in the way of condensers and other machinery, "to the end" of preventing unwholesome and disagreeable odors, as the health officer of the City of Chicago may direct.

**3293. Drains and privies.]** § 4. The owner, agent or occupant having the charge of any tenement used as a dwelling, or for lodging purposes, within the city of Chicago, shall furnish the same with a sufficient drain, under ground, to carry off waste water, and also with a suitable privy, sufficient for the accommodation of all who may use it; nor shall the contents of any vault be allowed to accumulate within twelve inches of the even surface of the ground, or otherwise, being offensive.

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**3294. Penalty, violation of section 1.]** § 6. Any person or corporation violating the provisions of the first section of this act, shall be liable to a fine of one hundred dollars for each offense.

**3295. Penalty for violation of section 4, after notice.]** § 7. Any person or persons neglecting to comply with the provisions of section four of this act, shall be liable to a fine of twenty-five dollars for failing to comply with the same within a reasonable time (not to exceed thirty days), after notice from the health officer of the city of Chicago, and a fine of five dollars for every day's neglect and failure thereafter to comply with the provisions of said section four.

**3296. Penalty for violation of section 3, after notice.]** § 8. Any person or persons, corporation or corporations, neglecting or

refusing to comply with the provisions of section three of this act within a reasonable time (not to exceed thirty days), after being notified by the health officer of the city of Chicago to comply with the same, shall be liable to a fine of one hundred dollars, and fifty dollars per day for every day thereafter that he or they shall so refuse or neglect to comply with the provisions of said section third.

**3297. Penalties—how recovered.]** § 9. The penalties provided for in this act shall be recovered in an action of debt, to be brought in the name of the people of the state of Illinois, against the party offending, in any justice court or court of record in the county of Cook; one-half of the penalty or penalties shall go to the informer who may institute and prosecute such action, and the other half of such penalty shall go to the city of Chicago. [Act February 16, 1865.]



## CHAPTER XVIII.

### SCHOOLS AND SCHOOL FUND.

**3298. School fund of T. 39. R. 14—power of council—proceeds how applied.]** § 1. The school lands and school fund of township thirty-nine, north, range fourteen, east of the third principal meridian, shall be, and the same are hereby vested in the city of Chicago. The common council shall, at all times, have power to do all acts and things in relation to said school lands and school fund, which they may think proper to their safe preservation and efficient management, and sell or lease said lands, and all canal or other lots or lands, or other property, which may have been, or may hereafter be donated to the school fund, on such terms, and at such times, as the common council shall deem most advantageous; and, on such sale or sales, lease or leaseings, to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor and comptroller, and countersigned by the clerk, and sealed with the corporate seal: Provided, that the proceeds arising from such sales shall be added to, and constitute a part of, the school fund.

**3299. Principal not to be impaired.]** § 2. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same, to any other purpose than the payment of teachers in the public schools in said township.

**3300. Powers of council as to school lands, tax funds, etc.]** § 3. The common council shall have power:

First. To erect, hire or purchase buildings suitable for school houses and keep the same in repair.

Second. To buy or lease sites for school houses with the necessary grounds.

Third. To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth. To establish, support and maintain schools and supply the inadequacy of the school fund for the payment of the city teachers from school taxes.

Fifth. To lay off and divide the city into school districts, and, from time to time, alter the same or create new ones as circumstances may require.

Sixth. And generally, have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the township, with power to enact such ordinances as may be necessary to carry their powers and duties into effect. [Act February 13, 1863.]

**3301. School agent—how appointed—bond, etc.]** § 9. The school agent of said city shall be appointed, biennially, by the board

of education, by and with the advice and consent of the common council; and shall receive such annual salary as shall, from time to time, be fixed by the board of education, subject to the approval of the common council, and, before he shall enter upon the duties of his office, he shall execute a bond to the city of Chicago, in such sum and with such securities as the common council shall approve. The school agent so appointed may be removed at any time by the common council, upon the recommendation of said board, and he shall make such reports, from time to time, to the said board and the common council, concerning the condition of the school funds, as they, or either of them, may require. The first appointment of school agent under the provisions of this section, shall be made on the second Monday of May next, or as soon thereafter as may be. [Act February 16, 1865.]

**3302. Power of school agent.] § 4.** The school agent shall have the custody and management of the money, securities, and property belonging to the school fund, subject to the direction of the common council.

**3303. Bond — compensation.] § 5.** The school agent before entering upon his duties, shall give bond in such amount, and with such conditions and sureties, as the common council may require. His compensation shall be paid out of the school fund; and he shall be subject, for misconduct in office, to the same penalties and imprisonment, as school commissioners are or may be subject to by law.

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**3304. School agent report to council quarterly.] § 21.** It shall be the duty of the agent of the school fund to report, at the end of each quarter, to the common council, the amount of interest on hand, and to give the board of education such information as they may, from time to time, request in reference thereto. [Act February 13, 1863.]

**3305. Report to board of education monthly.] § 30.** It shall be the duty of the school agent to report to the president of the board of education, on the first day of each month, the condition of the school fund derivable from all sources, specifying the amount of money on hand and the amount received and expended during the month just terminated. This report shall be presented to the board at its next regular meeting, and be entered upon its minutes. [Act February 15, 1865.]

**3306. School fund to be kept loaned—security.] § 6.** The school fund shall be kept loaned at interest, at the rate of twelve per cent. per annum, payable semi-annually, in advance. No loan shall be made, hereafter, for a longer period than ten years, and all loans shall be secured by unincumbered real estate of double the value of the sum loaned, exclusive of the value of perishable improvements thereon: Provided, the common council shall have power to reduce the rate of interest, by a vote of two-thirds of all

the aldermen elected; and they may also, by a like vote, authorize the investment of said funds in the bonds of the city of Chicago.

**3307. Securities to be taken in name of city.] § 7.** All notes and securities shall be taken, to the city of Chicago, for the use of the inhabitants of said township, for school purposes; and in that name, all suits, actions, and every description of legal proceedings, may be had.

**3308. Expenses of loan.] § 8.** All expenses of preparing or recording securities shall be paid, exclusively, by the borrower.

**3309. Preference of School fund.] § 9.** In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

**3310. Default in payment of interest.] § 10.** If default be made in the payment of interest, or of the principal, when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only, when the principal is not due.

**3311. Interest on judgments—redemption.] § 11.** All judgments recovered for interest or principal, or both, shall respectively bear interest at twelve per cent. per annum, from the rendition of judgment, until paid; and in case of the sale of real estate thereon, the city of Chicago may become the purchaser thereof, for the use of the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption, twelve per cent. interest shall be paid from the time of sale.

**3312. No court costs to be charged to school fund.] § 12.** No costs made in the course of any judicial proceeding, in which the city of Chicago for the use of the school fund may be a party, shall be chargeable to the school fund.

**3313. Insecure debts — proceedings, etc.] § 13.** If the security on any loan should, at any time before the same is due, become, in the united judgment of the school agent and common council, insecure, the agent shall notify the person indebted thereof; and, unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon, as in other cases, although no condition to that effect be inserted in the note or other security.

**3314. School tax fund.] § 14.** The school tax fund shall be paid into the city treasury and be kept a separate fund for the building of school houses and keeping the same in repair, and supporting and maintaining schools; and shall be drawn out only in payment of bills approved by the board of education, on the warrant of the comptroller, countersigned by the president of the board of education and the mayor. [Act February 13, 1863.]

**3315. One school to be established in each district — free instruction.] § 5.** There shall be established, in said city, at least one common school in each school district now, or hereafter to be, cre-

ated, and free instruction within their respective districts shall be given, in said schools, to all children, residing within the limits of the city, who are over the age of six years and who may be sent to or attend such school, subject to such rules and regulations as may be established by the common council, or board of education, pursuant to the provisions of this act, and the act to which this is an amendment.

**3316. Children of adjoining towns.]** § 6. The board of education shall have power to admit to the public schools of said city, children residing within those towns of Cook county which immediately adjoin the said city, upon such terms and conditions as said board may prescribe. [Act February 16, 1865.]

**3317. Board may confer collegiate degrees.]** § 7. The board of education shall have power to confer the usual collegiate degrees, whenever they shall deem it best for the educational interests of the city, and to prescribe the necessary and proper rules for the same.

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**3318. Council may establish evening schools, and levy taxes for their support.]** § 9. The common council is empowered to establish evening schools, the same to be under the control of the board of education, and the funds for their support to be raised by special appropriation by the common council. [Act March 9, 1867.]

**3319. No member of board to receive gift, reward, etc.]** § 28. It shall be unlawful for the superintendent, or any member of the board, to receive, either directly or indirectly, any fee, gift or reward from any book-publishing concern, book agent or bookseller, or to act as agent or attorney for any book-publishing concern, book agent or bookseller, or to be pecuniarily interested in the sale or publication of any book used in the public schools; and any violation of these provisions shall subject the offender to immediate removal from office by the common council. [Act February 13, 1863.]

**3320. How city property sold, and school rents rebated.]** § 11. No property belonging to the city of Chicago, or to the school fund of said city, shall be sold or conveyed, except upon a vote of three-fourths of all the aldermen by law authorized to be elected, and no abatement shall be made by the common council of said city to any party who shall in any way hold any property, as lessee or otherwise, belonging to the school fund of said city, unless by a vote of at least four-fifths of all the members of the common council of said city; and no abatement shall be made on the assessed value of any such property, unless by a vote of at least four-fifths of all the members of the common council of said city. [Act March 15, 1869.]

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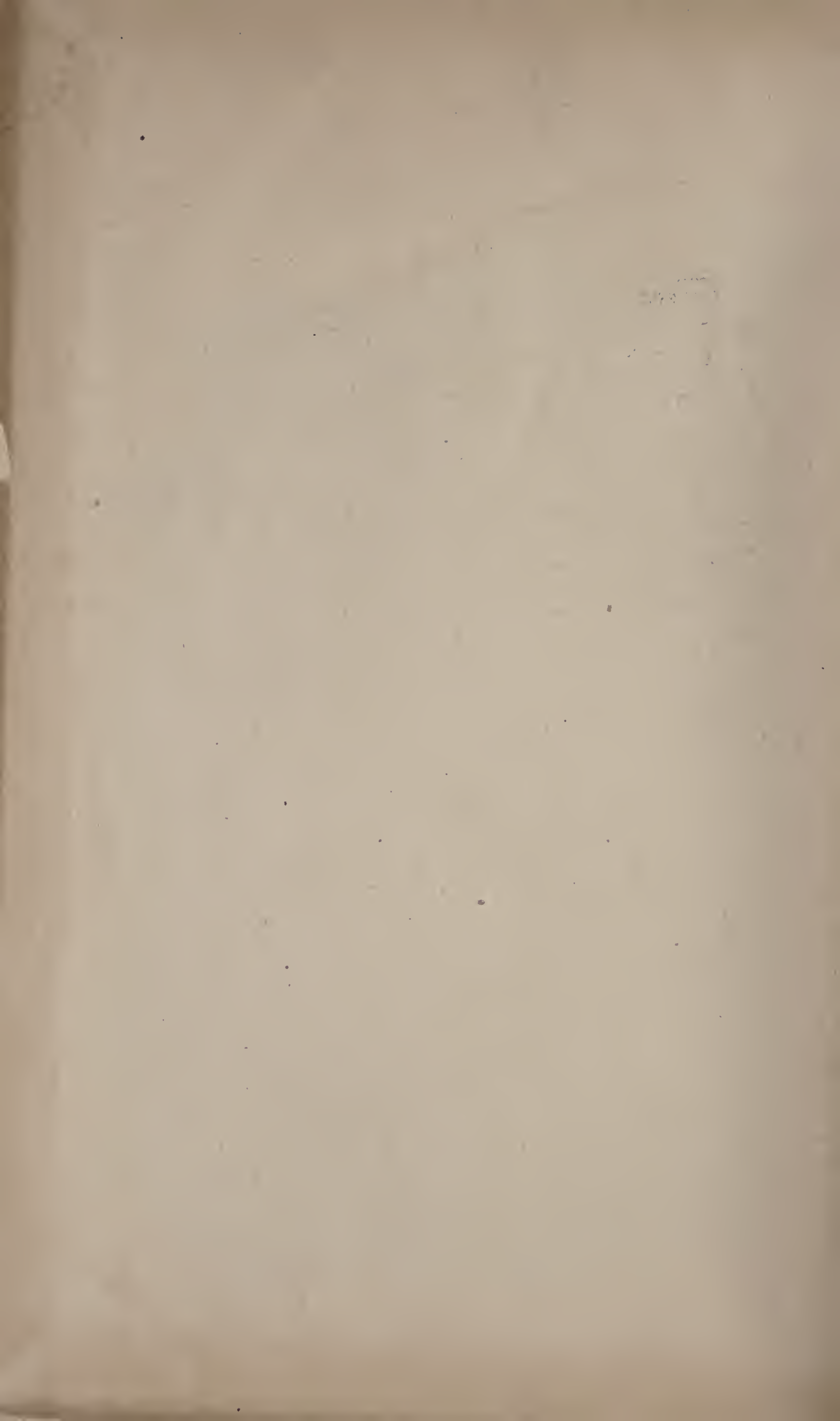
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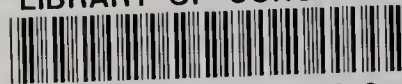








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