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The Early History of Municipal Government in Illinois

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MILTON WINFIELD THOMPSON
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PART I.

SPECIAL TOWN CHARTERS IN ILLINOIS BEFORE 1830.

Shawneetown is one of the oldest towns of the State, and occupies a beautiful situation on the western bank of the Ohio River, nine miles below the mouth of the Wabash River. The town derives its name from the Shawnee Indians, who had established a village at this place before the coming of the white.

Shawneetown owes much of its importance to its location, and there seems to have been a ferry established here about 1800 or 1802. Actual settlement took place, however, somewhat later. In 1808 there was not a single house at this point. Shortly afterward, the question of the location of the town came before Congress and on April 30, 1810, an act was passed, providing, "That a tract of land, in the Illinois Territory, at and including Shawnee Town, on the Ohio River, shall under the direction of the Surveyor General, be laid off in town lots, streets and avenues, and into outlots, in such manner and of such dimensions as he may judge proper."

In February 1812, a public land office was established at Shawneetown; and in March 1814, an act was passed by Congress providing that two sections of land adjoining the town should be laid out into lots and sold in the same manner as other public lands had been sold.

Shawneetown was well located as a landing place for persons travelling inland. Owing to the town's proximity to the salt works at Equality, the place began to have some commercial importance, and in 1814, it contained about 100 houses.

On December 8, 1814 the legislative council and house of representatives of the Illinois Territory passed an act providing for the incorporation of "Shawneetown". This act named five trustees to serve until trustees could be elected by the freeholders of the town. The officers were empowered to levy a tax, not exceeding two per centum, on the valuation of lots, without

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8. Edward Tiffin, Surveyor General, in report to Commissioner of General Land Office. In this report it is pointed out that it was unfortunate that this particular spot had been selected as the location for a town, owing to the frequent inundations. He recommended that Congress determine to abandon the present site and authorize the Surveyor General to select a better spot farther down the river. — Public Lands, II, p. 874. See also A. C. Burgess, the Settlements of Illinois, p. 103.
11. The following persons were appointed trustees by the act: — Henry Oldham, Thomas E. Craig, John Marshall, George W. Trazer and Joseph M. Street.
considering the value of the houses and other improvements thereon. The proceeds from taxes were to be used for surveying the town, paying the expenses of its officers, cleaning and repairing the streets and for other improvements that the board of trustees deemed expedient and necessary.

The trustees were also authorized "to make such by-laws, rules and ordinances for the good regulation of the said town as shall to them seem meet," provided, however, that such by-laws, rules and ordinances shall not be inconsistent with the laws of the territory or the Ordinance of 1787. The trustees were compelled to provide for a public cemetery by procuring a convenient piece of ground for the purpose. Other officers under the act were: the clerk, assessor, and collector, -- all of whom were to be appointed by the board of trustees.

On February 14, 1823, the state legislature authorized the board of trustees of Shawneetown to establish a ferry over the Ohio River, within the limits of the town. The trustees were empowered to lease the ferry for a term of years, and to apply the rent, thus received, to the "embanking and making good" of the roads through the river bottom. The rates of ferriage were to be regulated by the county commissioners of Gallatin County.

On January 10, 1825 the legislature passed another act concerning Shawneetown. In most respects this act resembled the

act of 1814. The rate of taxation, however, was reduced to one-half per centum, levied upon the valuation of lots without reference to the value of houses or other improvements on them. The trustees by this act were also empowered to fortify the river bank, and to appoint a constable.\(^4\)

This act\(^5\) was amended in 1835, by which the limit to the tax rate was reduced to \(1/4\%)\) upon the valuation of all real estate, and the trustees were empowered to license drays, tax coffee houses and liquor retailers\(^6\) and to exact any other tax that might seem right to them.

No further changes seem to have taken place in the government of the town of Shawneetown for several years, when the charter was abandoned and the trustees organized under the general law of Chapter XXV of the revised statutes of 1845.\(^7\)

\(^{14}\) Laws of the Fourth General Assembly, 1825, p. 75.
\(^{15}\) Laws of the Ninth General Assembly, 1835, p. 40.
\(^{16}\) From a statement in History of Gallatin, etc., Counties, p. 106, one might infer that Shawneetown did not become incorporated under the act passed in 1814. The statement is that "Previous to 1825 Shawneetown was a mere settlement, or unorganized village". But it is quite evident that the town was organized under the act of 1814, for the act of 1823 empowered the trustees of the town of Shawneetown to establish a ferry; the index to the laws of 1825 speaks of Shawneetown as being reincorporated; and lastly, the general context of the act of 1825 indicates that the town had been operating under a previous charter.

\(^{17}\) History of Gallatin, etc. Counties, p. 106; Revised Statutes of Illinois, 1845, p. 111.
Some information as to the municipal government of Shawneetown during these years may be learned from the connection between the town authorities and the State Bank of Illinois which was located at this place. The first bank in the Territory of Illinois was established at Shawneetown in 1816. It had ceased its operation in 1823 or 1824, but on February 12, 1835 the charter of the bank was extended twenty years from January 1, 1837, under the name of "State Bank of Illinois at Shawneetown". During these years and for a considerable time afterwards, this bank was the principal figure in the history of the town.18

In August 1837 a loan of $20,000 was received by the trustees from the bank "For the purpose of paving the wharf with rock". The loan was secured by a mortgage given by individual citizens on certain lots of the town. Under this agreement additional sums were advanced to the trustees, until the total amount received by them was $38,311.39. At this juncture a note was given to the bank, January 1, 1841, for one year for the full amount.19 The note was signed by the president of the board of trustees and attested by the clerk of the board.20

The town authorities failed to take up this note and later on the bank, in the name of E. Z. Ryan, assignee, brought suit21 against the trustees of Shawneetown for the recovery of the money

19. Ibid., p. 106; Ryan v. Trustees of Shawneetown, 14, Illinois 20, 1852  
20. History of Gallatin, etc. Counties, p. 106. The President of the board, then, was W. A. Docker who, on October 19, 1848, paid his proportion, $6282.10.  
21. Ryan v. Trustees of Shawneetown, 14 Ill. 20; History of Gallatin, etc. counties, p. 106.
which had been loaned to them. Finally, the case was appealed to the supreme court and a decision was handed down in favor of the trustees. The court held against the assignee on the ground that more than $20,000 had been loaned by the bank; that the consent of the sureties would have to be secured before they would be liable for more than the amount provided for in the original agreement; and that they probably would not have become responsible for any amount, but for the assurance that the loan should be limited to the amount stipulated.

Kaskaskia had been the center of chief events in Illinois for over a century &nabla; the land office was established here by an act of Congress as early as 1804. The town of Kaskaskia had been granted the right to select a board of trustees by the first general assembly of the Indiana Territory in 1805. This place had been selected as the capital of the new territory.

The first law relating to the town of Kaskaskia was passed by the territorial legislature December 15, 1814. By this act the town was granted the right to elect three commissioners to lay out the town and to establish a plat, -- a power which was, evidently, not given to the trustees whom the town had been authorized to elect under the act of the Indiana Territorial Legislature in 1805. It was furthermore provided that the county court for Randolph County "shall allow the said commissioners a

22. By act approved, March 26, 1804.
reasonable compensation for their service which said sum shall be collected of the inhabitants of said town by an appointment to be made amongst them by the said court, which apportionment the said court is hereby authorized and empowered to make".24

The next piece of legislation for Kaskaskia was the act of incorporation which was passed by the last territorial legislature on January 6, 1818.25 This act, for the most past, contained the same provisions as the one incorporating Shawneetown. But viewing the Kaskaskia charter of 1818 as a typical one under the territorial government, it will be well to note it rather carefully.

Five trustees were named in the act; and their successors were to be elected annually by the lot holders in said town. The trustees had power to appoint a clerk to their board, and to appoint a town constable. It was the duty of the clerk to assess and value annually all the lots in the town; but in the valuation of lots, "the houses and other improvements erected thereon shall not be taken into consideration". From this list of assessment and valuation, the trustees levied a tax with the same limitations and for the same purposes as specified in the Shawneetown act.26

The matter of collections was turned over to the constable who received 10% on the amount collected for his services. He was empowered to seize and hold for sale personal property of

the parties, or expose the lots for sale, in the case of delinquent taxes.27

Trustees had power to make additions to the town by annexing territory; remove tresspassers from the commons; permit erection of public buildings; command the constable to execute the laws; appoint their successors to continue in office until the next election in case of death, resignation, or removal of any one or more of the trustees; keep the streets clean and open; and allow no ponds or stagnant pools of water that would be detrimental to the health of the inhabitants.

The clause granting the power and authority to make by-laws, rules and ordinances for the good regulation of the said town was inserted similarly to the clause in the Shawneetown charter. It is interesting to note that this general power is regularly granted to towns in the early charters. It is only after a period of several years that this power begins to become modified, and that the power of municipalities becomes limited to specific powers expressly granted in the charter.

A peculiar situation presents itself when we come to study the government of the town of Cairo. The junction of the Mississippi and Ohio Rivers had been recognized for many years to be a valuable location for a town. With the growth of banks and internal improvements that was evident at the early part of the century an attempt to found a town on this strategic point was sure to be made.

27. The board of trustees of Shawneetown appointed an assessor to assess and value the lots; and a collector to collect the taxes,
John G. Comegys, a merchant of Baltimore, Maryland, had taken some interest in this new country, and made several overland journeys between Baltimore and St. Louis during the years 1805 to 1816. In the last days of July 1817, he and his associates purchased this lower neck of land in Illinois, as the first necessary step in the establishment of a town. After this purchase they lost no time in securing an act of incorporation.29 John G. Comegys was the leading spirit in the project and it was he who applied for the charter in 1818.30

Accordingly, on January 9, of that year an act entitled, "An Act to Incorporate the City and Bank of Cairo" was passed31 which incorporated the proprietors, mentioned in the act; persons who might become proprietors by purchase or otherwise of any portion of the said tract of land; and, also, all other persons who might become stock holders in said bank, without being proprietors of any of the lots, into a body corporate and politic, in the name of the "President, Directors and Company of the Bank of Cairo".

The act provided that the nine incorporators should proceed to lay off in the said tract a city to be known by the name of Cairo. The city was to "consist of not less than two thousand lots, each lot being not less than sixty-six feet wide, and one hundred and twenty feet deep, and the streets of said city to be not less than eighty-feet wide", and to run at right angle to each other.32

but who should receive only 6% on the amount collected.
It was, also, provided that the price of the said lots should be fixed at $150.00 each, two-thirds of which amount was to constitute the capital stock of the bank, and the one-third for the improvement of the river-bank at that place. The capital stock of the bank was divided into as many shares as there were lots, one-half of which shares were to belong to the purchasers of the lots, and the other half of the shares of bank stock were to be the property of the incorporators in proportion to the interest which they held respectively in the tract.

The incorporators were to appoint commissioners who were to receive subscriptions for the purchase of lots and to advertise them for sale. They could not sell more than ten lots to any one person; and when five hundred lots were sold all of the subscribers were to meet in Kaskaskia for the purpose of electing thirteen directors to manage the bank. The directors had to be subscribers for lots, stock holders in the bank, and citizens of the territory.

The act further described the administration of the bank in full, but the feature which more particularly concerns this study which pertain to the government of the so-called City of Cairo. It was provided that the directors of the bank should appoint out of their own body, immediately after their election, a committee of three members who should have charge and the management of that portion of the subscription money from the sale of lots, which had been set apart and appropriated as a fund for the security and improvement of the said city. The committee could invest such part of the fund as they

saw fit in bank stock.

The directors were also to nominate and appoint three persons, not of their own body, who should be styled "The board of security and improvement of the city of Cairo". The members of this board were required to be citizens of the territory and removable at the pleasure of the directors. It was the duty of the board, under the sanction of the bank directors, to direct and superintend the construction and preservation of the dikes, levees and embankments, as were necessary for the security of the city. The board, also, had power to erect such public works and improvements as the condition of the fund would justify. For the payment of the expenses thus incurred, the board was authorized to draw upon the above mentioned committee who were directed and required to pay and disburse the same by a form prescribed by the bank directors.

Thus we notice that the town government was merely part of the banking corporation. This board of public works was a creation of the bank directors. The situation was unique. There was no town officer to preserve the peace, as we have seen in other towns. There was no means for deriving a fund out of which the town might carry on municipal affairs, except the one provided for from the sale of lots.

Steps were soon taken to carry out this plan but, only to result in failure. The city was surveyed and platted. The plat was lithographed in Baltimore early in 1818. City lots were

33. Supra. pp. 4, 5, 11.
offered for sale. There were two hundred ninety blocks and four thousand thirty-two lots, each 66 ft. by 120 ft. All the streets ran at right angles to each other, except the one running down the Mississippi River and the one running down the Ohio River, and they were eighty-feet wide, -- features just as were specified in the act of incorporation.34

There were four markets planned, each occupying a full block in various parts of the town. There was to be a public square, one-half lying north and one-half lying south of Main Street.35 With all these elaborate plans almost nothing was done under the charter of 1818; and after the death of Comegys in 1819 the whole enterprise was practically abandoned. Public attention was now withdrawn from the place and the "City of Cairo" remained only a mere wood-yard, where steam boats landed to take on wood for their furnace fires.36

After this unhappy venture, it was not until 1835 that these same lands which had long been forfeited to the government were again entered and paid for. The purpose of entry was the

34. John M. Lansden, Hist. of Cairo, pp. 35-36. Mr. Lansden also explains how on January 14, the incorporators made a trust deed, conveying to two men of Kaskaskia, the same lands as described in the Act of January 9, and the deed cites that the trustees accepted the trust, which required them to convey to the President and Directors of the Bank of Cairo lands which the act had provided for. Now so much of the said land was to be conveyed to the President and Directors of the Bank of Cairo as might be required to be divided into lots; and the said President and Directors were required to hold the land so conveyed to them in trust for the purchasers of lots until the proper distribution be made by lottery. 35. John M. Lansden, op. cit., p. 36. 36. Ibid., p. 40.
same as that of 1817, namely, to found a new town. These eighteen years of slumber were followed by years of activity.37 Great plans were made. As in 1818 the corporation included what there was of a town government and a private enterprise taken together.

On March 4, 1837 "The Cairo city and Canal Company" was incorporated "With power to purchase any part of township No. 17 and especially that portion thereof which was incorporated in 1818, as the 'City of Cairo' and 'to make all improvement for the protection, health and prosperity of the City'".38

D. B. Holbrook of New York39 was president of the company and was the real life of it, as Comegys had been in the first project to found a town at Cairo. The president and the other incorporators sought to start the scheme out on a great boom. He made arrangements in England for funds to carry out their plan of improvements, which were to be upon an elaborate scale.

All matters of detail were kept secret for a time, but when the plan began to materialize the promoters thought best to make the whole scheme public, by issuing a prospectus which

37. Ibid., p. 42.
38. From report of Committee of Investigation after the flood at Cairo in 1858, entitled, "The Past, Present and Future of the City of Cairo in N. A", published in Portland, Maine in 1858. -- Cited by Lansden, p. 50.
39. Lansden, op. cit., p. 48
would give everyone an opportunity to understand and appreciate the motives of those back of the movement. It was stated that the company would take no part in any of the objects of the enterprise, but would encourage business and professional men to locate there. They offered to lease lots for a term of years and after the total rents were paid, the property became bona fide the property of the lessee. Men of enterprise, skill, and industry were desired. 40

Soon the stock of the new company was all taken, and after the company had become thoroughly organized, arrangements were made for obtaining a loan of $500,000 by conveying the whole proprietorship in Trust to the New York Insurance and Trust Company. This was done on December 16, 1837. The company now completed their purchase of land and appropriated 3884 acres to the city of Cairo. Land titles were investigated and surveys were carefully made. In all 23,954 lots were surveyed which were valued at $16,037,050.00. 41

Other loans were obtained; and after bonds had been registered for over a million dollars and while another loan was being negotiated for nearly as much as the original loan, the financial crisis of 1837 came on, which paralyzed the entire scheme together with the whole business world. The strangest thing of it all is that the project was finally able to rise up

40. See parts of prospectus, -- quoted in Lansden, p. 46.

41. 22,774 lots 25 ft. by 120 ft. were surveyed on streets and squares which were valued at $625 each, and 1180 lots on levees and landings, valued at $1500. Lansden, op. cit., p. 51. 42. Ibid., p. 51.
out of the financial. Thus ended the second attempt to found a town at Cairo.43

The first settlement was made at the present site of Edwardsville in the year 1805 by Thomas Kirkpatrick. When Madison county was organized in 1812, Mr. Kirkpatrick's farm was selected as the seat of justice. In 1816 the town was surveyed by Kirkpatrick and called Edwardsville in honor of Mr. Edwards who was then governor of the Territory.44 The place made rapid progress at first, and in 1819 a permanent government was established; for on February 23 of that year an act was passed "To incorporate the Town of Edwardsville".45

In this Act46 we note the same general plan or organization as in the towns of Shawneetown and Kaskaskia. But

43. To follow the story a little farther it might be stated that after the panic the whole situation ran from bad to worse, and finally it was recognized that "all the unfinished works" of the project would be rendered worthless, if measures were not taken to secure the property. Consequently, in January 1845 Dorius B. Holbrook proposed that all the parties interested unite in a sale of the whole Cairo property, unencumbered, to a new company for $700,000 or about 1/5 of the actual cost including interest, and divide the whole stock into 35000 shares.

The proposition was accepted and the whole property was placed in the hands of Eastern capitalists by a trust deed. In this way the whole affair was adjusted, and the property was placed in a condition in which it could be sold. The first lot was sold on December 23, 1853. --- Report of Comm. of 1858. Cited by Lansden, op. cit., p. 51 - 52.


the number of trustees was increased to seven, and they were given increased powers. The trustees were elected annually by all the free, white male inhabitants who were at least twenty-one years of age, and who had resided at least six months within the town limits, prior to the time of election. The Edwardsville charter was more democratic than any of the charters granted before this time; and, in fact, it was many years later, when such a wide suffrage became the rule in the special town charters.

The trustees were to organize themselves within twenty days after the election, by choosing one of their number as chairman. They were given power to appoint an assessor and a collector. Their officers were given similar powers and duties as they were given under the act incorporating the town of Shawneetown. The trustees were empowered to make a tax levy of not over $\frac{2}{3}$ of the valuation of lots according to the assessment list prepared by the assessor.

In addition to the powers given to the board of trustees of the towns of Shawneetown and Kaskaskia, the trustees of Edwardsville were authorized to prevent and remove nuisances; prevent horse racing in the streets and lanes; to prevent and extinguish fires; clean streets; erect and repair bridges; impose reasonable fines; then a general power was granted, which authorized them to provide for a better government; but, provided, that nothing therein, should be inconsistent with the laws or constitution of the state or of the United States. Thus, we see the powers of the trustees gradually increasing, and the
general provision to pass ordinances for good government provided for, similar to that in Shawneetown and Kaskaskia.

The town of Edwardsville continued its growth until about 1825, when its population began to decline. A meeting of the citizens of the town was held May 30, 1837 at the courthouse for the purpose of determining by vote whether or not the town should become incorporated under the general law of 1831. The question was carried by a vote of 57 to 7.47

Belleville48 was selected as the county seat of St. Clair county in the year 1814. The site chosen by the commissioners was located on the farm of George Blair. It was a beautiful spot, and the name of Belleville, meaning "beautiful city" was given the place by George Blair himself. A survey was made in the summer of the same year, and was completed a few years afterward by Ninian Edwards — Mr. Blair giving names to the streets.49

In 1819 the towns of Belleville50 and Carlyle were also incorporated by acts passed by the legislature, which were identically the same as the act incorporating the town of Edwardsville in that year. The growth of the town of Belleville during these years was slow and the place was seriously affected by the hard times, until on February 14, 1823 its charter was

47. History of Madison County, p. 342, 337.
49. History of St. Clair County, p. 183
repealed, in toto, by act of the legislature.51

At the legislative session of 182152 charters of incorporation were granted to seven towns, -- to Alton, January 30; Jonesborough, February 14; to Vandalia, February 15, and later to America, Covington, Vienna and Prairie-du-Rocher.

A study of each of these towns will now be taken up in order. Joseph Meacham, a native of Vermont, was the original proprietor of Upper Alton53 (but which was known as Alton54 only, for several years after its founding), and surveyed the site of the town into lots in the year 181755. He proposed a plan to dispose of these lots by lottery, each ticket entitling the holder to one lot, or thirty-acres more or less. There were 1000 tickets issued; and there nine tracts of land, each tract divided up into blocks and each block divided up into eight lots each.56 This plan of lot disposal proved to be the cause of much discontent and turmoil about the title of the property, because of the fact, that Meacham who had preempted the land,

53. History of Madison County, p. 396, 398.
54. One should not fail to distinguish upper Alton as used here, from"Lower Alton" on the River bank, which was not incorporated until 1833, and which took the name of simply "Alton" in 1835.
55. A. C. Boggess, op. cit., p. 196; Moses, op. cit., p. 27.
56. See the prize list of lots, in the original sheet, that were disposed of by lottery in 1821 at Upper Alton, at Ill. Hist. Survey I, U. of I.
had only paid the land office one-fourth of the amount due. He then issued deeds to lots before he had received his patent from the government. 57

Upper Alton made a very rapid growth from the beginning. Its prosperity continued for several years, and until the conflicting claim to the soil became so pronounced, its plan was a very desirable one. By 1821 the town contained seventy or eighty families, 58 and on January 30 of that year, an act incorporating the town was passed by the legislature. 59

This charter contained provisions similar to that in the Edwardsville act; 60 and in addition special authority was granted to the board of trustees to establish schools. This method of school administration deserves careful study. One hundred lots were to be donated by the proprietors to the trustees as custodians who were to manage the lots as they saw fit. One-half of the proceeds thereof was to be annually applied to the support of a public school, and one-half to the support of the Gospel. The Chairman of the seven trustees could call special meetings and a majority was a quorum to transact the business and concerns of the school; to erect school buildings; and to enact any by-laws and ordinances for their good government, although the board might delegate a special committee of their own body to transact the business of the said schools.

57. History of Madison County, p. 398.
60. Laws of the First General Assembly, p. 48.
The trustees had power to levy a tax upon all town lots in the town -- the 100 donated lots excepted -- not to exceed \$.75 on each lot, per annum, to be applied for school purposes. This taxing power, apparently, met with disfavor\(^{61}\) and it was repealed two years later.\(^{62}\)

Every child of suitable age in the town of whatever description had the right to be taught and instructed in the school, and no child could be excluded from school upon any pretense whatever, except for violation of discipline or regulation.

Besides power to appoint a collector to the taxes, the trustees were empowered to appoint a treasurer who should care for all moneys collected by the collector in the town, but who should pay out no moneys, except upon the order or warrant of the trustees.

It would seem then that the Alton charter met with opposition.\(^{63}\) Not only was the taxing power repealed, as noted, but on February 14, 1823, an act\(^{64}\) was passed providing that the owners or proprietors of lots in the town should hold an election, under the direction of the trustees, in the following August

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61. A. C. Boggess, op. cit., p. 204.
64. Laws of the Third General Assembly, 1823, p. 147.
to vote upon the question of whether or not the corporation should be dissolved. The act also specified a plan of plural voting for this election.65

During the earlier years of government under this charter, the town slowly expanded and prospered but from about 1827 on, it reached a very low ebb.66 It was later reincorporated but the details of that act will be discussed in a later chapter.67

Jonesborough.

The charter 68 granted to the town of Jonesborough contained some important differences from that granted to the town of Edwardsville. We may note the method of electing trustees. The lot holders or those in possession of any lot or lots and holding a bond for its conveyance in the town of Jonesborough were authorized to elect five trustees annually. Here we see the property qualification for voters reintroduced in voting for trustees as at Kaskaskia.

Vandalia.

When Kaskaskia no longer met the requirements for a state capital, the legislature passed an act, on March 30, 1819, providing for the location of the capital; and appointed five men

65. Every person owning from one to ten lots were entitled to one vote for each lot; those holding fifteen lots were entitled to twelve votes; twenty lots, fifteen votes; thirty lots, twenty votes; fifty lots, twenty-five votes; and over fifty lots, thirty votes.
66. History of Madison County, p. 399.
67. Laws of the Tenth General Assembly, p. 57.
to make the selection. The commissioners selected a place in the wilderness of the Kaskaskia River, which, they called "Vandalia".

The town was soon laid out, with streets 80 ft. wide, and running at right angles to each other. A public square was provided, on which were located the public buildings.

The charter granted to Vandalia was similar to the one granted to Edwardsville in many respects. It provided for a popular system of voting instead of the lot holding requirement as in Jonesborough.

The Vandalia act also fixed the tax limit at 3% of the valuation of lots, (without taking into consideration the houses and other improvements), instead of 2%, but this provision was amended three years later, when the limit was fixed at 1/2% of the valuation of town lots. The substance of this amendment had been previously applied to Jonesborough, Covington, Vienna and Prairie-du-Rocher in 1823. This was the first time that the taxing power had been so closely restricted.

The Vandalia board of trustees were also made custodians of town property. Fifty lots were to be donated to the trustees, in fee. These lots were to be sold and the proceeds used to drain any ponds or slashes in the town or in its

69. Robert W. Ross, History Souvenir, p. 9; Ford, History of Illinois, p. 35.
72. Laws of the Third General Assembly, 1824, p. 22.
neighborhood; to erect a bridge across the Kaskaskia River; and to construct a road from the bridge across the bottom.

**Mt. Carmel.**

The town of Mt. Carmel[^73] was founded by three ministers, Thomas S. Hinds, William McDowell and William Beuchamp. The first two were proprietors and the last, agent and surveyor. These men were fellow townsmen in Chillicothe, Ohio, and they sought to build a town based upon their views of morality and where their ideas of rectitude might be applied.[^74]

The actual site was chosen on the Wabash River opposite the mouth of the White River[^75] The town was surveyed and platted in 1818.[^76] It was laid out in 1817 on an extensive scale, and attractive inducements were offered to settlers.[^77]

An elaborate circular, called the "Articles of Association, for the City of Mt. Carmel", was issued in Chillicothe in 1817.[^78] The articles set forth their purpose which was "to

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[^73]: A. C. Boggess, op. cit., p. 196.
[^74]: Paul Selby, History of Wabash County, p. 649.
[^75]: The bluffs reminded the founders of the place where Elijah rendered up his bloody sacrifice to the Deity, and being at once overcome with pious emotions, they adopted the biblical term of Mt. Carmel. -- Selby, op. cit., p. 649.
[^76]: Ibid., p. 649.
[^77]: Ibid., p. 649; Laws of Fourth General Assembly, 1825, p. 72.
build a city on liberal and advantageous principles, and to constitute funds for the establishment of seminaries of learning for religious purposes".

The articles specified in detail how the town should be surveyed and how the lots should be disposed of. It was provided that the front street should be 132 feet wide, and the others 99 feet. The inlots, or those most centrally located, contained nearly half an acre each; while the outlots contained more than four acres each. There were 1079 in all, -- 748 inlots and 331 outlots.

With respect to ownership, the lots were divided into three classes: the proprietors reserved one-fourth of them as "proprietors' lots"; one-fourth were called "public donation lots"; and one-half were called "private donation lots". The proprietors might sell their lots and were allowed to put one-half of the money so received into the stock of a bank, known as "The Bank of Mt. Carmel", which was to be established from the sale of lots.

One-fourth of the lots were appropriated to the use of schools and religious purposes. All the money received for public

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80. The prices of the lots were as follows: Boggess, op.cit.p.198

<table>
<thead>
<tr>
<th>In lots on Front Street</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Corners</td>
<td>$150 each</td>
</tr>
<tr>
<td>not corners</td>
<td>$100 each</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rest of Inlots</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Corners</td>
<td>$120 each</td>
</tr>
<tr>
<td>Not corners</td>
<td>80 each</td>
</tr>
<tr>
<td>Outlots</td>
<td>100</td>
</tr>
</tbody>
</table>
for public donation lots was to be divided into three equal parts, one part to be used in building meeting houses in Mt. Carmel, and for other religious purposes; the second part was to be used for a male academy; and the third part was to be used for a female academy. The gift or private donation lots were given away, the persons receiving them paid the fixed prices, but they received stock in the aforesaid bank for the money thus paid.

The articles provided careful restrictions upon the moral conduct of the people. No theater or playhouse was ever to be erected within the bounds of the city, and profane language and Sabbath breaking were considered grave offences. Persons found guilty of such charges were disqualified from holding office and disfranchised for three years.

The articles reveal rather an ideal scheme for founding a town in this early day. But on the whole the project was considered quite successful,81 and at that time the town was regarded as a one of great promise.82 By 1819 a school was established, and a church was built in 1825.83 By this time the town had grown to such importance that the inhabitants presented a petition to the legislature, praying for an act of incorporation, so as "to enable them to realize the benefits and advantages intended to be conferred on them by the original proprietors of

82. The town of Mt. Carmel was widely advertised. The "Mercury" of Leeds, England, in 1822, contained an interesting article about it, which is quoted by Selby, p. 650.
84. Laws of Third General Assembly, 1835, p. 72.
the said town". 84

The charter was granted January 10, 1825. Its main features resembled those of the previous charters, though a few changes should be noted. 85 The seven trustees were to be elected annually by the white male freeholders, of lawful age, in the town, but the act was amended 86 in 1831 by providing that all free white male inhabitants of the town, who were required to pay taxes to the corporation should have the right to vote for trustees.

The trustees were empowered to levy and collect taxes not exceeding one and a half per centum on the real estate, according to the valuation, and on the personal property owned by persons living in the town, "for the purpose of making and improving its streets, and keeping them in repair; and for the purpose of erecting such buildings, and other works of public utility, as the interest and convenience of the inhabitants of said town may require". This is the first charter which specified that personal property should be a subject of taxation.

A striking feature of this charter was that the private and individual property, both real and personal, of the trustees of the town of Mt. Carmel should be subject to the payment of debts of the incorporation in the same way as debts of their own private and individual contracting. 87

85. Laws of the Fourth General Assembly, 1825, p. 72.
86. Laws of the Seventh General Assembly, 1831, p. 87.
87. Laws of the Fourth General Assembly, 1825, p. 72.
This charter was the basis of government for the town for ten years, when it received a new and more extended charter, which will be treated in a later chapter.
PLATE I.

SUMMARY OF TOWNS TO 1830.

<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>When Incorporated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shawneetown</td>
<td>Gallatin</td>
<td>December 8, 1814</td>
</tr>
<tr>
<td>Kaskaskia</td>
<td>Randolph</td>
<td>January 6, 1818</td>
</tr>
<tr>
<td>Cairo</td>
<td>Alexander</td>
<td>January 9, 1818</td>
</tr>
<tr>
<td>Edwardsville</td>
<td>Madison</td>
<td>February 23, 1819</td>
</tr>
<tr>
<td>Cahokia</td>
<td>St. Clair</td>
<td>March 5, 1819</td>
</tr>
<tr>
<td>Carmi</td>
<td>White</td>
<td>March 24, 1819</td>
</tr>
<tr>
<td>Brownsville</td>
<td>Jacksonville</td>
<td>March 25, 1819</td>
</tr>
<tr>
<td>Carlyle</td>
<td>Clinton</td>
<td>March 30, 1819</td>
</tr>
<tr>
<td>Belleville</td>
<td>St. Clair</td>
<td>March 27, 1819</td>
</tr>
<tr>
<td>Alton</td>
<td>Madison</td>
<td>January 30, 1821</td>
</tr>
<tr>
<td>Jonesboro</td>
<td>Union</td>
<td>February 14, 1821</td>
</tr>
<tr>
<td>Vandalia</td>
<td>Fayette</td>
<td>February 15, 1821</td>
</tr>
<tr>
<td>America</td>
<td>Pulaski</td>
<td>February 14, 1821</td>
</tr>
<tr>
<td>Covington</td>
<td>Washington</td>
<td>February 14, 1821</td>
</tr>
<tr>
<td>*Vienna</td>
<td>Johnson</td>
<td>February 14, 1821</td>
</tr>
<tr>
<td>Prairie du Rocher</td>
<td>Randolph</td>
<td>February 14, 1821</td>
</tr>
<tr>
<td>Mt. Carmel</td>
<td>Wabash</td>
<td>January 10, 1825</td>
</tr>
</tbody>
</table>

*Had only three trustees.
PART II.

GENERAL LAWS RELATING TO TOWNS TO 1840.

On December 19, 1814, the Legislative Council and House of Representatives of Illinois Territory enacted its first general act providing for the establishment of towns. This act, however, dealt more with the laying out of towns than with the powers of the town authorities. It empowered county courts to establish towns and to vest tracts or parcels of land in trustees for that purpose.

The county court established a town upon receiving an application to do so from the proprietor or proprietors of the land. The court fixed the name of the town, and appointed the first trustees; but it was provided that when there were fifteen lot holders in any town established under this act, "they shall elect trustees of the town on the first court day of the first court in every second year, and the trustees so appointed shall have the same powers as those appointed by the court."

The trustees provided for under this act were given much less power than the trustees provided for in the special charters which were granted to towns about this time; but they were given "full power and authority to make such rules and regulations for the government of said town as shall appear necessary: Provided,

they are not contrary to the ordinance and laws of this territory"; and they were empowered to fill vacancies that might happen in the board of trustees. The trustees were also authorized "to cause the streets of said town to be cleaned and repaired by the inhabitants thereof", and to enforce this provision by hiring the work done, and levying its cost, on the persons so failing or refusing to do the work which had been assigned to them. The trustees had no power of taxation.

No reference has been found of any town being established under this act. Instances have been found in the county histories, however, where towns have been established by the county commissioners of the county, and several towns have been laid out and established by special commission which was appointed and authorized by the legislature for that particular purpose.

The next general legislation concerning towns was passed January 4, 1825. This act provided for the recording of town plats and had no provisions for town government. It specified

93. If any person still refused to pay the amount levied against him, the trustees might yet recover the amount before any justice of the peace of the county with costs.

94. This was the case with Lawrenceville in 1821, Macomb, 1830, and Knoxville in 1831.

95. Towns laid out by special commission were: Belleville, 1814; Vandalia, 1819; Quincy, 1825; and Bloomington, 1831.

96. Laws of the Fourth General Assembly, 1825, p. 53.
that county commissioners of any county or other persons who might lay off any town, addition or subdivision, should record in the recorder's office of the county, a correct and true plat of the town, addition or subdivision before the sale of any of the lots. The plat was to show the public ground, streets and alleys with their respective names and widths properly marked. Lots were to be numbered and the size of each indicated. The plat had to be acknowledged before a justice of the peace, a circuit judge or a justice of the superior court of the state before it was recorded.

The above act was amended by an act passed February 27, 1833. Specific provision then made for the fixing of corner stones by the county commissioners or proprietors at the time of surveying, for the purpose of establishing corners from which future surveys might be made.

These acts of 1825 and 1833 for the establishment of towns seem to have been called into use quite frequently. A study of the county histories of the State reveals the fact that many of the earlier towns were laid out and established by the county commissioners of the county or by individual proprietors. The rapid growth of the state at this time and the large immigration into the state from the east made necessary the establishment of towns. There was evidently a growing belief in the necessity of towns and the legislature granted charters to almost anybody who would agree to lay out and develop them.98

On February 12, 1831, a general act was passed under which the inhabitants of any town might organize and receive the rights of incorporation in accordance with the provisions of the law.\textsuperscript{99} This act\textsuperscript{100} was one of importance and deserves special treatment.

It provided that the people of any town in the state, which contained not less than one hundred fifty inhabitants\textsuperscript{101} might become "incorporated for the better regulation of their internal police", if the residents of the town assembled themselves together in public meeting after a ten days public notice and voted in favor of incorporation by a viva voce vote of two-thirds of those present. \textbf{All} the white male persons over twenty one years of age who had been residents of the town for six months, or freeholders therein, were qualified to vote at such meetings. If the town meeting voted in favor of incorporation, the president and clerk, who had been elected at the first town meeting called by any number of citizens for that purpose, assembled another town meeting \textit{together}, after giving five day's notice, for the purpose of electing five trustees to manage the affairs of the town.

The trustees were elected by a viva voce vote, and held office for one year. They elected a president from their own number. They required their clerk to keep a "fair journal" and record all their proceedings, by-laws and ordinances.


\textsuperscript{100} Laws of the Seventh General Assembly, 1831, p. 83.

\textsuperscript{101} This restriction was oftentimes removed in special cases.
The trustees had power to make, ordain, establish and execute such ordinances which were not inconsistent with the laws or the constitution of this state as they might consider necessary regarding the following subjects: nuisances, gambling and other disorderly conduct, horse-racing, licensing of public shows, markets, public wells, streets and alleys, sidewalks, pavements, fire protection and boundaries. There were restrictions attached to some of these powers. Thus, they could not build sidewalks unless they assessed one half of the expense on the adjacent property. They could not extend the boundaries of the town beyond one square mile. Again, it was made their duty to cause all the streets and alleys of the town, and all public roads, passing from and through the town for one mile from the center thereof, to be kept in good repair. To carry out this provision the trustees were authorized to require every male resident of the town of the age of twenty one years or more, to labor in the streets, alleys, and roads at least three days in each year. Appropriations from the general fund might be made to aid this work. This is a provision very similar to the one in the general act of 1814.

The financial powers vested in the board of trustees were limited. The tax limit on the real estate of the town was placed at one-half of one per cent of its assessed valuation.

102. Israel et al v. Trustees of town of Jacksonville, 2 Ill. 290; King vs. Trustees of Town of Jacksonville, 3 Ill. 305, 1839.
But there were other sources of revenue. The trustees could charge a license fee for public shows. They could also charge fees in connection with the markets. The trustees had the power to levy special taxes for the construction of sidewalks. Lastly, they were authorized to inflict fines to the amount of $5.00 for each offense for the breach of their ordinances. This power of the trustees to fine persons violating their ordinances was tested in the courts, and it was sustained. 102

The trustees were authorized "to appoint and prescribe the duty of all such officers, for such town, as they may deem necessary to carry into effect the foregoing powers". 103

The act makes specific reference to the offices of collector and treasurer, besides the president and board of trustees. In 1835 the act was amended 104 by authorizing the trustees to appoint constables. This amended act also empowered the trustees to regulate the fees of all.

Lastly, provision was made in the act by which towns incorporated under the act could dissolve the corporation. It provided that two-thirds of the qualified voters of any town so incorporated might dissolve the corporation by voting against it at any annual election for trustees. 105

104. Laws of the Ninth General Assembly, 1835, p. 175.
Comparatively few towns were incorporated under the General Act of 1831 in the first few years after its passage. Springfield was incorporated as early as April 2, 1832;\(^\text{106}\) Chicago, August 12, 1833;\(^\text{107}\) and Quincy, June 24, 1834.\(^\text{108}\) Four towns took similar action in 1835. But the population of the state was rapidly increasing, the new settlements needed a more efficient system of government, and village communities readily took advantage of the new law during the later years of this decade.\(^\text{109}\) Record has been found of nineteen towns being incorporated under the act in the year 1837, and sixteen towns were incorporated from 1838 to 1841. The following table will show the use made of the General Law of 1831:

\(^{106}\) J. C. Power, History of Springfield, p. 15.
\(^{107}\) E. J. James, Charters of the City of Chicago, Pt. I, p. 10.
\(^{109}\) Mention may be made of the general act approved February 10, 1849, which provided for the incorporation of cities with similar powers as were specified in the act incorporating the cities of Springfield and Quincy. - Laws of 1845-8-9, p. 224.
<table>
<thead>
<tr>
<th>Town</th>
<th>County</th>
<th>Laid Out</th>
<th>Date of Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Newton</td>
<td>Jasper</td>
<td>--------</td>
<td>February 15, 1831</td>
</tr>
<tr>
<td>Springfield</td>
<td>Sangamon</td>
<td>--------</td>
<td>April 2, 1832</td>
</tr>
<tr>
<td>*Urbana</td>
<td>Champaign</td>
<td>--------</td>
<td>February 20, 1833</td>
</tr>
<tr>
<td>Chicago</td>
<td>Cook</td>
<td>--------</td>
<td>August 12, 1833</td>
</tr>
<tr>
<td>Carrollton</td>
<td>Greene</td>
<td>1821</td>
<td>August, 1833</td>
</tr>
<tr>
<td>Quincy</td>
<td>Adams</td>
<td>1825</td>
<td>June 24, 1834</td>
</tr>
<tr>
<td>Galena</td>
<td>JoDavis</td>
<td>1827</td>
<td>January 7, 1835</td>
</tr>
<tr>
<td>Pittsfield</td>
<td>Pike</td>
<td>--------</td>
<td>January 7, 1835</td>
</tr>
<tr>
<td>Chester</td>
<td>Randolph</td>
<td>--------</td>
<td>January 7, 1835</td>
</tr>
<tr>
<td>Knoxville</td>
<td>Knox</td>
<td>1831</td>
<td>March 5, 1836</td>
</tr>
<tr>
<td>*Whitehall</td>
<td>Greene</td>
<td>--------</td>
<td>January 7, 1835</td>
</tr>
<tr>
<td>Pekin III</td>
<td>Tazewell</td>
<td>--------</td>
<td>January 7, 1835</td>
</tr>
<tr>
<td>Mt. Vernon</td>
<td>Jefferson</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Columbus</td>
<td>Randolph</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Mt. Sterling</td>
<td>Schuyler</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Salem</td>
<td>Marion</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Carlyle</td>
<td>Clinton</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Liberty</td>
<td>Randolph</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Henderson</td>
<td>Knox</td>
<td>--------</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Canton</td>
<td>Fulton</td>
<td>1825</td>
<td>February 10, 1837</td>
</tr>
<tr>
<td>Lynnville</td>
<td>Morgan</td>
<td>1831</td>
<td>February 27, 1837</td>
</tr>
<tr>
<td>Frankfort</td>
<td>Franklin</td>
<td>--------</td>
<td>February 27, 1837</td>
</tr>
<tr>
<td>Warsaw</td>
<td>Hancock</td>
<td>--------</td>
<td>February 27, 1837</td>
</tr>
<tr>
<td>Vienna</td>
<td>Johnson</td>
<td>--------</td>
<td>February 27, 1837</td>
</tr>
<tr>
<td>Clayton</td>
<td>Adams</td>
<td>--------</td>
<td>February 27, 1837</td>
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<tr>
<td>*Carthage</td>
<td>Hancock</td>
<td>--------</td>
<td>February 27, 1837</td>
</tr>
<tr>
<td>Juliet</td>
<td></td>
<td></td>
<td>March 7, 1837</td>
</tr>
</tbody>
</table>

110. History of Knox County, p. 622

111. Approved by the people thereof, July 2, 1835.

*Given in Blue Book, 1905, without reference to authority of incorporation.

*Compiled from the County Histories of Illinois, except where noted.
# TABLE II (Continued)

**LIST OF TOWNS UNDER GENERAL ACT.**

<table>
<thead>
<tr>
<th>Town</th>
<th>County</th>
<th>Laid Out</th>
<th>Date of Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Ripley</td>
<td>Brown</td>
<td>1852</td>
<td>July 20, 1837</td>
</tr>
<tr>
<td>Franklin</td>
<td>Morgan</td>
<td>---</td>
<td>July 21, 1837</td>
</tr>
<tr>
<td>Beardstown</td>
<td>Cass</td>
<td>---</td>
<td>July 21, 1837</td>
</tr>
<tr>
<td>*Wilmington</td>
<td>Will</td>
<td>---</td>
<td>July 21, 1837</td>
</tr>
<tr>
<td>Teutopolis</td>
<td>Effingham</td>
<td>---</td>
<td>December 15, 1838</td>
</tr>
<tr>
<td>Lacon</td>
<td>Marshall</td>
<td>---</td>
<td>December 15, 1838</td>
</tr>
<tr>
<td>Peru</td>
<td>LaSalle</td>
<td>1834</td>
<td>February 9, 1839</td>
</tr>
<tr>
<td>Princeton</td>
<td>Bureau</td>
<td>---</td>
<td>February 9, 1839</td>
</tr>
<tr>
<td>*St. Charles</td>
<td>Kane</td>
<td>---</td>
<td>February 12, 1839</td>
</tr>
<tr>
<td>Mendon</td>
<td>Adams</td>
<td>---</td>
<td>February 12, 1839</td>
</tr>
<tr>
<td>Fayette</td>
<td>Green</td>
<td>---</td>
<td>February 19, 1839</td>
</tr>
<tr>
<td>Belleville</td>
<td>St. Clair</td>
<td>---</td>
<td>February 26, 1839</td>
</tr>
<tr>
<td>*Hennepin</td>
<td>Putnam</td>
<td>---</td>
<td>March 2, 1839</td>
</tr>
<tr>
<td>*Charleston</td>
<td>Coles</td>
<td>---</td>
<td>March 2, 1839</td>
</tr>
<tr>
<td>Ottawa</td>
<td>LaSalle</td>
<td>1837</td>
<td>January 31, 1840</td>
</tr>
<tr>
<td>McLeansboro</td>
<td>Hamilton</td>
<td>---</td>
<td>January 31, 1840</td>
</tr>
<tr>
<td>Fairfield</td>
<td>Wayne</td>
<td>---</td>
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<tr>
<td>Scottsville</td>
<td>Macoupin</td>
<td>---</td>
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</tr>
<tr>
<td>Mackinaw</td>
<td>Tazewell</td>
<td>---</td>
<td>January 31, 1840</td>
</tr>
<tr>
<td>Georgetown</td>
<td>Randolph</td>
<td>---</td>
<td>January 31, 1840</td>
</tr>
<tr>
<td>Galesburg</td>
<td>Knox</td>
<td>1835</td>
<td>January 31, 1840</td>
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<tr>
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<td>Morgan</td>
<td>1825</td>
<td>January 31, 1840</td>
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<tr>
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<td>---</td>
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<tr>
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<td>Coles</td>
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</tbody>
</table>

112. History of Effingham County, pp.64.

113. History of LaSalle County, p. 469.

114. History of Morgan County, p. 357.

*Given in Blue Book, 1905, without reference to authority of incorporation.*
During the decade from 1830 to 1840 there was an increasing demand for stable town governments. Twenty-five special charters were granted by the legislature, which provided for the incorporation of towns. The first special act was passed, February 6, 1833, and provided for the incorporation of the town of Alton. This place had been laid out on the Mississippi River in 1817 by Col. Rufus Easton of Connecticut, and during its earlier years it was better known as Lower Alton, to distinguish it from Alton or more properly Upper Alton, which had been laid out in the same year and incorporated as a town in 1821.

Lower Alton had a rapid growth for the first few years, but its progress soon began to slacken. The decline of the town was largely caused by the financial troubles of Easton. In execution of judgements against him in certain law suits his lands and boats were sold to the highest bidder and after this the town revived. The real growth of Lower Alton began in 1831, and in 1833 it was incorporated as a town by a special act of the

116. History of Madison County, p. 374; see Boggess, op. cit., pp. 203-4; City of Alton V. Illinois Transportation Co. 12 Ill. 38.
118. Ibid., p. 396; Laws of the Second General Assembly, 1821, p. 39
119. History of Madison County, p. 381.
legislature, although it had been governed by a board of trustees for several years before this time.\textsuperscript{121}

This charter\textsuperscript{122} which was granted to the town of Lower Alton marked a distinct advance over the powers given to municipalities in the previous town charters. The special features of this charter deserve careful emphasis.

The corporate powers and duties of the town were vested in a board of nine trustees. The members of the board were to be, at least, twenty-one years of age, citizens of the United States, inhabitants of Lower Alton, and possess a freehold estate within its limits. The trustees were to serve for one year, and to be elected by the persons residing in the town who were qualified to vote for representatives to the state legislature. Thus, the charter granted a wide suffrage in the election of trustees by eliminating the property holding qualification. This is the first charter that granted this privilege, except a few of the charters granted in 1819 and 1821.

The town was divided into three wards and one trustee, at least, should be elected from each ward. The charter of Lower Alton was amended,\textsuperscript{124} however, February 13, 1835, by providing

\textsuperscript{121} History of Madison County, p. 389.

\textsuperscript{122} Compare the boundaries specified in two acts of 1821 and 1833.

\textsuperscript{123} Charters of Edwardsville, Carlyle, Belleville, Alton, Vandalia, Jonesboro, Covington, Vienna, America and Prairie du Rocher, eliminated this qualification.

\textsuperscript{124} Laws of the Ninth General Assembly, 1835, p. 172.
that the town "shall and may be laid off into as many wards, and in such manner, as the trustees of said town shall, from time to time, by ordinance direct".

The charter specified a long list of general powers to the trustees. They could grant, purchase, receive and hold real estate and personal property; and they could have, sell and dispose of any of this property for the benefit of the town. In addition to the powers which had been generally given to the board of trustees, the Alton board of trustees were further empowered to make regulations regarding the general health of the public; to establish night watches; to erect lamps in the streets; to impose and preserve the navigation of the Mississippi River within the town; to regulate and license ferries within the corporation; to erect, repair and regulate public wharves and docks; to regulate the erection and the rate of wharfage in the private wharves; to establish and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers; to regulate the storage of gunpowder; to regulate the police of the town; to dig wells, and to erect pumps in the streets for the convenience of the inhabitants.

The board of trustees were given the customary general taxing power with a limit of one-half per centum on the valuation of all real estate. No provision was made specifying that the value of houses and other improvements should not be considered in estimating the value of real estate. With the exception of the
charter granted to the town of Mt. Carmel in 1825,\textsuperscript{125} the Alton charter was the first to omit such a provision.

It is interesting to note in this connection that the trustees of the town of Alton proceeded to read this meaning into the charter, and, thus exempt the value of improvements in valuing real estate, by passing an ordinance which provided, that........"it shall be the duty of the assessors........to proceed to value and assess all such lots, out lots, and lands aforesaid, having no regard to the improvements thereon". The Supreme Court of Illinois,\textsuperscript{126} however, held in 1842 that this ordinance was in violation to the corporation charter and was therefore null and void, on the ground that all fixed and permanent buildings and improvements upon land are a part of the land, and that according to the charter the tax was to be levied upon real estate.

Special taxes which had previously been allowed only for building sidewalks, were now authorized, for the purpose of grading, paving and improving the streets, avenues, lanes, and alleys, within the town limits, and also for the purpose of extending, opening and widening them. Persons who were injured by any of these changes were allowed adequate compensation for their injury, but persons who were benefited by the changes were

\textsuperscript{125} The trustees of Mt. Carmel were given power, however, to "adopt such modes and means for the assessment and collection of taxes, as they may, from time to time fix upon and determine." --Laws of the Fourth General Assembly, 1825, p.74.

\textsuperscript{126} Fitch V. Pinchard, 5 Ill. 75, 1842.
compelled to contribute the amount of their benefit to the
street improvement fund.

The board of trustees was authorized to regulate the
election of town officers; and specific provision was made for
a town constable.

The charter provided for a local referendum on the question
of its adoption. An election was to be held by the board of
trustees for the purpose of voting upon the new charter. Those
who were legal voters for trustees were entitled to vote. The
charter was to be adopted by a majority of those voting on the
question. If there was not such a majority the board of trustees
was empowered to hold subsequent elections, whenever a majority
of the householders in the town should so petition the board,
until the charter was accepted.

Under this charter the town of Alton was governed until
July 21, 1837, when an act126 was passed which provided for the
incorporation of the City of Alton.

In 1835 only three special town charters were granted.127
The act which provided for the incorporation of Mt. Carmel was
passed January 31, for Chicago February 11, and for Lawrenceville
February 12, 1835. A special act for Galena permitted this town
to become incorporated for the better regulation of its police
without reference to the property qualifications required by the

126. Laws of the Tenth General Assembly, 1837, p. 17.
127. Laws of the Ninth General Assembly, 1835, pp. 210, 204, 214.
general law for trustees.\footnote{128}

Congress passed an act\footnote{129} March 2, 1827, granting a tract of land equal to one-half of five sections in width, on both sides of the proposed route of the canal to connect Lake Michigan with the Mississippi River. The government reserved each alternate section. The General Assembly passed an act,\footnote{130} January 22, 1829, which provided for the building of the Illinois and Michigan Canal, and the appointment of three commissioners to lay out towns along the proposed route of the Illinois and Michigan Canal. Towns would naturally spring up at each end of the canal. Ottawa was laid out at the southern end, and Chicago was laid out at the northern end. The plat of Chicago which was filed with the County Commissioners of Peoria\footnote{131} County, bears the date of August 4, 1830. This is the date, then, of the founding of Chicago.

The population of the new town increased so rapidly that it was soon thought best for it to become incorporated. The question was put to a popular vote, and Chicago became incorporated as a town, August 12, 1833, under the General law of February 12, 1831. But the powers granted to trustees of towns by this act were not sufficient to meet the needs of the growing city. Application was made to the legislature for an extension of powers and a special charter was granted February 11, 1835 which increased the number of the trustees, enlarged their power, and made other changes.\footnote{132}

\footnote{128} Laws of the Ninth General Assembly, 1835, pp. 140.  
\footnote{129} Laws of the Nineteenth Congress, 2 Session, 1827, p. 57.  
\footnote{130} Laws of the Sixth General Assembly, 1829, p. 16.  
\footnote{131}  
\footnote{132}
It is interesting to note the similarity between the Chicago Charter of 1835 and the one which was granted to the town charter of Alton*133 two years before, although the Chicago still granted more extensive powers to the board of the trustees. The trustees of the town of Chicago consisted of nine members with the same qualifications that were required of the members of the Alton board. The electors, too, were those persons who resided within the town and who were qualified to vote for members of the state legislature.

The board of trustees were given all the powers which were given by the Alton charter and, in addition, the Chicago board was empowered to lease the wharfing privileges of the town; to establish and regulate a fire department; and to establish and enforce quarantine laws.

The trustees of the town of Chicago were vested with a taxing power with a one-half per cent limitation on the valuation of real estate as in the general act; but this limitation was reduced to one-fourth per cent in 1836 by an amendment*134 to the special charter of 1835.135 There was no limitation upon the meaning of the term, real estate, that was so common in the early charters.

133. Supra, pp. 4-7.
135. Laws of the Ninth General Assembly, 1836, p.204.
Special taxes were provided by the charter for the purpose of "grading and paving the sidewalks" and for the purpose of improving the streets in the town of Chicago. When parties were injured by the changes in the last class of improvements, they were to receive "adequate compensation" for their injuries, in a similar manner as the Alton charter provided. The trustees summoned twelve property owners as a jury to ascertain the amount of these injuries and also the benefits to other parties. In this way a just settlement was reached.

A special feature of the Chicago charter of 1835 was the division of the town into three districts: one lying north of the Chicago River and east of the North branch; one lying south of the Chicago River and east of the south branch, and the third lying west of both branches. It was expressly stated that the taxes collected within the respective districts should be expended under the direction of the board of trustees for improvements within that particular district.

It had been customary to give the board of trustees power to prevent fires, but the Chicago charter of 1835 marked a distinct advance in this respect. The president and trustees were empowered to order the formation of five engine companies, and five-hook and ladder companies, whenever they thought necessary. The former were to contain from twenty to forty able bodied men, between the ages of 18 to 50 years; and the latter were to contain from fifteen to twenty-five able bodied men. The members of both classes of companies were to be formed by
voluntary enlistment; each member was exempted from jury and military service; and after twelve years of service in the fire department each member should be discharged from the corporation with permanent exemption from jury service and from military service except in case of invasion.

The number of town officials was increased. In former charters provision had been made only for a clerk, treasurer, collector, assessor and constable; but the Chicago charter provided also for a street commissioner, a town surveyor, two measurers of lumber, two measurers and weighers of grain, and "such other officers as the trustees of said town may deem necessary for the good of said town".

The above charter had hardly passed into operation when steps were taken to secure a city charter in Chicago. A special committee consisting of two trustees and one citizen from each of the divisions of the city was appointed by a union conference composed of the board of trustees and nine citizens of the town, to draft a new charter which was approved by the people, and enacted into law as "An Act to incorporate the City of Chicago", on March 4, 1837. The first city election was held on May 2 of that year.136

The charter which was granted to the town of Lawrenceville was almost identical with the Alton charter of 1833. The

seven trustees were to be elected by a popular vote; the town was to be divided into two wards, or more if the trustees deemed necessary; specific authority was given to the trustees to grade the sidewalks and improve the streets; and also the charter was to be adopted by a referendum vote. Particular attention may be called to the fact that by the Lawrenceville charter the property qualification was even removed from trustees. This is one of the four instances in the special charters down to 1840, where this barrier was removed for trustees.\textsuperscript{138}

The charter granted to Mt. Carmel in 1835 resembles, in many respects, the old charter of the town, which was granted in 1825.\textsuperscript{139} There was a property qualification for voting and for membership on the board of trustees. Voters were required to have been a resident for six months and to have paid a corporation tax. Each trustee was required to have been a resident of the town for one year, a bona fide freeholder and have paid a corporation tax.

Trustees of Mt. Carmel were given larger taxing powers than under the general law. They were empowered to levy a tax not exceeding one per cent on both real estate and on personal property, but in the valuation of real estate, improvements were not to be considered. This is one of the few special charters issued during this period that revived this old limitation on the taxation of real estate.

\textsuperscript{138} Infra. p. 34.

\textsuperscript{139} Laws of the Fourth General Assembly, 1825, p. 72.
During the year 1837 special charters were granted to eight towns, -- to Galena,\(^{140}\) February 15; to Upper Alton,\(^{141}\) February 18; to Peoria,\(^{142}\) February 21; to Joliet,\(^{143}\) March 1; to Carlinville,\(^{144}\) March 4; and to Ottawa,\(^{145}\) Jerseyville,\(^{146}\) and Caledonia,\(^{147}\) July 21. All of these towns charters were very similar in the powers which they conferred, but a few differences will be noted.

Lead was first discovered near the present site of Galena about 1700.\(^{148}\) The first permanent settler came here in 1820.\(^{148}\) Others followed and by 1826, Galena was a very active settlement with some four hundred inhabitants.\(^{149}\) In 1829 there were about 1500 people at this place, and it was known as a very thriving town.

About this time the attention of Congress was called to this growing town in the lead district. On February 5, 1829, an act\(^{151}\) was passed authorizing the laying off of a town on Bean River.

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140. Private Laws of 1836, p. 16.
141. Ibid., p. 57.
142. Ibid., p. 64.
143. Ibid., p. 194.
144. Ibid., p. 335.
145. Laws of Tenth General Assembly, Special Session., p. 96.
146. Ibid., p. 102.
147. Ibid., p. 31.
149. A. C. Boggess, Settlements in Illinois, pp. 172, 150.
150. Ibid., p. 150.
The act provided that a tract of land in the State of Illinois at and including Galena on Bean River should "be laid off under the direction of the Surveyor of Public Lands, into town lots, streets, and avenues, and into out-lots, having regard to the lots and streets already surveyed, in such manner, and of such dimensions as he may think proper". The act also provided that after the lots had been surveyed a plat of them should be returned to the Secretary of Treasury and afterwards sold to the highest bidder under the direction of the United States. By an act\(^\text{152}\) of July 2, 1836 the above duties which were required to be done by the Surveyor General were turned over to a board of three commissioners to be appointed by the president.

Attention has already been called to the fact that Galena was authorized to become incorporated in 1835,\(^\text{153}\) but the special act\(^\text{154}\) of 1837, granted extensive powers to the town. For the most part the Galena charter resembled the Lawrenceville charter, -- with seven trustees, with an appointed president, popular suffrage, numerous town officers, the privilege of being divided into wards, wide taxing powers, and a referendum vote upon the adoption of the charter. But the Galena charter granted power to levy a tax on personal property and to make quarantine laws which were to be enforced within six miles of the town.

\(^{152}\) Acts of Twenty-fourth Congress of U. S., 1 Sess., p. 159.
\(^{153}\) Supra., p. 8.
\(^{154}\) Private Laws of Illinois, 1836, p. 16.
The charter of Upper Alton of the year 1837, contained some important differences from the Galena charter of this year. The number of town officers was increased over those specified in the Galena charter, and the trustees were authorized to appoint such other officers as they saw fit. Five engine, and five hook and ladder companies might be formed in the same manner as was specified by the Chicago charter of 1835. The board of trustees were especially authorized to levy a tax for the erection of school houses, and for the support of the common schools in the town. The trustees might borrow money on the credit of the town for public improvements, Provided, that the loan was first approved by a majority of the citizens of the town. This was the first specific grant to municipalities in Illinois of the power to borrow money. This power is an important one and was granted very sparingly in the early special charters.

In 1680 LaSalle and his party built a fort at the present site of Peoria. Settlemens were established here at various times only to be later abandoned. The Indians were a constant source of trouble to settlers. A settlement of French was re-established after the Peace of 1783, but Capt. Craig destroyed it in 1812. In 1825 Peoria County was organized, and the commissioners selected the site of Peoria which was then known as Fort Clark, for the seat of justice. The commissioners had the town surveyed.

155. Private Laws of 1876, p. 57.
They called the place Peoria. 158

For a time the people of Peoria were without municipal organization, but on July 18, 1835, the citizens voted to become incorporated as a town under the general law. Two years later the charter under discussion was granted. The special features of this charter were that it provided for a board of nine trustees and the establishment of fire engine, and hook and ladder companies.

The other special town charters which were granted in 1837 contained no new features, other than what have already been noted in connection with previous charters. With the exception of the Ottawa charter, which provided for a property qualification for voting and for power to tax personal property, the special town charters for 1837 contained the following essential features: provision for five to seven trustees—appointment of one of them as president; election of trustees by a popular suffrage; power of taxation on all real estate not to exceed one-half percent to one percent on its assessed valuation; power of special assessment for grading sidewalks; power to grade, pave, and improve streets, etc., and to summon a jury of six to twelve "good and lawful men" who should ascertain the injuries and benefits of the respective property owners on the improved street; and the appointment of numerous town officers by the board of trustees.

158. Ibid., p. 48.
During the year 1839 and 1840, special charters were granted to fourteen different towns, — to Astoria, January 24; to Danville, February 3; to Chester, and Warsaw, February 12; to New Haven, February 15; to Quincy February 21; to Kankakee, February 27; to Shelbyville, Bloomington and Rushville, March 2; to Decatur, May 6; and to Lacon, December 10, 1839. Charters were granted to Carmi, January 30, and to Jacksonville, April 6, 1840. These charters differed but very little from those granted to towns in 1837.

We may consider the Lacon charter of December 10, 1839 as typical of all the town charters which are mentioned in this group. The act provided for a board of five trustees who should possess a freehold estate in the corporation. The trustees were to be elected by persons who were qualified to vote for state

159. Private Laws of 1839, p. 52; History of Fulton County, p. 687.
160. Ibid., p. 8.
161. Ibid., p. 50.
162. Ibid., p. 55.
163. Ibid., p. 59.
164. Ibid., p. 103.
165. Ibid., p. 121.
166. Ibid., p. 17.
167. Ibid., p. 172.
168. Ibid., p. 196.
169. Ibid., p. 245.
171. Ibid., p. 70.
172. Ibid., p. 106.
173. Supra, p. 21.
officers and who had lived in the town for six months. The trustees had extensive powers which have been noted for the most part in the discussion of previous charters.

The purposes for which taxes must be levied were somewhat increased in the Lacon charter. Besides power to levy a tax, not to exceed one percent, upon the assessed valuation of all real estate, special authority was given to the trustees "to levy a tax for the erection of school houses and the support of common schools within the corporation". This power was conferred upon the trustees by several of the charters of this group.

The act also provided that the trustees should have power to borrow money on the credit of the town for the purpose of commencing public improvements, but such a law had to be first approved by a majority of the citizens of the town. This was another important power which was granted to towns by a few of the charters of 1839. Power to borrow money upon the credit of the town had been conferred upon towns only in a very few instances before 1839.174

The Lacon charter also empowered the board of trustees to lay special taxes for the purpose of grading and paving sidewalks; to improve streets and to name a jury of twelve men to estimate the injuries and benefits which resulted to the property

174. Charters conferring the power to borrow money upon municipalities before 1839 were: Charters of Upper Alton, February 18; Ottawa, July 21; and Caledonia, July 21, 1837.
owners from such street improvements; to divide the town into any number of wards that "shall seem expedient and proper;" and to form fire engine, and hook and ladder companies, for the protection of the town.

A special feature of the Lacon charter was that it provided for the election of the president of the board of trustees by popular vote, while in previous charters this officer had been appointed by the board. The election took place at the same time as the election of the other trustees. The powers of the president were still very limited. He had power to call special meetings of the board whenever in his opinion the public good might require it. He had concurrent jurisdiction with justices of the peace in all civil and criminal cases arising under the provisions of the town charter and within the limits of the corporation. These points indicate the first steps in the development of a chief executive in Illinois towns.

Another special feature of the Lacon charter was that the board of trustees should have the power to regulate the election of town officers and to fix their compensation. The charter enumerated a long list of officers. They were usually appointed by the board of trustees.

Some of the other charters which were granted in 1839 contained a few important differences from the Lacon Charter of that year.

175. This power was also granted to the board of trustees in the Jacksonville charter, and at Rushville; Kankakee; Danville, and Decatur.
As a general rule five or seven members composed the board of trustees and persons were required to own property or pay taxes in order to be eligible to membership.\textsuperscript{176} The charters of Decatur, Kankakee, and Jacksonville contained no property qualification for trustees.\textsuperscript{177}

The charters of 1839 contained no absolute property qualification for voting. Voters for trustees in Chester were required to possess a freehold in the town, and voters for trustees in New Haven were required to be able to pay a corporation tax, but residence in both of these towns for three and six months respectively might be substituted for the property qualification. In the latter case we note the use of the corporation tax as in the Ottawa charter of 1837. As a rule all free white male inhabitants, 21 years of age, residents in the town from three to six months, and entitled to vote for representatives to the general assembly or for state officers were entitled to vote for trustees.

Every town charter of this group gave the trustees power to levy a tax upon the real estate of the town and sometimes upon the personal property. Most of these charters specified that the tax should be levied upon all the real estate.

\textsuperscript{176} The New Haven charter provided for only three trustees who should have been residents of the town for twelve months before election.

\textsuperscript{177} The property qualification for trustees was first removed in the charter granted to Lawrenceville in 1835 -- Supra. p. 14.
in the town. In a few cases lots owned by the state were exempted from taxation. The Quincy charter provided that only real estate that was laid out into town lots, or which was occupied as town lots was to be taxed. The Rushville charter excepted from taxation lots belonging to the county or land which was not laid out into town lots.

The tax levied could not exceed one-half per cent to one percent of the assessed valuation of the property. The Bloomington charter provided that the trustees might levy a tax on all real estate and on all personal property at a rate not to exceed that authorized by the state revenue laws. This rate was one-half percent of the assessed valuation. The charter of Chester contained a unique feature regarding the maximum tax rate. By this charter the trustees were empowered to levy a tax on the assessed valuation of all real estate to the extent of two percent, by first obtaining the consent of three-fourths of all the persons qualified to vote for trustees, at a town meeting called for this express purpose.

181. Revised Statutes, 1839, p. 561.
Attention has already been called to the fact that by most of the earlier charters it was specified that improvements should not be taken into consideration in the valuing of town lots for taxation, and that the charters of Mt. Carmel of 1835, and of Carlinville of 1837 contained this limitation upon the taxation of real estate. It is interesting to note that the charters granted to Shelbyville, Warsaw and New Haven, also contained this same restriction; but the charter granted to Carmi, January 30, 1840 contained a specific provision for the levying of a tax "on all lots and improvements...........according to valuation". This was the first time that the improvements upon the lots were distinctly required to be considered in determining their valuation.

Personal property began to receive more attention as a subject of taxation by 1839 than in the earlier special charters. The trustees were empowered to levy a tax on personal property in the towns of New Haven, Shelbyville, Bloomington, and Carmi.

In a few cases the special town charters of 1839 were to be adopted by the town upon a referendum vote approving the charter. If a majority of the qualified voters for trustees voted for the adoption of the charter in the towns of Decatur

183. Supra, pp. 5, 15.

184. Laws of the Eleventh General Assembly, 1840, p. 72. See also Fitch etc. V. Pinchard, 5 Ill. 75.

185. This power had previously been granted to the trustees in Mt. Carmel, 1825 and 1835, and in Carlinville, Galena, and Ottawa, 1837.
Bloomington, and Shelbyville, the charter was adopted; but the consent of two-thirds of the qualified voters voting was necessary to secure the adoption of the charter of Carmi. A two-thirds vote for the adoption of a charter was a very high restriction, and all the earlier special charters which had provided for a referendum vote for their adoption were adopted by a simple majority vote. This was the case of the Alton Charter of 1833, Lawrenceville charter of 1835, and Ottawa charter in 1837. The Carmi and Rushville charters also provided for a method of dissolving the corporation. The charter of either of these two towns would become null and void, if two-thirds of the qualified voters voted to dissolve the corporation at any regular annual election for trustees. These two charters contained the only provisions for the voluntary dissolution of the corporation when once the charter was adopted, except the one contained in the general law of 1831.186

From this discussion then we may say that the town charters of 1839 contained practically the same essential features as did the charters which were granted in 1837.

TABLE III.
LIST OF TOWNS INCORPORATED UNDER SPECIAL ACTS FROM
1830 TO 1840.

<table>
<thead>
<tr>
<th>Town</th>
<th>County</th>
<th>Date of Incorporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alton</td>
<td>Madison</td>
<td>February 6, 1835</td>
</tr>
<tr>
<td>Mt. Carmel</td>
<td>Wabash</td>
<td>January 31, 1835</td>
</tr>
<tr>
<td>Chicago</td>
<td>Cook</td>
<td>February 12, 1835</td>
</tr>
<tr>
<td>Lawrenceville</td>
<td>Lawrence</td>
<td>February 12, 1835</td>
</tr>
<tr>
<td>Upper Alton</td>
<td>Madison</td>
<td>February 12, 1835</td>
</tr>
<tr>
<td>Peoria</td>
<td>Peoria</td>
<td>February 21, 1837</td>
</tr>
<tr>
<td>Galena</td>
<td>JoDavis</td>
<td>February 26, 1837</td>
</tr>
<tr>
<td>Joliet</td>
<td>Will</td>
<td>March 1, 1837</td>
</tr>
<tr>
<td>Carlinville</td>
<td>Lacoupin</td>
<td>March 4, 1837</td>
</tr>
<tr>
<td>Ottawa</td>
<td>LaSalle</td>
<td>July 21, 1837</td>
</tr>
<tr>
<td>Jerseyville</td>
<td>Jersey</td>
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<tr>
<td>Caledonia</td>
<td>Boone</td>
<td>July 21, 1837</td>
</tr>
<tr>
<td>Astoria</td>
<td>Fulton</td>
<td>January 24, 1839</td>
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<tr>
<td>Danville</td>
<td>Vermilion</td>
<td>February 3, 1839</td>
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<tr>
<td>Chester</td>
<td>Randolph</td>
<td>February 12, 1839</td>
</tr>
<tr>
<td>Warsaw</td>
<td>Hancock</td>
<td>February 12, 1839</td>
</tr>
<tr>
<td>New Haven</td>
<td>Gallatin</td>
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<td>Kankakee</td>
<td>Will</td>
<td>February 27, 1839</td>
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<tr>
<td>Shelbyville</td>
<td>Shelby</td>
<td>March 2, 1839</td>
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<tr>
<td>Rushville</td>
<td>Schuyler</td>
<td>March 2, 1839</td>
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<tr>
<td>Bloomington</td>
<td>McLean</td>
<td>March 2, 1839</td>
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<tr>
<td>Decatur</td>
<td>Macon</td>
<td>May 6, 1839</td>
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<tr>
<td>Lacon</td>
<td>Marshall</td>
<td>December 10, 1839</td>
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<tr>
<td>Carmi</td>
<td>White</td>
<td>January 30, 1840</td>
</tr>
<tr>
<td>Jacksonville</td>
<td>Morgan</td>
<td>April 6, 1840</td>
</tr>
</tbody>
</table>

186. Galena had been authorized to incorporate as early January 7, 1835.
CONCLUSION.

Although a general act was passed in 1814 for the establishment of towns, no provision was made for the incorporation and government of such towns down to the time of the passing of the general act February 12, 1831, and until that time towns were incorporated by special acts of the legislature.

When a community sought incorporation as a town, and after some of its inhabitants made the fact known to the legislature, the legislature passed an act naming certain persons of the town trustees who were constituted a body corporate and politic, and who were to serve until their successors were elected. The inhabitants of the town oftentimes were constituted the body corporate and politic.

SUFFRAGE.

The ownership of property was a qualification for voting for trustees in most of the early town charters. In fact all of the special town charters down to the passage of the general act of 1831 required a property qualification in some form for voting, except the charters of Edwardsville, Belleville, and Carlyle in 1819, and Alton in 1821. An amendment was passed, in 1831, to the act incorporating Mt. Carmel in 1825, which required the payment of taxes as a qualification for voting. The general law of 1831

187. No appointments were made by the trustees, as specified in the act, if the inhabitants constituted the body corporate and politic; except in the Jerseyville charter of 1837 and the Mt. Carmel charter in 1825.
gave the right to vote to all who had been residents of the town for six months, and to freeholders. After the passage of the general law in 1831 the property qualification for voting was omitted from all the special town charters down to 1840, with the exception of the Mt. Carmel charter of 1835 and of the Ottawa charter of 1837.

As a general rule these later charters provided that such persons, twenty-one years of age, qualified to vote for state officers and residents of the town from three to six months, were qualified to vote for town trustees. In two cases, however, the residence requirements might be waived by freeholders at Chester, and /ability to pay a corporation tax at New Haven. It is interesting to note in those town charters the longer local residence requirement for voting than at the present time.

TRUSTEES.

Trustees were elected by the legal voters of the town to serve for a term of one year, and until their successors were elected and qualified. The manner of conducting the election differed in the various towns. As a rule they were elected on a general ticket at a time specified in the charter. The Mt. Carmel charter of 1825 provided that the "election shall be conducted in such manner and form and according to such rules and

188. This feature was retained in the new charter granted to Mt. Carmel in 1835.
regulations", as were prescribed by the trustees. The general act of 1831 provided for a viva voce vote. Many of the later charters provided for the division of the town into wards and in some cases for the election of trustees by wards.189

The number of trustees in the towns varied. Two of the special acts passed by 1840 provided for a board of three trustees; twenty-four, including the general law of 1831, for a board of five trustees; fourteen for a board of seven trustees and three for a board of nine trustees.

The qualifications of trustees were closely guarded. These qualifications in nearly every case were: that trustees be, at least, 21 years of age, citizens of the United States, residents of the town, and possess a freehold estate. In some of the later charters it was provided, that, in addition to the possession of a freehold estate, trustees should have paid a corporation tax. On the other hand, the property qualification was entirely removed in the Lawrenceville charter of 1835 and in the charters of Decatur, Kankakee and Jacksonville in 1839.

The organization of the board of trustees was very simple during the earlier years of this period. No kind of an organization at all was provided in many of the acts, other than that the trustees should appoint a clerk to their board. The general act of 1831 specified that it should be the duty of the board to

189. This was the case in the Lawrenceville charter of 1835 and in the Ottawa charter of 1837.
appoint a president from their own number, and that they should require a clerk to keep a "fair journal" and a record of all their proceedings. The later charters clearly stated a more complete form of organization. These later charters provided that the board of trustees should appoint the president from their own body, and all the other officers of the town.

The trustees were the judges of the qualifications, elections, and returns of their own members; a majority constituted a quorum; they could compel the attendance of absent members; they might even expel a member for proper cause; and they might make such rules and regulations for their own government as they thought proper and expedient.

PURPOSE OF TAXES.

The early charters granted the towns power to levy a tax for the purpose of paying the town officers, clearing and keeping the streets in repair, and for such public improvements as the trustees saw fit. The general law of 1831 went farther in this respect and after enumerating several powers of the trustees provided for the laying of a tax on all real estate "for the purpose of carrying the aforesaid powers into effect". The special charters granted after 1831 also gave the taxing power to the town trustees for the purpose of carrying out a still

190. The Lacon charter of 1839 provided that the president should be elected in the same manner as the trustees were elected.

191. In a few of the later charters the trustees were given specific power to regulate the election of town officers.
more numerous list of specific powers. Thus we note that the earlier special charters gave the trustees some discretion in the use they made of the taxing power, but later the trustees could make use of the taxing power only for specific purposes provided in the charter.

The rate of taxation ranged from one-fourth percent of the assessed valuation of real estate in Chicago\(^{192}\) to two percent of the assessed valuation of real estate in Chester.\(^{193}\)

The act which legalized the incorporation of Beardstown, however, gave the board of trustees of the town power to levy a tax on real estate, without regard to improvements, not exceeding six percent per annum, for raising a sum of $10,000. Likewise, power was given the trustees of Kankakee to levy a tax to pay back money borrowed, with accrued interest, but they could not levy an amount of taxes to exceed the interest and one-fifth of the principal in any one year.

As a general rule the board of trustees was the custodian of all town property, in some cases of the school property, in a few cases of the church lands which had been donated by the proprietors of the town for church purposes. The trustees of Ottawa,\(^{194}\) for instance, were granted extensive powers in respect to public property, by the charter of 1837. They were

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194. Laws of the Tenth General Assembly, Special Sess., p. 96.
empowered to grant, purchase, receive and hold real and personal property within the town limits, and to lease, sell and convey the same for the benefit of the town.

OFFICERS.

According to the earlier charters the board of trustees appointed a clerk, assessor, constable, and collector. The charters of Kaskaskia, granted in 1818, and of Carmi, granted in 1819, provided for no assessor or collector. The clerk of the board assessed and valued the lots in the town, and the town constable collected the taxes. These four officers were the only town officials, other than the trustees until after the passage of the general act in 1831. The special charter granted to Chicago in 1835 provided for additional officers. Besides the officers already mentioned, the Chicago charter provided for a street commissioner, a treasurer, a town surveyor, several minor officers, and such other officers as the trustees might deem necessary. The later town charters down to 1840 provided for similar town officers as was specified in the Chicago charter.
SUMMARY.

From this study of the town charters from 1814 to 1840, we may note the following characteristics: (1) A board of trustees constituted the chief governing body of the town; (2) the powers of the trustees were granted in general terms at the beginning of the period, while the later charters specified more definitely the precise powers which the trustees were to exercise; (3) the early town governments were based on a property qualification for voting, but in the later laws a more popular basis was established; and (4) in some of the later charters appear some features indicating the future development in regard to city government, such as the division of towns into wards, a regular fire department, and the separate election of the President with some special powers.
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