

PRIVATE LAWS

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OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-SECOND GENERAL ASSEMBLY,

CONVENED JANUARY 7, 1861.

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1861.

county purposes, the same as if the parts of acts hereby repealed had never been in force; but no assessments shall be made for county purposes for the period said parts of acts were in force; or, if made, no collection shall be enforced of said taxes.

§ 4. This act shall be in force from and after its passage.
APPROVED February 13, 1861.

In force February
18, 1861.

AN ACT to amend "An act to amend the act entitled 'an act to reduce the law incorporating the city of Chicago and the several acts amendatory thereof into one act, and to amend the same,' approved February 14, 1851, and to reduce the several acts amendatory of said act into one act, and to amend the act entitled 'an act to incorporate the Chicago City Hydraulic Company,' approved February 15, 1851, and to reduce the several acts amendatory of said last mentioned acts into one act, and to amend the act entitled 'an act to incorporate a board of Sewerage Commissioners for the City of Chicago,' approved February 14, 1855.

City election.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the municipal elections in said city shall be held on the third Tuesday in April, at which time there shall be elected, by the qualified voters of said city, all officers to be elected at the general municipal election. The first election shall be held on the third Tuesday in April, 1861; and no special election shall be hereafter held in said city for the election of city officers, except as is in this act provided.

Term of office.

§ 2. The term of office of the mayor, aldermen, water commissioners, sewerage commissioners, and of all officers now elected or appointed in and for said city, except as is in this act specially provided, is hereby extended, and shall continue until the first Monday in May, 1861, and until their successors are elected and qualified. The present city marshal shall continue in office until the expiration of the term for which he was elected, when the office of city marshal shall expire, and there shall be no city marshal in said city after the fourth day of March, 1862. The term of office of all water commissioners and of all sewerage commissioners in said city, shall expire on the first day of May, A. D. 1861, any provision of law now in force to the contrary notwithstanding.

BOARD OF PUBLIC WORKS.

Street commis-
sioner and city
superintendent.

§ 3. That so much of the act to which this is an amendment, as provides for the election of a street commissioner in the north, south and west divisions of said city, at the annual election, and for the appointment of a city superintend-

ent by the common council of said city, is hereby repealed. All provisions in relation to the duties of said officers mentioned in this section shall continue in force to the first Monday in May next, at which time the same shall cease to have any force or effect whatsoever: *Provided*, that the city shall have the right to enforce the performance of all contracts heretofore entered into, and the rights and liabilities accrued or to accrue, under any provisions of law now in force, and to continue and complete all proceedings commenced under any law or ordinance of said city, and to assess the costs and expenses of any improvement or work heretofore ordered, and the assessment for the same, the same as if said provisions of law remained in full force and effect; and the commissioners of the board of public works, hereby created, shall carry out such contracts and complete all such improvements or works heretofore commenced.

§ 4. After the first Monday in May, 1861, there shall be organized in said city, an executive department of the municipal government, to be known as the "Board of Public Works."

§ 5. The said board of public works shall consist of three commissioners, to be chosen one from the north, one from the south, and one from the west division of said city, who shall constitute said board. At the next city election, to be holden in said city on the third Tuesday in April, 1861, there shall be elected by the qualified voters of said city, three commissioners of said board from the said divisions, who, when elected, shall be the first commissioners of said board of public works, and who shall respectively hold their offices for two, four and six years, and until their successors are duly elected and qualified.

Commissioners of
board of public
works.

§ 6. The said commissioners herein named shall, within ten days after the first Monday in May, A. D. 1861, proceed to organize said board, and decide, by lot, their respective terms of office, which decision shall be filed and deposited in the office of the city clerk.

§ 7. On the third Tuesday of April, A. D. 1863, and biennially thereafter, there shall be elected, at the general city election held in said city, one commissioner of said board of public works, to succeed the member thereof whose term of office expires; which commissioner shall be elected from the division of said city represented by the commissioner whose term of office expires; and said commissioner, when elected, shall hold his office for the term of six years, and until his successor in office is duly elected and qualified. Should a vacancy occur, it shall be filled by appointment by the mayor, with the advice and consent of the common council of said city, until the next regular city election, when the qualified voters of said city may, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the unexpired term; said commissioners shall be

elected in the same manner as is now provided by law for the election of general city officers, by general ticket, by the qualified voters of the whole city; and no person shall be elected a commissioner of said board of public works unless he has been a resident of said city for at least three years, and a resident in the division of said city for which he is elected, at least one year immediately preceding his election.

Commissioners' bond.

§ 8. Before entering on the discharge of his duties, each of said commissioners shall give bond to said city, in the sum of one hundred thousand dollars, with sureties to the satisfaction of the acting judge of the circuit court for Cook county; which bond shall be conditioned for the faithful discharge and performance of his duties as such commissioner; and that he will well and truly pay over any and all moneys, and surrender any and all property, books and papers which may come into his hands as such commissioner, on the expiration of his term of office, or when required so to do by the common council.

Powers and duties of the board.

§ 9. Said board of public works shall have the charge and superintendence of all streets, alleys, lanes or highways in said city, and of all walks and cross-walks in the same, and of all bridges, docks, wharves, public places, public landings, public grounds and parks in said city, and of all markets, market places and market houses, engine houses, hospitals, armories and all other public buildings in said city belonging to the city, except school houses, and of the location and erection of all public buildings; of all lamps and lights for the lighting of the streets, alleys, lanes, highways, bridges, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights, and the creation of new lamp districts; of all works for the widening, deepening or dredging of the Chicago river, or either of its branches; of all sewers and the works pertaining thereto; of the water works of said city; of all public improvements hereafter to be commenced by said city. And they shall perform all the duties by this act prescribed, and such other duties as the common council may prescribe by ordinance.

Employees.

§ 10. Said board is authorized to employ, from time to time, such superintendent or superintendents, engineers, surveyors, clerks, assistants and workmen in the discharge of their duties as they may deem necessary, and shall pay their employees such salaries or wages as they shall deem proper.

Copies of contracts.

§ 11. Two of said commissioners shall constitute a quorum to do business; they shall keep a record of all their acts and doings, and adopt rules for their government and the government of their employees; and they shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles and the papers of the board; and shall re-

tract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

Record of business.

§ 45. All proceedings had by said board of public works, in relation to the opening or closing of any street, alley, lane, highway, slip or canal, or for the widening of the Chicago river or any of its branches, shall be recorded by said board in a book or books kept for that purpose.

§ 46. Said commissioners of the board of public works, in making an assessment, are hereby authorized to assess the property by them deemed benefited by such public improvement to an amount sufficient to cover the expense of such improvement.

Special fund for improvements.

§ 47. All moneys received on any assessment made by the board of public works shall be held by the treasurer of the city of Chicago, as a special fund, to be applied to the payment of the improvement for which the assessment was made; and the certificate of the board of public works to the contractor doing such work shall specify the work done or improvement made; and the draft made by the city controller on the treasurer shall specify the same; and said money shall be used for no other purpose whatsoever than for the payment for such improvement.

HYDRAULIC AND SEWERAGE WORKS.

§ 48. That so much of the act entitled "An act to incorporate the Chicago City Hydraulic Company," approved February 11th, A. D. 1851, and the several acts amendatory thereto, as provides, in any manner, for the election or appointment of the board of water commissioners for the city of Chicago, be and the same is hereby repealed.

§ 49. That so much of the act entitled "An act to incorporate the board of sewerage commissioners for the city of Chicago," approved February 14th, A. D. 1855, as provides for the appointment or election of a board of sewerage commissioners, be and the same is hereby repealed.

§ 50. Immediately upon the organization of the board of public works, as provided in this act, the respective offices of "water commissioners" and "sewerage commissioners," for the city of Chicago shall be totally abolished; and all powers of said two boards, heretofore granted by law, except as herein provided, are hereby vested in said board of public works; and which said board is hereby made, respectively, the board of water and the board of sewerage commissioners; the true intent and meaning of this act being to abolish the Board of Sewerage Commissioners and the Chicago City Hydraulic Company, as distinct corporations, and to vest all the powers conferred by said acts of incorporation, and the acts amendatory thereof, in the aforesaid board of public works, except as herein specified.

Offices of water commissioners and sewerage commissioners abolished.

§ 51. All moneys now in the hands of said "water commissioners" and "sewerage commissioners," their respective treasurers, other officers or employees, belonging to the hydraulic works or sewerage funds, shall be forthwith paid over to the city treasurer, to the credit of the respective funds to which they belong, and receipts therefor shall be filed with the city controller and said board of public works; and all moneys hereafter collected or arising from loans, taxes, assessments, sale of materials, or any source whatsoever, for the use of said sewerage and hydraulic works, shall be in like manner paid into the city treasury. All moneys hereafter to be paid by said board of public works, on account of the sewerage or hydraulic works, shall be paid by the certificate of the board of public works to the city controller, and by his draft on the city treasurer.

Moneys now on hand.

§ 52. All accounts pertaining to the sewerage works of said city, and all accounts pertaining to the hydraulic works of said city, shall be kept in separate books of account; and all moneys deposited with the city treasurer, on account of said works, shall be by him kept separate and distinct from all other moneys, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held by the treasurer of the city of Chicago, as a special fund, separate and distinct from all other funds, and he shall be deemed guilty of embezzlement if he shall pay out such moneys for any account other than that to which such funds or moneys may belong, and shall be liable to indictment for so doing.

Separate acc'ts.

§ 53. Said board of public works shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses, the same as is now done by said board of water commissioners and sewerage commissioners respectively; and they shall report to the city treasurer, once in each month, all moneys so received by them, and at the same time pay over to such city treasurer all such moneys, with a statement of the same; to which account the same belongs; and shall receive his receipt for all moneys so paid over.

Collection of water rents, etc.

§ 54. All books, papers, instruments, tools, office fixtures, buildings, machinery, maps, charts, drawings and property, of what kind or nature soever, in the possession of the said boards of water and sewerage commissioners respectively, or either of them, their subordinates or employees, shall, at the time of the organization of the board of public works as aforesaid, be immediately handed over to the said board; and it shall be the duty of said board to make correct inventories of all of said property, and file the same in the office of the city controller, and a duplicate thereof in the office of said board of public works.

§ 55. All bonds, contracts, agreements or obligations, of what kind or nature soever, heretofore authorized to be ex-

Completion of contracts.

ected by said board of sewerage commissioners, or water commissioners, and by them or either of them entered into, shall be carried out and completed, and complied with by said board of public works. All contracts hereafter entered into by said board on account of the sewerage or water works of said city shall specify that they are for such works, and are to be paid out of the funds pertaining to such works.

§ 56. The office expenses, and the expenses for clerks, engineers and assistants, and the salaries of said commissioners of the board of public works, shall be a charge, and shall be paid share and share alike out of the funds pertaining to the general fund of said city and the funds pertaining to the water and sewerage works of said city; each of said funds to be charged one-third of said expense.

§ 57. Whenever the said board of public works shall deem it necessary for the interests of the city, and to protect the interests of the same from great loss and damage, they shall, on a report to the common council of such necessity, and of the reason for the same, have the right to ask from the council the power to enter into a contract, (specifying such contract,) without giving the notice in this act required to be given before letting a contract; and the common council are hereby authorized, on being satisfied of such necessity, may by resolution grant such power: *But, provided*, three-fourths of all the aldermen elected shall vote [in] favor of such resolution.

§ 58. The commissioners of said board of public works shall each receive an annual salary of twenty-five hundred dollars.

§ 59. The board of public works shall, at the first regular meeting of the common council, holden in the month of May, in each year, submit a statement, as near as may be, of the repairs and improvements to be paid for out of the general funds of the city, and necessary to be undertaken by said city during the current year, commencing on the first day of June next following the making of such statement, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated; which report shall be in detail; and such estimate having been revised by the common council, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy, to be laid on said city, and no expenditure for an improvement to be paid for out of the general fund of said city shall exceed in any one year the amount provided for such improvement in said general tax levy: *Provided, however*, nothing herein contained shall prevent the common council from ordering any improvement, the necessity for which is caused by any casualty or accident happening after the making of such annual estimate herein provided for. The common council may authorize the mayor and controller to issue bonds to

Contracts in special cases.

Annual report.

Issue of bonds.

pay the expense incurred in the making of any improvement, the need for which has arisen as is last above mentioned; said bonds to run for a term not longer than one year, and the payment of which said bonds shall be specially provided for in the next succeeding general tax levy. The said city shall not issue bonds, or any other evidence of indebtedness for any purpose whatever, except as is herein provided: *Provided, however*, nothing herein contained shall prevent the issue of any bonds now authorized to be issued by any law of this state, under the laws creating said boards of water commissioners and sewerage commissioners, or the acts amendatory thereto, or any acts relating to sewerage or supplying said city with water, but said board of public works are hereby expressly empowered to issue all such bonds as might have been issued by said board of water commissioners and said board of sewerage commissioners, respectively, if this act had not been passed.

§ 60. In the assessment of damages and benefits for the opening of any street or alley it shall be lawful for the commissioners in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons, for such street or alley, to appraise the value of the land so donated, and to apply the value of the land so donated, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under him; nothing herein contained shall authorize any person or persons, by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset as herein provided.

Assessment of
damages.

§ 61. The board of public works shall elect from their number a president and a treasurer, who shall hold their offices for the term of two years, and until their successors are elected and qualified, and they shall establish by-laws for the regulation and conduct of their officers and employees.

§ 62. The common council of said city shall have power to require from any officer of said city, at any time, a report in detail of the transactions in his office, or of any other matter by said council deemed necessary, and the controller of said city shall hereafter make the report, now required to be made in the month of February, in each year, on or before the first day of April in each year.

§ 63. Upon the petition of a majority of the owners of lots upon Michigan avenue, lying between Washington street and the north line of a short street running from Michigan avenue to Lake Michigan, on the north line of block twenty-three, (23,) in fractional section fifteen, (15,) addition to Chicago, it shall be lawful for the common council to increase the width of said avenue thirty-six feet, upon the east line thereof, from the north line of Randolph street to the north line of the short street running from Michigan avenue to

Widening of
Michig'n avenue