

CITY CHARTER

Geneseo - City Charter

CITY CHARTER.

AN ACT to incorporate the City of Geneseo.

ARTICLE I.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Geneseo, in the county of Henry, and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "The City of Geneseo," and by that name shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The corporate limits and jurisdiction of the city of Geneseo shall extend over and include within the same, all that district of country situated in the county of Henry, and state of Illinois, embraced within the present limits of the town of Geneseo, to-wit: All those tracts of land embraced within sections twenty-one (21) in township seventeen (17) north, in range three (3) east of the fourth principal meridian, and so much of section sixteen, in said township, as is included in lots number fourteen, fifteen, sixteen, seventeen and eighteen, and the south halves of lots number eleven, twelve and thirteen, and, also, so much of lot number six in said section sixteen, and so much of the east half of the south-east quarter of section seventeen, in said township, as shall lie south of a direct line, extending from east to west across the center of said lots number eleven, twelve and thirteen, also the east half of the east half of section twenty in said township.

SEC. 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds, or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto, as may be necessary.

SEC. 4. The president of the present board of trustees of the town of Geneseo, Isaac N. Wilson, together with Andrew Crawford and Joseph A. Sawyer, shall on the first Monday of March, A.D. 1865, or within ten days thereafter, divide the city of Geneseo into two wards, as nearly equal in population as they may deem practicable, particularly describing the boundaries of each ward, and cause two written notices of such division and description to be posted up in public places in each ward ten days before the first day of April, 1865, and also cause such division and description to be recorded in the present town book of ordinances and by-laws of the said town of Geneseo.

SEC. 5. Whenever any tract of land adjoining the city of Geneseo shall be laid off into town lots, the same shall be recorded, as now required by law, and shall be annexed to and form a part of said City of Geneseo.

ARTICLE II.

OF THE CITY COUNCIL.

SEC. 1. There shall be a city council, to consist of a mayor and board of aldermen.

SEC. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters thereof for two years.

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

SEC. 4. If any alderman shall, after his election, remove from the ward from which he is elected, his office shall thereby become vacated.

SEC. 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes, the seats of those of the first class shall be vacated at the expiration of one year from their election, and of the second class at the expiration of the second year after their election, so that half of the board shall be elected annually.

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

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

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

SEC. 9. The city council shall keep a full journal of their proceedings in a book or books provided for that purpose, which said book or books shall at all times be open to the public inspection.

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

SEC. 11. All vacancies that shall occur in the board of aldermen, shall be filled by the remaining members of the said board of aldermen, by their appointment from the ward wherein the vacancy occurred and a record of the same made in their journal of proceedings.

SEC. 12. Whenever there shall be a tie in the election of mayor or aldermen, the judges of election shall certify the same to the city council, who shall determine the same by lot.

SEC. 13. The city council shall meet for business on the second Tuesday in each month, and at such other times as may be necessary, upon the call of the mayor, or any two members of the city council.

ARTICLE III.

OF THE MAYORALTY.

SEC. 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year¹, and until his successor shall be elected and qualified.

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

SEC. 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

SEC. 4. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

SEC. 6. The mayor shall preside at all meetings of the council, and shall have a casting vote, and no other, and, in case of his non-attendance upon any meeting of the council, the board of aldermen shall appoint one of their number chairman, pro tem.

SEC. 7. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city; and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and to give notice of their negligence, or violation of duty, to the council, and at the regular meeting, to communicate in writing to the aldermen, such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city; and the city council shall have full power to enact all ordinances necessary to carry out such recommendation.

SEC. 8. The mayor shall receive for his services, such salary as shall be fixed by the said city council, in no case, however, to exceed the sum of three hundred dollars per year² and shall be so fixed and paid during the last month of the year that said mayor shall so hold his office, and in case of his neglect or omission of duty, he shall be removed by the board of aldermen, who may hold a special meeting, appointing one of their number chairman, having notified said mayor of such meeting, and try and remove him for such neglect or omission. And in case of his said removal, no salary shall be granted or paid him by said city council; but it shall, in all cases, require a full vote of the aldermen to remove said mayor.

Editor's note:

¹ *one year changed to two years; by referendum on 4-7-1987*

² *in no case, however, to exceed the sum of three hundred dollars per year [deleted by referendum on 11-8-1988];*

the sum of four thousand eight hundred dollars (\$4,800.00) per municipal year, effective April 1, 1990

[by Ordinance No. 1464, adopted 1-9-90]

ARTICLE IV.

OF ELECTIONS.

SEC. 1. On the first Monday in April next, an election shall be held in each ward of said city, for one mayor for said city, and two aldermen for each ward; and forever there-after, on the first Monday in April of each year, there shall be an election held in each ward of said city, for one mayor of the city, and one alderman of each ward. The present board of trustees of the town of Geneseo shall make the necessary arrangements for said first election, and fix the place in each ward as before determined by them, for said election; and one or more of their present number, together with one of the magistrates or justices of the peace of said present town of Geneseo, shall preside at and hold such election in each of said wards, the said trustee or trustees acting as clerk or clerks of said election, and said magistrate or justice, as judge thereof; and the election returns from each ward shall be returned to said board of trustees, or a majority of them, who shall determine the same, and make record thereof in the present book of records of said town of Geneseo, and for all elections to be held after said first election, the city council shall, on their regular meeting in February of each year, or as soon thereafter as convenient, appoint one judge and one clerk of election for each ward for the then coming election, and make record of the same in their journal of proceedings, and in case any, or either of said judges or clerks of election shall fail to attend, the mayor, on the mornings of said elections, may supply their places by appointment. The pay of said judges and clerks of election to be paid out of the city treasury, the sum fixed and ordered by the city council.

SEC. 2. The judges of any city election, within five days after such election, shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books, and enter the result of the election on their journal; and if the persons elected do not take the oath of office within ten days after said election, required by this act their office shall be declared vacant, and a new election ordered.

SEC. 3. All male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city sixty days next preceding any city or ward election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in all city or ward elections in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward when the same is offered, at least ten days next preceding such election.

ARTICLE V.

OF APPOINTMENTS.

SEC. 1. The city council of the city of Geneseo shall have the power to appoint a city marshal, who shall be *ex officio* collector, a city clerk, a city attorney, a city assessor, a city treasurer, and a city street commissioner, and such other city officers as they may deem expedient, and they may give one or more of said offices to any one person as they may see proper, and regulate their salaries and fix the same, as they may think best, and in accordance with the services performed by said officers; and the city council may remove any of said officers at their pleasure, either for misconduct or for any other cause.

ARTICLE VI.

OF POWERS AND DUTIES OF CITY OFFICERS, ETC.

SEC. 1. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath, that they will support the constitution of the United States, and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities.

SEC. 2. All ordinances and resolutions shall, before they take effect, be placed 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 city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and, if after such reconsideration, a majority of all the members of the city council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. He shall, *ex-officio*, have power to administer any oath required to be taken by this act, or any law of the state, to take depositions, acknowledgments of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

SEC. 3. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence, or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "acting

mayor," and the alderman so appointed shall be vested with all the powers, and perform all the duties of mayor, until the mayor shall assume his office, or the vacancy shall be filled by a new election.

SEC. 4. The clerk shall hold his office for one year. He shall keep the corporate seal, and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose, and he shall have power to administer any oath required to be taken by this act.

SEC. 5. It shall be the duty of the city attorney to perform all professional duties incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees.

SEC. 6. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by treasury warrant signed by the mayor or the presiding officer of the city council, countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

SEC. 7. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines or otherwise; he shall possess the powers and authority of a constable at common law, and under the statutes of this state, and receive like fees; but shall not serve civil process without first entering into bond as such constable, to be approved by the supervisor of the town, as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof. He shall, also, as city collector, collect all taxes and assessments which may be levied by the city council, and moneys belonging to the city, and keep an accurate account of the same, and receive such percentage for so collecting as the said council may direct, and shall, at any time, pay over into the city treasury, all said moneys upon order so to do by said council.

SEC. 8. The street commissioner shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto; it shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, re-laying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice to cause the same to be laid, re-laid or repaired and apportion the cost thereof among the persons or lots, properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate accounts in appropriate books

of all appropriations made for work pertaining to his office, and all disbursements thereof, specifying to whom made, and on what account, and he shall render monthly accounts thereof to the city council.

SEC. 9. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified; they may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Geneseo in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office for the benefit of any person aggrieved by the official act of the officer.

SEC. 10. If any person having been an officer of said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers, and effects of every description in his possession, belonging to said city, or appertaining to his said office, he shall forfeit and pay for the use of the city, a sum not exceeding fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver; and such successor may recover possession of the books and papers and effects belonging to his office, in the same manner as prescribed by the laws of this state.

SEC. 11. All officers elected or appointed under this act, shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding city council and clerk.

ARTICLE VII.

OF THE LEGISLATIVE POWER OF THE CITY COUNCIL.

SEC. 1. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance.

SEC. 2. To borrow money on the credit of the city, and issue the bonds of the city therefore; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed or at any time outstanding, that the aggregate of which shall exceed the sum of twenty-five hundred dollars, and no bonds of the city shall be issued or negotiated at less than par value; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the contingent fund, for the contingent expenses of the city.

SEC. 3. To appropriate money for improvements or appropriate the same to provide for the payment of the debts and expenses of the city.

SEC. 4. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city.

SEC. 5. To establish hospitals and make regulations for the government of the same.

SEC. 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance and to prevent and remove the same.

SEC. 7. To provide the city with water, to erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets.

SEC. 8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.

SEC. 9. To establish, erect and keep in repair bridges.

SEC. 10. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.

SEC. 11. To provide for lighting the streets and erecting lamp posts.

SEC. 12. To establish, support and regulate night watches.

SEC. 13. To erect market houses, to establish markets and market places, and to provide for the government thereof.

SEC. 14. To provide for all needful buildings for the use of the city.

SEC. 15. To provide for inclosing, improving and regulating all public grounds belonging to the city.

SEC. 16. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawn-brokers and money changers.

SEC. 17. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

SEC. 18. To license and regulate porters and the rates of portorage.

SEC. 19. To license, tax and regulate all theatrical and other exhibitions, shows and amusements.

SEC. 20. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses and bawdy houses, and other disorderly houses.

SEC. 21. To provide for the prevention and extinguishment of fires; to organize and establish fire companies.

SEC. 22. To regulate the fixing of chimneys, and to fix the flues thereof.

SEC. 23. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 24. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large.

SEC. 25. To establish standard weights and measures to be used in the city in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payments of fines for non-compliance with any such order.

SEC. 26. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works.

SEC. 27. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel to be used within said city.

SEC. 28. To provide for and regulate the inspection of tobacco and of beef, pork, flour, meal, and whisky in barrels.

SEC. 29. To provide for and regulate the inspection of butter, lard and other provisions.

SEC. 30. To regulate the weight and quality of bread to be sold and used in the city.

SEC. 31. To regulate the size of bricks to be sold and used in the city.

SEC. 32. To provide for taking enumeration of the inhabitants of the city.

SEC. 33. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

SEC. 34. The city council shall have exclusive power, within the city by ordinance, to license, regulate and restrain the keeping of billiards and billiard tables.

SEC. 35. The city council, by ordinance, shall have exclusive power to license, prohibit, or regulate in any manner they see fit, the selling, bartering or trafficking of any wine, rum, gin, brandy, whisky, malt liquor, strong beer, ale, porter, mixed liquor, or any intoxicating liquors whatsoever.

SEC. 36. To regulate the running at large of dogs, and authorize the destruction of the same if at large contrary to ordinance.

SEC. 37. To prevent horse racing, or immoderate riding or driving of horses or other animals, and to prohibit the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles, whenever standing in the streets of said city.

SEC. 38. To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

SEC. 39. To authorize and direct the taking up and providing 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.

SEC. 40. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, and packing houses; to direct the location and regulate the management and construction of, and restrain, abate, and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive, or unwholesome business may be carried on.

SEC. 41. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers, and ditches, and culverts, when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city.

ARTICLE VIII.

OF ASSESSMENTS, TAXATION, ETC.

SEC. 1. All real estate and personal property within the limits of the city of Geneseo, Henry County, Illinois, shall be subject to taxation; and taxes may be levied and collected upon the same, for the use and benefit of said city. The city council shall have power to levy and collect taxes, annually, for the general purposes of the city, upon all taxable real and personal property, within the city limits, in any sum they may deem expedient, but never to exceed one per cent, upon the assessed value thereof, without first having been submitted to a vote of the taxable citizens of the city, and approved by three-fifths of the voters therein, and in such case, never to exceed two per cent in any one year.

SEC. 2. The assessor shall assess all the real estate and personal property in said city, so far as practicable; he shall ascertain the names of all owners of taxable property, and the amount of all taxable real estate and personal property, and for this purpose he shall call upon each taxable inhabitant of said city.

SEC. 3. The assessor shall prepare an assessment roll, with a caption in substance as follows: "An assessment roll of all the real estate and personal property within the limits of the city of Geneseo, Henry County, Illinois, made by the assessor of said city, for the year 18__;" and shall set down, in separate columns, according to the best information in his possession:

First. The names of all owners, if known, of all taxable real estate within the limits of said city. If the owner is unknown, it shall be so stated.

Second. The description of all real estate opposite the name of the owner, or word "unknown," when the name of the owner cannot be ascertained.

Third. The value of the real estate opposite the description.

Fourth. The amount of tax assessed opposite to the value. The said assessment roll shall, also, contain, in parallel columns:

First. The names of the owners of personal property subject to taxation, in alphabetical order.

Second. The assessed value of the personal property taxed to each individual.

Third. The amount of tax on each individual's personal property.

SEC. 4. After the provisions of sections two and three of this article shall have been complied with, the same proceeding shall be had and observed in relation to such assessment and the collecting thereof, as are prescribed and set forth in the fourth, fifth, sixth, seventh, eighth and ninth sections of article nine, (9,) of "An act to charter the city of Ottawa," approved February 10th, 1853; which sections, of said article, are hereby incorporated February 10th, 1853; which sections, of said article, are hereby incorporated into and made a part of this charter, as fully as if herein set forth at length.

SECTIONS OF OTTAWA CHARTER ABOVE REFERRED TO.

[SEC. 4. After the said assessment roll shall have been thus completed, the said assessor shall attach thereto a certificate, signed by him, in substance, as follows: "I do hereby certify that the above assessment roll contains, according to my best information, a true and correct list of the names of all the owners of taxable property, real and personal, within the limits of said city, a description of each parcel of real estate, set opposite the names of the owners, or set opposite the word 'unknown.' In cases where, after diligent search and inquiry, I have been unable to ascertain the name of the owner, the value of said parcels of real estate, set opposite each one, the amount of tax on each of said parcels of real estate set opposite the same, the aggregate value of personal estate of each owner set opposite his name, and the amount of tax on said real estate set opposite his name." Said assessment roll so certified shall, on or before the second Monday in July then next, be returned to the clerk of the city council.

SEC. 5. Previous to the third Monday in July the assessment may be inspected by any person interested in the same. On the third Monday in July of each year there shall be a meeting of the city council for the purpose of reviewing the assessment. On the application of any person conceiving himself aggrieved by the assessment, the city council, upon being satisfied that the same is erroneous, may review, alter and correct such assessment.

SEC. 6. Immediately after the return of the assessment roll, it shall be the duty of the city clerk to cause to be inserted in a newspaper published in said city, or posted up in three public places in said city, a notice that the assessment roll has been returned, and may be inspected by any person interested therein, and of the time when the city council will meet to hear applications for reviewing said assessment.

SEC. 7. Immediately after the said assessment roll shall have been corrected by the city council, the clerk shall make out a true copy thereof as corrected, to which, after being satisfied that the same is a correct copy as above, the city council shall annex a warrant, signed by the mayor of said city, requiring the collector to collect from the several persons the several amounts of taxes set opposite their respective names, and pay the same to the

treasurer of the city, and if any resident of said city shall neglect or refuse to pay his tax within ten days after demand made of said resident, or at his last and usual place of residence, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving six days' notice of the time and place of sale, by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax. In cases where the owner is not a resident of the city the collector shall proceed to levy and sell without previous demand. The said warrant shall be returnable on the first Monday in October, after the date thereof, at which time the collector shall return said warrant and tax list to the clerk of the city council and pay over all money by him collected to the treasurer, and take his receipt for the same.

SEC. 8. In the return to said warrant the collector shall give a list of the names of the persons whose tax and personal property he has been unable to collect on account of not finding goods and chattels whereon to levy, the value of the property assessed, and the amount of the tax thereon, and state in said return that he has been so unable to collect the tax, and the city council may give him credit for the amount of taxes he has thus been unable to collect.

SEC. 9. The collector shall also make a list of the real estate upon which the taxes have not been paid or collected, and state to whom each parcel of said real estate was assessed, or that the same was assessed to a person "unknown," and describe said real estate, and give the amount of tax on each parcel. The collector shall return said list at the time last aforesaid, with a certificate signed by him that said taxes remain unpaid, and that he could [find] no goods or chattels whereon to levy and collect the same, and the city council may credit him with the amount.)

SEC. 5. Within twenty days after the return of said list, provided for in said section, the clerk shall cause the same to be published in a newspaper printed in said city, together with a notice in substance as follows: "It appearing from the return of the collector, that the taxes on the above described parcels of real estate remain unpaid, notice is hereby given that the said real estate will be exposed, in separate parcels, at public auction, on the _____ day of _____, 18 ____, at ten o'clock in the forenoon, at the _____, in Geneseo, and sold for the purpose of making said taxes, and fifty cents for cost of selling each lot or parcel, in case of sale." Said day of sale shall be at least thirty days after the publication of said notice.

SEC. 6. The provisions of sections eleven, twelve, thirteen, fourteen, fifteen and sixteen, of said article nine, (9,) of said act, entitled "An act to charter the city of Ottawa," approved February 10, 1853, and all the proceedings therein set forth shall be pursued and observed in the sale of lands for taxes in said city of Geneseo; and the said sections, excepting that in section fourteen the word "Ottawa" shall be changed to the word "Geneseo", of said article nine, (9,) are hereby incorporated into and made a part of this charter, as fully as if herein set forth at length.

SECTIONS OF OTTAWA CHARTER ABOVE REFERRED TO.

[SEC. 11. The collector shall attend said sale and act as auctioneer, and sell all the lots or parcels of real estate so advertised, upon which the taxes and cost remain unpaid at the time of selling; the clerk shall also attend said sale, and enter in a book provided for that purpose, a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to said purchaser a certificate giving description of the real estate by him purchased, the amount of the taxes and cost due separately, and the amount of his bid, stating that said purchaser will be entitled to a deed for the real estate described in such certificate, at the expiration of one year, unless the same shall be redeemed. The clerk shall receive the taxes and cost due at any time before sale, and pay the same over to the treasurer, taking his receipt for the same.

SEC. 12. In case no person shall bid the amount of taxes and cost charged upon any of said real estate at such sale, the same may be advertised and sold at any time within six months thereafter. The manner of proceeding in such second sale shall be the same as hereinafter mentioned, as near as may be.

SEC. 13. All lands sold for taxes and assessments assessed under this charter shall be sold off of the east side, as in cases of sales for county and state taxes, and may be redeemed within one year from the sale, in

the same manner upon the same terms, as lands are now redeemed in cases of sale for state and county taxes, by payment of the necessary amount to the said city clerk, and the said clerk shall keep and preserve said books of sale in his office, and enter said redemption therein. Said book shall be prima facie evidence of the matters contained therein.

SEC. 14. In case said lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which deed shall be in substance, as follows:

"Whereas, on the ____ day of _____, A.D., _____, at a public sale made by the collector of the city of Ottawa, for taxes duly assessed by said city for the year ____ A. B. became the purchaser of the following described real estate, viz: _____ for the sum of _____, that being the amount of the assessment and cost on the _____. Now, therefore, know all men by these presents, that I C. D., mayor of said city, in consideration of the premises, hereby grant, bargain, sell and convey unto the said A. B., his heirs and assigns, the real estate above described as so purchased by him, subject to the right of infants, femmis covert, and others, to redeem, to have and hold the same to the said A. B., his heirs and assigns, forever. Witness my hand and seal of said city, this ____ day of _____, in the year of our Lord, &c."

SEC. 15. Deeds on all sales for taxes and assessments assessed upon real estate under this charter shall be acknowledged as other conveyances, and when executed and acknowledged as aforesaid, they shall be deemed and taken to be prima facie evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proved in order to establish the title in the purchaser.

SEC. 16. The clerk and collector shall each be entitled to twenty cents for each parcel of land sold, in full satisfaction for their services in making such sale, and the balance of said cost shall be paid into the city treasury. All other expenses attending such sale shall be allowed and paid by city council.]

SEC. 7. Power is hereby also given the city council of said city to provide, by ordinance, that all taxes levied, assessed and collected, under and by virtue of the provisions of this act, shall be assessed and collected by the same assessor and collector whose duty it shall be, by general law, to assess and collect the state and county tax for township seventeen north, of range three east of the fourth principal meridian, in said Henry county. If said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court, on or before the first day of September, of each year, of the rate per cent, of the taxation levied by them for city purposes, for said year, and also for all special assessments, for any purpose in said city, and assessments for the purpose of laying out any public grounds, streets, alleys, lanes, or highways, and altering, widening, contracting, repairing, or the discontinuing the same, either or all, as the said city council may direct; and it shall thereupon be the duty of said county clerk to carry out each and extend said tax upon the books of the collector, in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer, whether resident or non-resident, owning property in said city; and said city tax shall be collected, in every respect, and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city, at the same time that the county revenue is required to be paid over to the county. Any court which shall render judgment in said Henry county against lands and lots in said city, for non-payment of taxes due the state and county, shall, at the same time, include in the same judgment any and all taxes which may be due said city, in any such property. For his services, in carrying out, adding and extending said tax in the books of the collector, said county clerk shall receive one-half cent for each lot or tract, and one-half cent on each person's name assessed for personal property, to be paid out of said city tax, when collected. The collector shall receive the same compensation which may be allowed by law for the collection of school taxes, and shall be liable, on his official bond, for the payment of all such city taxes by him collected. The fees of the collector to be paid out of the taxes, when collected.

ARTICLE IX.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

SEC. 1. The city council shall have power, upon the petition of one-half of the owners of the property fronting thereon and lying within forty rods thereof, and without such petition, by the unanimous vote of the city council, to open and lay out public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted, without the consent, in writing, of all persons owning land or lots adjoining such street, alley or highway, unless by a unanimous vote of the city council. The city council shall cause all streets, alleys and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book, to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be highways and public highways and public squares.

SEC. 2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue thereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice, by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and, at the same time, determine what persons will be benefitted by such improvements, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefitted thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected, shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties, to the best of their abilities, before entering upon their duties. They shall give at least five days' personal notice of the time and place of their meeting, for the purposes of viewing the premises and making their assessments; which notice shall be given to the owners who are residents thereof, and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary adjourn from day to day.

SEC. 3. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and, secondly, the value of such building to him to remove.

SEC. 4. At least five days' notice shall be given to the owner of such determination, when known, and a resident of the city, which may be given personally, or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given, by one publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners. It shall, also, require the persons interested to appear, by a day to be named therein, not exceeding thirty days, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or

appropriated, or of their intention to receive such building, he shall have such reasonable time for that purpose as the city council may direct.

SEC. 5. If the owner refuses to take the building at its appraised value, to remove or fail to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

SEC. 6. In making their assessment the said commissioners shall ascertain the value of the land taken, and all expenses of the improvement and damage occasioned thereby, and then assess upon the property in the neighborhood benefitted, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners respectively, and be a lieu upon the property on which it may be assessed, and collected as other taxes are collected, by sale of the land, or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvements, and, if more, the difference shall be paid him in money before the land is taken. Said commissioners shall particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.

SEC. 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and, on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or annul the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered directing a warrant to issue for the collection thereof.

SEC. 8. The city council shall have power to remove the commissions, and, from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable, from any cause, to serve.

SEC. 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner, or his agent; or, in case such owner or agent cannot be found in the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements; and such streets, alleys, or other highways, or public grounds may be made and opened.

SEC. 10. Any person interested may appeal from any order of the city council for opening, widening, altering or straightening any street, alley, or other highway or public ground, to the police magistrate or circuit court, after the passage of said final order; said court to determine such appeal, and confirm or annul the proceedings, from which appeal no judgment or writ of error shall lie. Upon trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony, adduced to the court; or, upon application of the city, or

any party, the amount of damages may be assessed by a jury, in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the council for any omission or informality, without injury has resulted therefrom.

SEC. 11. When any owner, known, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court, or any judge of a court of record, may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act shall be served on such guardian; and the final determination of either the common council or court, in the premises, shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

SEC. 12. It is, however, here provided that none of the petitioners petitioning the said city council, under the first section of this article, shall be entitled to any damages under this article, unless by the unanimous vote of the city council, and then only such sum or sums as the said council shall so vote.

ARTICLE X.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SEC. 1. The city council shall have power, from time to time, upon the petition of one-half of the owners of the property fronting thereon and lying within forty rods thereof, or, without such petition, by the unanimous vote of the council, to cause any street, alley, or other highway, or section thereof, to be graded, regraded, levelled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and crosswalks, maindrains and sewers, and private drains or section thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square, or other public ground, now or hereafter laid out.

SEC. 2. The city council shall have power to assess and collect of the owners of lots or real estate, on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such a manner as may be prescribed by ordinance, all expenses and damages for the purpose of grading, paving or planking such street, sidewalk, pavement or other highway. All owners or occupants of lots or lands in front of or adjoining, or upon whose premises the city council shall order and direct sidewalks, or private drains or gutters communicating with any maindrain, to be constructed, graded, paved, planked, repaired, relaid or cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair, or relay such sidewalk, or make or cleanse such private drain, or grade, fill up, drain, or otherwise improve such lot or land, at their own cost and charges, within the time and in manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense and damage thereof, by an order to be entered in their proceedings, upon the lots and land respectively, and collect the same, by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner of such premises, for the recovery of such expenses, as for money paid and laid out to his use at his request.

SEC. 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected by the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses against the author of such nuisances, if known, or any person whose duty [it] may be to remove or abate the same.

SEC. 4. The city council shall have power to compel the owners of lots or ground fronting or adjoining any public or private alley, to keep the same clean, and, if necessary, to direct the same to be paved, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE XI.

OF TAXATION.

SEC. 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in said city, over twenty-one years of age and not exceeding fifty, to labor on said streets, lanes, avenues and allies, not exceeding four days in each year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay a sum not to exceed one dollar and fifty cents for each day so neglected and refused, as said city council may provide.

SEC. 2. The Inhabitants of the city of Geneseo are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same: Provided, that the city council may, at their discretion, cause one-fourth of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-eighth of the amount annually assessed.

SEC. 3. All lands lying and being within the corporate limits of said city, the same being in fields containing five or more acres, and the same never having been laid off in lots or blocks, and upon which no buildings are situated, and unoccupied, shall, until the same either become occupied, or buildings be erected thereon, or laid off into lots or blocks, be exempt from all corporation taxes.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SEC. 1. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any

department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties, and imprisonment in the county jail, city prison, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars, nor the imprisonment of four months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, by a common summons, as issued by justices and magistrates in other cases, and to give the special matter in evidence under it, in the name of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same, and costs, and, in default thereof, may be imprisoned in the county jail, city prison, or work house, or required to labor on the streets, or other public works of the city, for such time, and in such manner, as may be provided by ordinance.

SEC. 2. They shall also have power to recall and withdraw from circulation any of the matured city bonds, for city indebtedness, for the purpose of paying the same, or to have new bonds issued to those who are legally entitled to them; but in no case shall such bonds be disposed of under par.

SEC. 3. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases; and warrants may issue in all cases, upon such oath or affirmation, whenever the same can issue for a similar offense under our statutes, or whenever the ordinance under or upon which the same be made provides for the issuing of a warrant.

SEC. 4. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Henry, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or city prison, for a term of not exceeding four months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

SEC. 5. All fines, forfeitures and penalties collected for offenses committed within the city shall be paid into the treasury of said city by the officers collecting the same; and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Geneseo, in any action or proceeding in which said city may be a party in interest, unless the said judge, justice, witness or juror shall be a party to the suit; then the same rules shall govern as in the practice in other cases in this state.

SEC. 7. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and to conform to the ordinances and resolutions passed from time to time.

SEC. 8. The police magistrate, and all other officers of the city, shall not be entitled to receive any fees from the city, when, from any cause, the city shall be unsuccessful in the prosecution of any action,

or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

SEC. 9. All officers of the city 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 threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

SEC. 10. At the first election held under this charter for city officers, there shall be elected one police magistrate for said city, who shall have the like jurisdiction and powers in all respects, and be governed by the same laws, as provided by the general statutes of this state in relation to police magistrates. Said police magistrate, so elected, shall hold his office for four years, and until his successor shall be elected and qualified. He shall be commissioned in the same manner as other police magistrates and justices of the peace are by law.

SEC. 11. All ordinances of the city may be proved by the seal of the corporation; and when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof; and the book or books of city records, and journal of proceedings kept by the city clerk, shall be received in evidence in the trial of any case or cases wherein the city may be a party, without further proof; and all ordinances may be proved by the introduction of the same, properly signed and sealed, or by the introduction in evidence of the book of records or the journal of proceedings of the city council containing the same.

SEC. 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city; and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

SEC. 13. Appeals shall be allowed from the decisions, in all cases arising under the provisions of this act, or under any ordinance passed in pursuance thereof, that may be brought before any justice or other magistrate, to the circuit court of Henry county; and every such appeal shall be taken and granted in the same manner, and with like effect, as appeals are taken from justices of the peace to the circuit court under the laws of the state.

SEC. 14. This act is hereby declared to be a public act, and may be read in evidence in all cases of law and equity in this state, without proof.

SEC. 15. Any person who shall injure or destroy any bridge or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding one hundred dollars for such offense, to be recovered by the city in any action

of debt, and may be imprisoned not exceeding four months, in the discretion of the court before whom such conviction may be had; and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction: Provided, however, that the prosecution of any person or persons for the violation of any section of this act, or ordinance passed by virtue of this act, imposing any fine, penalty or imprisonment for a violation thereof, whenever the violation of the same may be declared to be a crime or misdemeanor under the general criminal code or law of the state, shall not take away the rights of punishment under said general criminal code or law; but said person or persons, so offending, may be fined, imprisoned or punished under either or both of said laws.

SEC. 16. The style of all ordinances shall be: *"Be it ordained by the city council of the city of Geneseo."*

SEC. 17. Any tract of land adjoining said city, which may be laid off into blocks or lots, and duly platted, according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

SEC. 18. The city council shall, at least ten days before the annual election, in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures, from the date of the last annual report, together with the sources from which the former are derived and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges, for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

SEC. 19. Neither the city council or mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction, by indictment or otherwise.

SEC. 20. The city council shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate or prevent the erection of manufactories dangerous in causing fires, appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle or suspicious persons, and to compel any person or persons present to aid in extinguishing fires, or in the preservation of property exposed to the danger of the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

SEC. 21. The police magistrate and justices of the peace, who now have and hereafter may have, their offices within the corporation limits of the city, shall have jurisdiction to hear and determine all cases in which the said city may be a party, under or by virtue of this act or any ordinance or by-law of said city.

SEC. 22. All property, real and personal, heretofore vested in the president and trustees of the town of Geneseo, for the use of the inhabitants of said town, or belonging to said town in any manner, shall be and the same is hereby declared to be vested in the corporation hereby created.

SEC. 23. The present board of trustees and other officers of the town of Geneseo, now in the office, shall, respectively, continue in the same until superseded in conformity to the provisions thereof, but shall be governed by this act, which shall take effect from and after its passage.

SEC. 24. The council of said city shall have the power to appropriate, at any time or times, a sum not exceeding five hundred dollars, in any manner they may deem expedient, for the purpose of prospecting and boring for coal, anywhere within three miles of the limits of the said city.

SEC. 25. The mayor of said city is hereby empowered to call on any male inhabitant of said city, over eighteen years of age, to aid in enforcing the laws and ordinances; and, in case of riot, to call out the militia, to aid in suppressing the same or carry into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city, a fine, not exceeding ten dollars.

APPROVED February 16, 1865.

