Geo. W. Rickert

LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

NINTH GENERAL ASSEMBLY,

Treasurers Office

AT THEIR

Monroe County

First Session,

Waterbury

COMMENCING DECEMBER 1, 1834, AND ENDING FEBRUARY 13, 1835.

PUBLISHED IN PURSUANCE OF LAW.

VANDALIA:

J. Y. SAWYER, PUBLIC PRINTER.

1835.

LAWS

OF THE STATE OF ILLINOIS.

AN ACT making partial appropriations. In force Dec. 19, 1834.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Auditor of public accounts be, and he is hereby required to draw his warrant on the Treasury for the sum of one hundred dollars to each member of this General Assembly, and a like warrant to the Speaker of each House, the Secretary of the Senate, and the Clerk of the House of Representatives and Assistant Clerks of each House, to each of the Engrossing and Enrolling Clerks and Door Keepers of both Houses.

APPROVED, Dec. 19, 1834.

AN ACT making appropriations for the years 1835 *&* 1836. In force Feb. 13, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of eight thousand dollars be, and the same is hereby appropriated as a contingent fund, to meet the contingent expenses for the years 1835 and 1836. The said fund shall be subject to the order of the Governor, in defraying such expenses as are unforeseen by the General Assembly or not otherwise provided for by law, a statement of which shall be laid before the next General Assembly of this State by the Auditor in his biennial report. Contingent fund.

SEC. 2. The sum of one thousand five hundred dollars is hereby appropriated to defray the expenses incident to the Penitentiary, for the years 1835 and 1836. Said fund shall be subject to the order of the Inspectors of said Penitentiary, a detailed statement of which shall be laid before the next General Assembly of this State, showing the manner in which the same may have been expended. Incidental expenses of Penitentiary.

Interest on Wiggins' loan.

SEC. 3. That the sum of twelve thousand dollars is hereby appropriated to pay the interest on the Wiggins' loan for the years 1835 and 1836.

Salaries.

SEC. 4. That the following sums be, and the same are hereby appropriated, in full, for the salaries of the several officers herein mentioned, for the years 1835 and 1836:—

For the Governor, two thousand dollars.

The Auditor of Public Accounts, three thousand two hundred dollars, including clerk hire.

The State Treasurer, three thousand two hundred doldollars, including clerk hire.

To the Secretary of State, two thousand two hundred dollars, including clerk hire and copying of laws.

The Judges of the Supreme Court, eight thousand dollars.

The Judges of the Circuit Courts, nine thousand dollars.

The Attorney General and State's Attorneys, thirty-seven hundred dollars.

The Agent of the Ohio Saline, four hundred dollars.

The Warden of the Penitentiary, eight hundred dollars.

The Secretary to the Council of Revision, three dollars per day.

Compensation of Speakers and members of the General Assembly.

SEC. 5. There shall be paid to the Speaker of the Senate and Speaker of the House of Representatives, five dollars per day, and three dollars for each twenty miles necessary travel in going to, and returning from the Seat of Government of the State.

To each member of the Senate and House of Representatives, the sum of three dollars per day for each day's attendance at the present session of the General Assembly, and three dollars for each twenty miles, going to and returning from the Seat of Government of the State, necessary traveling.

Secretary of Senate and clerks of both houses.

To the Secretary of the Senate and Principal Clerk of the House of Representatives, five dollars per day.

To the Assistant Clerks of each House, four dollars per day.

To the Engrossing and Enrolling Clerks of the Senate and House of Representatives, four dollars per day.

To each Door Keeper, three dollars per day.

To the Secretary of the Senate and Principal Clerk of the House of Representatives, the sum of one hundred and seventy-five dollars each, for furnishing a copy of the Journals for the press.

To Claiborne S. Thomas, three dollars per day for his services rendered to the Engrossing and Enrolling Clerk of the House of Representatives, from the 19th January to the last day of the present session, inclusive. Said compensation, when due the members and officers of the

Senate, shall be certified by the Secretary thereof, except his own, which shall be certified by the Speaker; and said compensation, when due the members and officers of the House of Representatives, shall be certified by the Principal Clerk, except his own, which shall be certified by the Speaker; which said certificates, when so made out, shall be a sufficient voucher to the Auditor to draw his warrant on the Treasury for the amount to which each person shall be entitled as aforesaid, to be paid out of any money in the Treasury not otherwise appropriated. How to be certified.

Sec. 6. The Auditor of Public Accounts shall issue his warrant on the Treasury in favor of the different persons hereinafter named, for the several sums annexed to their respective names, to wit:—

To Robert Blackwell the sum of ninety-four dollars and seventy-two cents for articles furnished for the use of the State. R. Blackwell.

To J. T. Eccles & Co., the sum of twenty-five dollars and twenty-five cents, for articles furnished for the use of the State. J. T. Eccles & Co.

To James Black, the sum of one hundred and thirteen dollars and fifty cents, for materials furnished to repair the Bank House. Jas. Black.

To M. Greiner, the sum of six dollars and twenty-five cents, for printing the Ayes and Nays for the use of the House of Representatives. M. Greiner.

To Marmaduke Vickery, the sum of two dollars and fifty cents, for fixing the stoves for State House. M. Vickery.

To George Leidig, the sum of fifty dollars, for a room furnished the Council of Revision during the present session of the General Assembly. George Leidig.

To William C. Murphey, the sum of two dollars and thirteen cents, for work done on the State House. W.C. Murphey

To Moses Philips, the sum of three dollars, for locks and work done on the State House. Moses Philips.

To John Y. Sawyer, the sum of two hundred and twenty-seven dollars and sixty-eight cents, for printing for the use of the House of Representatives. J. Y. Sawyer.

To Blackwell & Stapp, the sum of ten dollars, for glass furnished for the Bank. Blackwell and Stapp.

To Robert Blackwell, the sum of fifteen dollars, to be applied in obtaining and erecting suitable head and foot-stones to the grave of the late William McHenry. R. Blackwell.

To J. T. Eccles, the sum of six dollars, for swearing in members of the House of Representatives. J. T. Eccles.

To John Roberts, the sum of thirty-seven and a half cents. John Roberts.

To John D. Hughes, seven dollars and seventy cents. J. D. Hughes.

To Jarvis Forehand, one dollar and fifty cents a day for J. Forehand.

attendance on the Council of Revision, the number of days to be certified by the Council to the Auditor.

Jas. Black. To James Black, the sum of three dollars and eighty-eight cents, for articles purchased for the funeral of William McHenry.

W. B. Scates. To Walter B. Scates, for services as Clerk *pro tem.* the sum of five dollars.

J. Armstrong. To John Armstrong, as Door Keeper, *pro tem.* three dollars.

T. C. Kirkman. To Thomas C. Kirkman, for Assistant Clerk, *pro tem.* the sum of four dollars.

John Stams. To John Stams for wood, six dollars.

John Lindley. To John Lindley for wood, twenty-five dollars.

J. Y. Sawyer. To John Y. Sawyer for stove for Senate Chamber, thirty-three dollars.

To John Y. Sawyer for printing for Senate and printing sales of land in Lawrence and White counties, the sum of six hundred and seventeen dollars and eighty-one cents.

A. F. Grant. To A. F. Grant, five dollars for one day's services as Secretary *pro tem.* to the Senate.

Wm. Hodge. To William Hodge, six dollars for administering oaths of office to the members of the Senate.

J. Y. Sawyer. To John Y. Sawyer for advertising sales of real estate in White county for the State Bank of Illinois, and for advertising real estate in Lawrenceville for sale for the same, five squares, one for twelve weeks and the other for six weeks, fifteen dollars and seventy-five cents.

Wm. Denning, J. C. Sprigg & J. W. Casey. To William Denning, John C. Sprigg and J. W. Casey, three dollars per day each, for assisting the Engrossing and Enrolling Clerk of the Senate, to be paid on the certificate of the Secretary of the Senate.

Wm. Flora. To William Flora the sum of ten dollars for carrying wood for the Engrossing Clerks of both Houses of this General Assembly.

Receiver of Vermilion Saline. Sec. 7. To the Receiver of the Vermilion Saline, one half per cent. on all moneys by him paid into the State Treasury, for his trouble in bringing and paying over the same on or before the first day of March next.

Approved, Feb. 13, 1835.

STATE BANK OF ILLINOIS.

AN ACT to incorporate the subscribers to the Bank of the State of Illinois. In force Feb. 12, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a Bank of the State of Illinois shall be established, the capital stock whereof shall be one million five hundred thousand dollars, to be divided into shares of one hundred dollars each; one million four hundred thousand dollars of said capital stock to be subscribed by individuals, [and] one hundred thousand shall be reserved, and may be subscribed for by the State of Illinois whenenever the Legislature thereof may deem it proper to subscribe the whole or such parts thereof, as the condition of the Treasury may justify. Bank established. Capital stock, $1,500,000.

SEC. 2. The said capital stock may hereafter be increased by individual subscriptions, to an amount not exceeding one million of dollars, to be subscribed for and taken under the direction of the President and Directors of this Corporation, in the same manner as herein provided for the subscription to the original capital stock. May be increased.

SEC. 3. All persons who shall become holders of the capital stock of said Bank, pursuant to this act, shall be and they are hereby constituted a body corporate, by the name of the President, Directors and Company of the State Bank of Illinois; and such Corporation shall continue until the first day of January, in the year one thousand eight hundred and sixty, and by that name, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever. Subscribers to the stock incorporated. Extent of corporation.

SEC. 4. The said corporation shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt, by receiving deposites, and making all other contracts involving the interest or uses of money; by buying or selling gold and silver bullion, foreign coins and bills of exchange, by issuing bills, notes, or other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on all such business. Nature of the incorporation.

SEC. 5. The real estate which it shall be lawful for said Bank to purchase, hold and convey, shall be—1st. Such as shall be required for its immediate accommodation in the transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or—3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or—4th. Real estate to be held by said Bank.

Such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts; and said Bank shall not purchase, hold or convey real estate in [any] other case, or for any other purpose; and all such real estate, not absolutely necessary for the convenient discharge of its business, shall be set up at least once a year at public sale, and if the sum offered therefor, shall be sufficient to reimburse the principal and interest of the debt for which it was taken by said corporation, it shall be absolutely sold.

Prohibited from dealing in merchandize.

SEC. 6. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandize, or commodities whatever.

May have a common seal.

SEC. 7. The said corporation may have and use a common seal—the same alter, break, change or renew at pleasure, and may also make, ordain and establish and put in execution such by-laws, ordinances, rules and regulations, as shall be necessary for the good government of the said Bank, and the prudent and efficient management of its affairs. No by-laws, ordinances, rules and regulations of the same, shall be in any wise contrary to the Constitution and Laws of this State, or of the United States.

Principal bank, where located.

SEC. 8. The principal Bank of said corporation, shall be located at Springfield, and an office of Discount and Deposite as a Branch thereof, shall be established at Vandalia; and the President and Directors aforesaid, may establish and discontinue such other offices of Discount and Deposite as Branches within this State, whenever the interest of the community or Bank require it, in number not exceeding six, for the purpose of discount and deposite, and the transaction of such other business as may be legally confided to them under the provisions of this act; and to commit the management of all of the aforesaid branches under such regulations, as they shall from time to time deem prudent and necessary to adopt, to such number of persons as they shall choose.

Commissioners to receive subscriptions to capital stock.

SEC. 9. For procuring subscriptions for said capital stock, John Tillson, jr., Robert K. McLaughlin, Daniel Wann, A. G. S. Wight, John C. Riley, Wm. H. Davidson, Edward M. Wilson, Edward L. Pierson, Robert R. Green, Ezra Baker, jr., Aquilla Wren, John Taylor, Samuel C. Christie, Edmund Roberts, Benjamin Godfrey, Thomas Mather, A. M. Jenkins, Wm. Linn, W. S. Gilman, Charles Prentice, Richard I. Hamilton, A. H. Buckner, Wm. F. Thornton and Edmund D. Taylor, are appointed commissioners to receive all subscriptions therefor, and said commissioners, or a majority of them, shall first open in this State, one or more subscription books for said stock, on such days and at such places as they shall deem expedient; and shall, for

such purpose, appoint a day, giving at least thirty days previous notice of such time and place in one or more of the newspapers printed at the seat of government of this State or elsewhere; and if the whole of the capital stock herein authorized to be subscribed for, shall not be taken within twenty days after the books shall be opened as aforesaid, the said commissioners or a majority of them, shall open other books on such days and at such places as they shall deem expedient, giving at least twenty days notice of the time and place of re-opening said books, in one or more of the newspapers printed at or near the place of re-opening said books.

Length of time for books to be kept open.

Sec. 10. The books for subscription shall be kept open until all the original stock to be subscribed by individuals shall have been taken, and the sum of ten dollars on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription; such payments shall be made in specie, bills of the Bank of the United States, or certificates of deposite in any of the Deposite Banks of the United States, in New York or Philadelphia. As soon as the Directors shall have been chosen, and the commissioners hereby appointed shall have been notified of their election, they shall pay over the whole amount of subscription severally paid to, and received by them in the same description of moneys so by them received, into the hands of the President and Directors of the said corporation, taking their receipts therefor, to be delivered over to the Cashier of said corporation as soon as he shall have given bond according to law: *Provided*, That if, on closing the books, it shall be found that more than one million four hundred thousand dollars have been subscribed, the excess shall be taken first from such as reside out of this State, then from corporations; and should there still be an excess, the same shall be taken in proportion from the subscriptions over one thousand dollars, until all are reduced to that amount; then from all equally, until the whole amount shall not exceed one million four hundred thousand dollars.

Concerns of said bank, how managed.

Sec. 11. The stock, property and prudential concerns of said corporation, shall be conducted by nine directors, being stockholders and citizens of this State, but no person shall be a director who shall not at the time of his appointment hold at least ten shares of the stock of the incorporation.

Election of directors, when and where to be held.

Sec. 12. The election of directors under this act, shall be held at such time and place in the town of Springfield, as shall be directed by the said commissioners, who, or a majority of whom, are hereby appointed inspectors of the first election; and the persons then elected as directors, shall hold their offices until the second Tuesday of June, 1836, and until others are elected.

Shall be elected annually thereafter.

Sec. 13. The directors for every subsequent year, shall be elected on the second Tuesday of June in every year, at such time of the day, and at such place within the town of Springfield, and under the direction of such persons as a majority of the directors, for the time being, shall, by a resolution to be entered on their minutes, appoint, and shall hold their offices for one year, or until others are elected in their stead.

Number of votes that each stockholder shall be entitled to.

Sec. 14. After the first election, no stockholder who shall not have held his stock for which he votes, for three calendar months previous to the day of election, shall be entitled to vote, and the number of votes to which such stockholders shall be entitled in voting for directors, shall be in the proportion following—that is to say, for each and every share, not exceeding four shares, one vote; for every two shares above four and not exceeding thirty, one vote; for every four shares above thirty and not exceeding ninety, one vote; for every six shares above ninety and not exceeding one hundred and fifty, one vote; and for every ten shares above one hundred and fifty, one vote. But no person, co-partnership, or corporation, shall be entitled to a greater number than one hundred votes. In all elections for directors, votes may be given either in person or by proxy; but no person shall vote by proxy more than one hundred votes, and no individual stockholder who shall be a resident of the county where the election is to be held at the time of such election, shall vote by proxy unless in case of unavoidable absence, except females or minors: *Provided*, no President, Cashier, or other officer of said Bank or Branches thereof, shall be permitted to vote at any election for directors as the attorney, agent or proxy of any stockholder: *Provided, also*, that no President, Cashier or Director of the Bank shall, during the term of his office, be eligible to a seat in either branch of the General Assembly of this State.

Election to be by ballot.

In case two or more have an equal number of votes.

Sec. 15. All elections shall be by ballot, and the nine persons who shall have greatest number of votes, shall be the Directors; and if at any election two or more persons have an equal number of votes for directors, then the directors who shall have been duly elected, shall proceed by ballot, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number; and if any director shall cease to be a stockholder to the amount of ten shares, his office shall be vacant; and whenever any vacancy shall happen among the directors, from such or any other cause, such vacancy shall be filled for the remainder of the year in which it shall happen, by the directors, for the time being, or a majority of them.

Sec. 16. The directors elected, as soon as may be after their election, shall proceed to choose by ballot, one of their number to be their President, who shall preside in the board until the next annual election; and in case of his death or resignation, they may proceed to fill the vacancy created thereby for the residue of his term. They shall have power to appoint a Cashier and all subordinate officers of the said corporation, fix their compensation, define their powers, and prescribe their duties; who shall give such bonds and in such penal sums, with such conditions, and with such securities as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors. Election of president.

Sec. 17. That a general meeting of the stockholders shall be held on the second Monday of June, 1836, and on the second Monday of June annually, thereafter, at the time and place of holding the election for directors; and the directors for the year immediately preceding, shall present an exact and particular statement of the state, condition, and affairs of said Bank; and the stockholders present, shall have power to examine into all matters connected with said Bank, its pecuniary concerns and general welfare, and to adopt such measures as shall appear to them needful and proper, touching the management of said corporation and its effects, as shall not be inconsistent with the provisions of this charter. General meetings of stockholders, when held.

Sec. 18. The said corporation shall have power to receive on deposite, or borrow at such rate of interest as may be agreed upon, any sum of money not exceeding one million of dollars, and the same to loan on bond and mortgage of unincumbered real estate within the State; but no loan on such real estate shall be made in any case for more than one half of the appraised value thereof, for a term of time not exceeding five years, and at no higher rate of interest than ten per centum per annum. Authorized to borrow money. May loan the same.

Sec 19. The said corporation shall not commence business until two hundred and fifty thousand dollars of the capital stock shall have been paid to said corporation in specie; and as soon as such payment shall have been made, the said directors shall notify the Governor of this State that they are ready to commence business; and thereupon, the said Governor shall appoint some suitable person or persons, to examine and count the money paid in on account of said capital stock, and then being actually in the vaults or possession of said corporation, whose duty it shall be, at the expense of said corporation, to make such examination, and ascertain by the oath of the President and Cashier of the said corporation, that the said capital has been, *bona fide*, paid in by the stockholders of the said When to commence business.

corporation, in payment of instalments under the regulations of this charter, and for no other purpose whatever, and that it has actually been received as part of said capital stock; and thereupon, such person or persons so appointed by the Governor, shall forthwith make due return of such examination, and the facts connected therewith, to the Governor; and when the return shall be made to him, as aforesaid, that the said sum of two hundred and fifty thousand dollars of the capital stock of the said corporation has been paid in and actually exists in the vaults in possession of said corporation, he shall cause proclamation to be made of the same, which shall be published, at the expense of the said corporation, in at least four of the newspapers printed in this State; and on the first publication of such proclamation, it shall be lawful for the said corporation to commence business, and not before.

Directors to require payment of sums subscribed and unpaid.

SEC. 20. The directors shall have power to require the stockholders, respectively, to make payment of all sums of money by them subscribed and remaining unpaid, at such times and in such proportion as such directors shall see fit, under the pain of the forfeiture of the share upon which such payments are required, and all previous payments thereon, to the said corporation.

Shall give notice of such payments.

SEC. 21. The directors shall give notice of every such call by notice, to be published at least once a week, for eight weeks successively, in two or more newspapers in this State, one of which shall be at the seat of government of this State; which notice, so to be published, shall be a sufficient call on such stockholders to authorize, in case of default to comply therewith, the forfeiture above provided.

All evidences of debt obligatory on said corporation.

SEC. 22. The obligations, contracts, bills, notes and other evidences of debt, made or issued by the said corporation, and being assignable and negotiable in like manner as if made or issued by a private person; and those payable to bearer by delivery; and every evidence of debt assigned by the said corporation by endorsement thereon, shall enable the assignee thereof to maintain an action thereupon in his own name; but every note, bill or evidence of debt, purporting to be a bank note to be issued by the said corporation, shall be deemed and taken to be payable at the banking house of the said corporation, unless otherwise specified on its face.

Rates of interest allowed.

SEC. 23. It shall be lawful for the said corporation, and they are hereby authorized, to demand and receive, for all sums of money loaned by them, the following rates of interest, to wit: On loans for sixty days or under, at the rate of six per cent. per annum; on loans over six months and under twelve, eight per cent. per annum: *Provided*, That

the interest may be taken in advance and in accordance with the usual practice of banking institutions.

Sec. 24. The said corporation shall not issue or have in circulation at any time an amount of notes or bills put in circulation as money, exceeding twice and a half of its capital stock paid in and possessed, exclusive of the sums due on deposites; nor shall its loans and discounts at any time exceed three times the amount of such stock, exclusive of the deposites as aforesaid; and in case of excess, the directors, under whose administration it shall have happened, shall be liable in their natural and private capacities. Any director or directors who may be absent when such excess is created or contracted, or who may have dissented from the act whereby the same was created or contracted, may respectively exonerate themselves from being so liable, by entering his protest to the same on the book of the minutes of the proceedings of the said corporation.

Notes in circulation not to exceed twice and a half the capital stock.

Sec. 25. If, at any time, the corporation hereby created, shall neglect or refuse, for ten days after demand, at the banking house, during the regular hours of business, to redeem, in specie, any evidence of debt issued by the said corporation, the said corporation shall discontinue and close all its operations of business, except the securing and collecting of debts due or to become due to the said corporation, and the charter hereby granted shall be forfeited.

Refusal to redeem evidence of debt.

Sec. 26. The said corporation shall be liable to pay to the holders of every evidence of debt made by it—the payment of which shall have been demanded and refused damages for the non-payment thereof in *lieu* of interest at and after the rate of ten per centum per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

Payment demanded and refused.

Sec. 27. The stock of the said corporation shall be assignable and transferable according to such rules as shall be adopted, in that behalf, by the by-laws and ordinances thereof.

Stock assignable.

Sec. 28. Whenever the one hundred thousand dollars reserved in this charter to be subscribed for by the State of Illinois, shall have been, by virtue of law, subscribed for, and the amount thereof paid in by the said State, the Governor shall nominate, and, by and with the advice and consent of the Senate, appoint two directors on the part of the State, to represent her in the said corporation, whose rights, powers and duties, shall be, in all respects, the same as those of the directors chosen by the stockholders.

When the am't of stock reserved to the State shall be subscribed.

Sec. 29. It shall be the duty of the directors of the said corporation, to make dividends half-yearly, or otherwise,

Directors shall make dividends

of profits.

of so much of the surplus profits arising from the business of the said corporation, as they, or a majority of them, shall deem advisable.

Expenses incurred by commissioners, how paid.

Sec. 30. The expenses incurred by Commissioners in executing any duties required by this act, shall be paid out of the moneys received by them, from the subscribers, out of the capital stock.

Sec. 31. The Legislature of this State shall never pass any law retarding, obstructing, staying, protracting, or in any wise suspending the collection of any debt or debts due the said Bank.

To be deemed a public act.

Sec. 32. This act shall be taken and received by all Courts, and by all Judges, Magistrates, and other public officers, as a public act, and shall be construed liberally for all beneficial purposes therein intended; and all printed copies of the same which shall be printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof without any other proof whatever.

Conveyances to be signed by the president.

Sec. 33. All conveyances of real estate shall be made and signed by the President of this corporation, and shall have affixed to said conveyance the seal thereof.

Shall not issue bills of less than five dollars.

Sec. 34. It shall not be lawful for this corporation, under penalty of the forfeiture of its charter, to issue any bank bills of a less denomination than five dollars; and the power is hereby reserved to the Legislature, fifteen years after the passage of this act should it be considered advisable, to further restrict the corporation from issuing any bank bills of a less denomination than ten dollars.

Stock to be deemed personal property.

Sec. 35. The stock in said Bank shall be considered as personal property, and may be sold on execution, and transferred on the books of the Bank by the officer selling the same, but in all cases be subject to a lien in favor of the Bank, for all debts *bona fide* due, or then owing and to become due the same from the owner.

Tax or bonus.

Sec. 36. The said Bank shall pay into the State Treasury annually, on the first day of January, one half per cent. on the amount of capital stock actually paid in by individuals, in lieu of all taxes and impositions whatsoever: *Provided*, That if said Bank shall abuse any of its corporate powers, by interfering in any of the elections of this State, other than that of its own officers, the said Bank and its Branches shall forfeit its charter, and cease to exist.

Approved, Feb. 12, 1835.

AN ACT to incorporate the President, Directors and Company of the Bank of Illinois at Shawneetown.

Sec. 1. *Be it enacted by the Legislative Council and House of Representatives of the Illinois Territory, and it is hereby enacted by the authority of the same,* That a Bank shall be established at Shawneetown, the capital stock whereof shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, one-third thereof to remain open to be subscribed by the Legislature of this Territory, or State, when a State Government shall be formed, which Territory or State, shall be entitled to such part of the dividend of the said corporation in proportion to the amount actually subscribed by such Territory or State, which one-third shall be divided into shares of one hundred dollars each, in the same manner as the individual stock is divided, and that subscriptions for constituting the said stock shall, on the first Monday in January next, be opened at Shawneetown, and at such other places as may be thought proper, under the superintendence of such persons as shall hereafter be appointed, which subscriptions shall continue open until the whole capital stock shall have been subscribed for: *Provided, however,* That so soon as there shall be fifty thousand dollars subscribed for in the whole, and ten thousand thereof actually paid in, the said corporation may commence business and issue their notes accordingly.

Sec. 2. *Be it further enacted,* That it shall be lawful for any person, or partnership, or body politic, to subscribe for such or so many shares as he, she, or they may think fit, nor shall there be more than ten shares subscribed in one day by any person, co-partnership or body politic, for the first ten days after opening the said subscriptions. The payments of said subscriptions shall be made by the subscribers respectively, at the time and manner following—that is to say, at the time of subscribing there shall be paid into the hands of the person appointed to receive the same, the sum of ten dollars in gold or silver on each share subscribed for, and the residue of the stock shall be paid at such times and in such instalments as the directors may order: *Provided,* That no instalment shall exceed twenty-five per cent. on the stock subscribed for, and that at least sixty days notice be given in one or more public newspapers in the Territory: *And provided, also,* That if any subscriber shall fail to make the second payment at the time appointed by the directors for such payment to be made, shall forfeit the sum so by him, her or them first paid, to and for the use of the corporation.

Sec. 3. *Be it further enacted,* That all those who shall

become subscribers to the said Bank, their successors and assigns, shall be and they are hereby enacted and made a corporation and body politic, by the name and style of "The President, Director and Company of the Bank of Illinois," and shall so continue until the first day of January, one thousand eight hundred and thirty-seven, and by that name shall be and hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding in the whole, five hundred thousand dollars, including the capital stock aforesaid, and the same to grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also, to make, have and use a seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as they shall deem necessary and convenient for the government of the said corporation, not inconsistent with the laws of the Territory or constitution, and generally to do, perform and execute all and singular acts, matters and things which to them it may appertain to do, subject however to the rules, regulations, limitations and provisions hereinafter prescribed and declared.

Sec. 4. *Be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be twelve directors, the first election for whom shall be by the stockholders, by plurality of votes actually given, on such day as the persons appointed to superintend the subscriptions for stock shall appoint, by giving at least thirty days notice in all the public newspapers of the Territory, and those who shall be duly chosen at any election, shall be capable of serving as directors by virtue of such choice, until the full end or expiration of the first Monday of January next ensuing the time of such election, and no longer; and on the said first Monday of January in each and every year thereafter, the election for directors shall be holden, and the said directors at their first meeting after each election, shall choose one of their number as President.

Sec. 5. *Be it further enacted*, That in case it should happen at any time that an election for directors should not be had upon any day, when, pursuant to this act, it ought to have been holden, the corporation shall not for that cause be considered as dissolved, but it shall be lawful to hold an election for directors on any other day, agreeably to such by-laws and regulations as may be made for the government of said corporation, and in such case the directors,

for the time being, shall continue to execute and discharge the several duties of directors until such election is duly had and made; any thing in the fourth section of this act to the contrary notwithstanding: *And it is further provided*, That in case of death, resignation or removal of director or directors, the vacancy shall be filled by election for the balance of the year.

Sec. 6. *Be it further enacted*, That a majority of the directors, for the time being, shall have power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation as shall be prescribed, fixed and determined by the laws, regulations and ordinances of the same: *Provived always*, That a majority of the whole number of directors shall be requisite in the choice of a President and Cashier.

Sec. 7. *Be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be the fundamental articles of the Constitution of the said corporation, to wit:—The number of votes to which the stockholders shall be entitled in voting for directors, shall be according to the number of shares he, she or they may respectively hold, in the proportions following—that is to say, for one share and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares exceeding one hundred shares, one vote; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of election.

2. The Governor of the State or Territory, is hereby appointed agent for the Legislature, to vote for President, Directors and Cashier of said Bank, and is hereby entitled to exercise the right of voting for the same in proportion to the number of shares actually subscribed for by the Legislature, in the same ratio that individuals, or other bodies politic or corporate are entitled to vote for; and the said agent hereby appointed, shall exercise the power hereby vested in him until the Legislature shall make other regulations respecting the same, and no longer.

3. None but a *bona fide* stockholder being a resident citizen of the Territory, shall be a director; nor shall a direc-

tor be entitled to any other emolument than such as shall be allowed by the stockholders at a general meeting, but the directors may make such compensation to the President for his extraordinary attendance at the Bank, as shall appear to them reasonable and just.

4. Not less than four directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness, or necessary absence, in which case, his place may be supplied by any other director, whom he, by writing under his own hand, may depute for that purpose.

5. Any number of stockholders, not less than fifteen, who shall be proprietors of not less than fifty shares, shall have power to call a general meeting of the stockholders for purposes relative to the institution, by giving at least thirty days notice in one or more of the public newspapers of the Territory, specifying in such notice the object or objects of such meeting, and may, moreover, appoint three of their members as a committee to examine into the state and condition of the Bank, and the manner in which its affairs have been conducted: *Provided*, That no member of such committee shall be a Director, President or other officer of any other Bank.

6. Every Cashier before he enters upon the duties of his office, shall be required to give bond with two or more sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, conditioned for his good behavior, and the faithful performance of his duties to the said corporation, and the other officers and servants shall also enter into bond and security in such sum as the President and Directors may prescribe.

7. The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, and such as shall have been, *bona fide*, mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments which shall have been obtained for such debts.

8. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid over, and above the moneys then actually deposited in the Bank for safe keeping; and in case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may be brought against them, or any of them, their or any of their

heirs, executors or administrators, in any court competent to try the same, or either of them, by any creditor or creditors of the said corporation; but this provision shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same from being liable for, and chargeable with the said excess; such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act, whereby it was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, at a general meeting of the stockholders, which they shall have power to call for that purpose.

9. The said corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, gold or silver, or in the sale of goods really and truly pledged for money lent and not legally redeemed in due time, or of goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of six per cent. per annum for or upon its loans or discounts.

10. The shares of the capital stock of the said corporation shall be assignable and transferable at any time, according to such rules as shall be established in that behalf, by the laws and ordinances of the same; but no stock shall be transferred, the holder thereof being indebted to the Bank, until such debt be satisfied, except the President and Directors shall otherwise order it.

11. The bills, obligatory and of credit, under the seal of the said corporation, which shall be made payable to any person or persons, shall be assignable by an endorsement thereupon, and shall possess the like qualities as to negotiability, and the holders thereof shall have and maintain the like actions thereon as if such bills obligatory and of credit, had been made by or on behalf a natural person; and all bills or notes which may be issued by order of the said corporation, signed by the President and countersigned by the principal Cashier, or Treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in the like manner as if they were so issued by such private person or persons—that is to say, which shall be payable to any person or persons, his, her or their order—shall be assignable by endorsement, in like manner and with

like effect as bills of exchange now are; and those which are payable to bearer, shall be assignable and negotiable by delivery only.

12. Half yearly dividends shall be made of so much of the profits of the Bank as shall be deemed expedient and proper; and once in every three years, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the time of that credit, and of the surplus of profit, (if any) after deducting losses and dividends. If there shall be a failure in the payment of any part of any sums subscribed to the capital stock of said Bank, the party failing shall lose the dividend which may have accrued prior to the time of making such payment during the delay of the same.

Sec. 8. *And be it further enacted*, That the said corporation shall not at any time suspend or refuse payment in gold and silver, of any of its notes, bills or obligations, nor of any moneys received upon deposite in said Bank, or in its office of discount and deposite; and if the said corporation shall at any time refuse or neglect to pay on demand, any bill, note or obligation, issued by the corporation according to contract, promise or undertaking therein expressed, or shall neglect or refuse to pay on demand, any moneys received in said Bank, or in its office aforesaid on deposite, the person or persons entitled to receive the same, then, and in every such case, the holder of any such note, bill or obligation, or the person or persons entitled to demand and receive the same, shall recover interest on the said bills, notes, obligations or moneys, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum, from the time of such demand as aforesaid: *Provided*, That the Legislature of this Territory may, at any time hereafter, enact laws to enforce and regulate the recovery of the amount of the notes, bills, obligations, or other debts, of which payment shall have been refused as aforesaid, with the rate of interest above mentioned; vesting jurisdiction for that purpose in any courts either of law or equity within this Territory.

Sec. 9. *Be it further enacted*, That John Marshall, David Apperson, Samuel Hays, Leonard White, and Samuel R. Campbell, or any three of them, shall be commissioners for the purpose of receiving subscriptions, and who shall have power to appoint a person to receive the money required to be paid at the time of subscribing; and the said receiver shall, as soon as the directors are appointed, pay over the same into the hands of such person as the directors may direct.

Sec. 10. *Be it further enacted*, That the aforesaid corporation shall not be dissolved previous to the expiration of their charter, nor until all their debts, contracts, notes, bills of exchange and undertakings in their corporate capacity, shall be finally and faithfully settled: *Provided, also*, That after the expiration of their charter, they shall not transact business according to the true intent and meaning of this act, further than to settle and close their contracts as above provided. This act to take effect from and after its passage.

WILLIS HARGRAVE,
Speaker of the House of Representatives, pro tem.
PIERRE MENARD,
President of the Legislative Council.

Approved, December 28, 1816.

NINIAN EDWARDS.

AN ACT to extend for a limited time the Charter of the Bank of Illinois at Shawneetown.

In force Feb. 12, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Act of the Legislature of the late Territory of Illinois, entitled "An act to incorporate the President, Directors and Company of the Bank of Illinois," approved December 28th, 1816, be and the same is hereby continued in force for the term of twenty years from the first day of January, 1837; and the said corporation is hereby authorized to demand and receive, for loans made, the following rates of interest, to wit: On loans for six months or under, at the rate of six per cent. per annum; and on loans over six months, at the rate of eight per cent. per annum.

Charter extended.

Sec. 2. Stock in said Bank, on which payments shall not be made in pursuance of regular calls made by the board of directors, shall become forfeited to the said Bank, and shall be open again to be subscribed for, and taken by any other person or persons, in such public mode as the board of directors shall prescribe, of which reasonable public notice shall be given: *Provided*, That said Bank shall refund to the original proprietors thereof whatever amount (but without interest or dividends) shall have been actually paid in by them on such stock.

Stock to be forfeited when payments are not made in pursuance of regular calls.

Sec. 3. It shall be the duty of the Governor of this State, within three months from the passage of this act, to cause public notice to be given, in such newspapers in this State,

Duty of the Governor in relation to the stock reserved and to

be subscribed for by the state.

and elsewhere, as he shall judge proper, that on the first day of May next, the one hundred thousand dollars of the stock of said Bank, reserved by the Charter thereof to be subscribed for by the State, will be sold at the Banking-house in Shawneetown, to the highest bidder; and on that day he shall cause to be sold, as aforesaid, for the highest premium which can be got, the said one hundred thousand dollars of stock, in lots of not less than ten shares, nor more than fifty shares at a time; and the said stock, when thus sold, shall be entered on the books of the Bank, in the names of the purchasers thereof, and shall be subject to the same rules and regulations as other stock in said Bank; and if said stock should not be sold on the said day, the same shall be and remain open for subscription on the books of said Bank until the same shall be all subscribed for and taken. The premium for which said stock shall be sold, shall be paid into the State Treasury for the use of the people of the State: *Provided*, That said Bank shall pay into the State Treasury, annually, one half per cent. on the capital stock actually paid into said Bank, to be used for State purposes; and said Bank shall be exempt from further taxation in consideration thereof.

Approved, Feb. 12, 1835.

In force Feb. 7, 1835.

AN ACT to provide for the distribution and application of the interest on the School, College and Seminary funds.

School commissioners to provide account books.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the commissioners of the school fund are hereby required to provide a well bound book, in which they shall keep the accounts of the School, College and Seminary funds—the accounts shall be kept separately, in the manner following: The commissioners shall charge themselves with the amount of each sum received, on the date of receiving the same, and credit themselves with each sum paid and loaned out, showing the date of each payment or loan; they shall charge the State with the State paper and Auditor's warrants purchased, showing the date and amount of each purchase, and shall charge interest on the said State paper and Auditor's warrants, at the rate of two per cent. per annum from the date of purchase to the fifteenth of February, one thousand eight hundred and thirty-one, and on that day add the interest to the principal, and then charge interest on the sum produced by such addition at the rate of six per

Accounts how kept.

cent. per annum for one year; and at the end of every year thereafter, the interest shall be added to the principal, and bear interest at the rate aforesaid the succeeding year; they shall in like manner charge the State with each sum loaned, showing the date and amount of each loan, and charge interest on such loan or loans, at the rate of six per cent. per annum for one year, and at the end of every year the interest shall be added to the principal, and bear interest at the rate aforesaid. The accounts shall be continued in manner aforesaid to the last day of December in the year one thousand eight hundred and thirty-three, and on that day the interest shall be added to the principal of each sum, and the sums produced by such addition, are hereby declared to be principal; and the interest shall thereafter be charged upon the said principal in manner aforesaid, until the State shall refund the same; and no part of said principal shall be paid out as interest, nor unless expressly authorized by law; nor shall any law providing for the appropriation of interest on either of said funds, be so construed as to apply to interest accruing previous to the said last day of December, one thousand eight hundred and thirty-three.

Interest on college and seminary funds to be loaned to the school fund annually.

Sec. 2. The Commissioners of the School fund of the State, shall annually loan to the School fund the interest of the College and Seminary funds, to be added to the interest of the school and township funds, for distribution among the several schools in the State established under this law.

Said interest to be annually distributed to the several counties.

Sec. 3. The Commissioners of the School fund of the State, are hereby required to distribute and pay out the interest which may have accrued on the said School, College and Seminary funds, on the first Monday of January, in the year one thousand eight hundred and thirty-six, and on the first Monday in January annually thereafter, for the encouragement of learning, in the manner and upon the terms and conditions hereinafter provided.

And in proportion to the number of inhabitants in each under twenty years of age.

Sec. 4. The Commissioners of the School fund shall ascertain from the returns of the census to be taken in the year one thousand eight hundred and thirty-five, the number of white persons in each county under twenty years of age, and also the amount of interest due the several funds aforesaid, on the first day of January, one thousand eight hundred and thirty-six, and apportion the interest among the several counties in proportion to the number of persons under the age aforesaid, and certify the amount due to each county, to the Auditor, whose duty it shall be to issue a warrant on the Treasurer in favor of each School Commissioner for the amount due to his county, and the interest shall be apportioned annually thereafter and distri-

buted as aforesaid, until the next census shall have been taken, and on the first day of January in every year next after the taking of the census of the State, the said Commissioners shall make a new apportionment of interest, and cause the same to be distributed in the manner and upon the terms aforesaid.

To be paid to the teachers of schools.

Proviso.

In case the interest should amount to more than enough to pay half the amount due teachers, how disposed of.

SEC. 5. It shall be the duty of the School Commissioners of counties to receive from the Treasurer the amount of any and all warrants which may be drawn in manner and for the purposes aforesaid, and to distribute the same among the teachers of schools, who may have kept schools in conformity with the provisions of the act entitled "An act to provide for the application of the interest of the fund arising from the sale of school lands belonging to the several townships in this State, approved first of March, 1833:" *Provided*, That no teacher shall be entitled to receive more than one half of the amount due him for services rendered within the twelve months preceding the first of November previous to the time of making such distribution; and if the interest in the hands of a School Commissioner in any county, shall, at the time of distribution, amount to more than enough to pay one half of the amount due the teachers in his county, then the overplus shall be set apart as a county fund, and shall never thereafter be subject to distribution, but shall forever remain as a principal fund, to be denominated "The County School Fund," to be loaned out by the School Commissioner of the county as township funds; and the interest accruing thereon, shall be subject to distribution for the support of schools in the county, in the same manner and under the like regulations as is or may be prescribed for the distribution of the interest on the State fund; *Provided*, That in making the distribution of the State fund for the present year, no teacher shall be paid for any service rendered before the first day of June next.

Township funds to be separate from county funds.

SEC. 6. No part of any township fund shall be made to constitute any part of a county fund; and teachers employed in townships having no productive fund, who keep schedules and make returns as is required in townships having productive funds, shall be entitled to a distributive share of the State fund, and the township funds shall be paid to teachers at the time now required by law.

APPROVED, Feb. 7, 1835.

AN ACT concerning the School Fund.

In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Commissioners of the School Fund be, and they are hereby required to receive the whole amount of the School Fund belonging to this State, and now deposited in the Branch Bank of the United States at St. Louis, and deposite the same in the Treasury of the State; and the Treasurer is hereby required to receive said money, and receipt for the same; and the said money, when so received, shall be applied to the payment of demands against the Treasury, in the same manner as money derived from the ordinary sources of revenue, and the State shall be chargeable with the interest on the same, at the rate of six per cent. per annum, the interest to be added to the principal annually: *Provided*, That if any law shall be passed at the present session of the General Assembly to distribute the interest or principal of said fund, the Treasurer shall, on the warrant of the Auditor, pay over to the said School Commissioner the amount so loaned to the State, out of any money in the Treasury not otherwise appropriated, to be distributed according to law. This act to take effect from its passage.

Commissioners of said fund authorized to remove the same from U. States Bank into State Treasury.

How applied.

State to pay interest on the same at six per cent.

Proviso.

APPROVED, Feb. 6, 1835.

AN ACT to amend an act, entitled "An act to provide for the application of the interest of the fund arising from the sale of the School Lands belonging to the several townships in this State," approved, March 1, 1833.

In force Feb. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the tenth section of the act to which this is an amendment, and so much of said act as provides for gratuitous instruction, be, and the same are hereby repealed.

Parts of said act repealed.

SEC. 2. That the eleventh section of the said act, so far as it dispenses with a valuation of the sixteenth sections in the several townships, is hereby repealed; and the law requiring a valuation by trustees, is hereby revived.

Act repealed.

SEC. 3. That the trustees of school lands, or a majority of them, shall have power to lease any of said lands, from year to year, upon terms most conducive to the interest of the township.

Trustees may lease school lands.

SEC. 4. The trustees shall pay over to the School Commissioner all rents which they collect on leases as aforesaid.

Shall pay over rents to school commissioner.

In case of lessee committing waste on said lands.

SEC. 5. If any lessee or lessees, his, her or their heirs or assigns, or any other person or persons, shall cut down or destroy any more wood or timber than may be necessary for the improvement and cultivation of the lot so leased, or shall do any damage to the said leased premises, or commit any waste thereon, every such lessee or lessees, or other persons, shall be liable to said trustees in an action for damages, commenced in the name of said trustees, and the said lessees shall moreover, upon conviction thereof, forfeit such lease.

Failing to pay rent.

SEC. 6. In all cases of a failure or refusal to pay the rent due and owing on any land leased under the provisions of this act, whenever the same shall become due, it shall and may be lawful for the trustees in their respective townships, to sue out a distress warrant, which shall be returned to the justice issuing the same, and the same proceedings shall be had thereon as in other cases of distress for rent.

Inhabitants of townships may associate themselves together for school purposes.

SEC. 7. Any number of inhabitants of any township may associate themselves together, and purchase a quantity of land not exceeding ten acres, and procure a conveyance of the same, to be made to the trustees of school lands in the township, by their corporate name, and erect thereon a school house, and make such other buildings and improvements thereon as they may deem necessary for the encouragement of learning and science generally, and such land and improvements shall be held by the said corporation for the use of the persons associating themselves together as aforesaid, and their successors and assigns forever; and shall not be applied to any other purpose, nor in any other manner than shall or may be directed by the persons associated as aforesaid.

APPROVED, Feb. 7, 1835.

In force Feb. 6, 1835.

AN ACT to authorize the sale of certain School Land therein named.

Sec. 16 T. 5 S. R. 14 W., in White county, authorized to be sold.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sixteenth section in township five south, of range fourteen west, in White county, may be sold in the manner now prescribed by law, upon the petition of a majority of the inhabitants of said township, any law to the contrary notwithstanding. This law to take effect from and after its passage.

APPROVED, Feb. 6, 1835.

AN ACT providing for the security of School Funds. In force Feb. 12, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That mortgages to be taken by school commissioners and agents for the inhabitants of counties, may be in the following form: I, A. B., of the county of , and State of , do assign over and transfer to E. F., school commissioner and agent for the inhabitants of the county of , for the use of the inhabitants of township , range , (or of the county,) the following described real estate, (here describe the estate,) which real estate I declare to be in mortgage for the payment of dollars this day loaned to me by the said school commissioner, with per cent. interest per annum thereon until paid; and I hereby covenant that the title to said real estate is free from all encumbrance, that I will pay all taxes and assessments which may be levied upon said estate; and I further agree that if I do not pay the interest on said sum annually, and the principal when due, that the said real estate may be sold by the said commissioner in conformity with the laws of the State, and that I will deliver immediate possession to the purchaser. Witness my hand and seal, this day of , 18 , which mortgage shall be accompanied with a note for the amount loaned, and shall be valid to all intents and purposes. Form of mortgage.

Sec. 2. If any person shall make default in the payment of interest as it becomes due and payable, such interest shall thereafter be considered principal, and interest at the rate of twenty per cent. per annum shall be chargeable and recoverable thereon; and if any person shall fail to pay the principal sum borrowed at the time the same becomes due and payable, such person shall be chargeable with interest on such principal sum at the rate of twenty per cent. per annum until paid; and the school commissioners of counties shall be authorized to recover the penalties aforesaid, in an action or suit on the note or mortgage given for the payment thereof. Failure to pay interest. Failure to pay principal.

Sec. 3. In all cases, where the school commissioner of any county shall require additional security from any person for the payment of money loaned, and such security shall not be given, the commissioner may sue for and recover the amount loaned such person, upon making proof of such requisition, together with the interest which may have accrued at the time of obtaining judgment. Where additional security is required and not given.

Sec. 4. In the payment of debts by executors or administrators, debts due to the school fund of the State, or any county, or township, shall have a preference over all other Debts due the school fund by executors shall have preference

over all others, except funeral expenses.

debts, except funeral and other expenses attending the last sickness, not including the physician's bill.

School commissioners shall give bond annually.

Sec. 5. The county commissioners' courts of the several counties, shall require of the school commissioner and agent for the inhabitants of such counties, to execute a new bond at the next June term of their respective courts, and to execute a new bond annually thereafter; and if any commissioner as aforesaid, shall fail to execute such new bond, the court shall thereupon remove such commissioner from office, and appoint a successor: *Provided*, That the court may allow further time to such commissioner to execute such bond, if in the opinion of the court, such further time may be allowed without injury to the school funds in the hands of such commissioner.

Proviso.

Record books, how paid for.

Sec. 6. All record books required to be kept by school commissioners, shall be paid for out of the County Treasuries of the counties in which such books shall be used.

County commissioners may require school commissioner to give additional security.

Failure to do so.

Sec. 7. That the county commissioners' courts of the several counties in this State, shall be authorized, when they may deem it expedient, to require of their school commissioner additional security for the money he may have received from the sales of school lands; and on any school commissioner refusing or failing to enter into additional security that may be satisfactory to such court, his office shall be treated as vacant and filled accordingly; and for good cause, to be entered on the record of the county commissioners' court, the commissioners of such county may remove their school commissioner from office.

Inhabitants of townships who have not returned schedules authorized to do so.

Sec. 8. The inhabitants of any township in this State that may have kept a schedule for the year 1834, according to the provisions of an act providing for the application of the interest of the money arising from the sales of school lands, and who have not made return thereof to the school commissioner according to law, shall be authorized to make out their schedule, and return the same to the school commissioner of such county, and such school commissioner shall be authorized to pay over such interest as may be due such township for the year 1834, as though the schedule had been returned according to law. This act to be in force from and after its passage.

Approved, Feb. 12, 1835.

AN ACT to authorize a Special Election in Sangamon County.

In force Feb. 12, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the county commissioners' court in the county of Sangamon, when they issue writs of election for Justices of the Peace and Constables, which election is to take place on the first Monday in August next, they shall, in addition thereto, order a poll to be opened to elect one Senator, to fill the vacancy occasioned by the resignation of George Forquer, one of the Senators from the county aforesaid.

Time of holding said election.

APPROVED, Feb. 12, 1835.

AN ACT to amend an act, entitled "An act to amend an act entitled an act to provide for the Election of Justices of the Peace and Constables," approved, January 7, 1835.

In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when any new Justice's district may be laid out by the county commissioners' court of any county in this State, as provided for in the act to which this is an amendment, Constables shall be elected in such new districts in the same manner that Constables are now elected in Justices districts.

Constables shall be elected in each Justice's district.

SEC. 2. The Constables elected in said districts, shall be subject to the provisions contained in the act contemplated in the second section of the act to which this is an amendment.

APPROVED, Feb. 6, 1835.

AN ACT to amend an act, entitled "An act to provide for the Election of Justices of the Peace and Constables."

In force Jan. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts in the several counties of this State, be, and they are hereby authorized to increase the number of districts for the election of Justices of the Peace in their respective counties whenever they may deem the interest of the people require the same.

County commissioners authorized to increase the number of Justices districts in their respective counties.

Manner of election.

SEC. 2. The Justices elected in said districts, shall be elected in the manner, and be subject to the provisions contained in the act to which this is an amendment.

Acts repealed.

SEC. 3. That so much of the act, to which this is an amendment, as limits the number of Justices' districts to eight in each county, be, and the same is hereby repealed.

APPROVED, Jan. 7, 1835.

In force Feb. 12, 1835.

AN ACT to provide for the Election of Justices of the Peace and Constables therein named.

Two justices districts created in the town of Alton, Madison county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the town of Lower Alton, in the county of Madison, as defined by the corporate boundaries thereof, be, and the same is hereby constituted a district for the election of two Justices of the Peace and two Constables.

Election, where to be held.

SEC. 2. The county commissioners' court of said county of Madison, is hereby authorized and required to cause an election to be held on the first Monday in August next, and at each quadrennial election for Justices of the Peace and Constables thereafter, for two Justices of the Peace and two Constables in said district, and the officers so elected shall have and exercise the same jurisdiction, hold their offices by the same tenure, and be under the same regulations, in all respects, as other Justices of the Peace and Constables in this State.

Certain justices districts created in Green county.

SEC. 3. The county commissioners' court of Green county is hereby authorized to cause a Special Election to be held at White Hall for one Justice of the Peace and one Constable, on the fifteenth day of March next, to be conducted according to the provisions of "an act to provide for the election of Justices of the Peace and Constables," and the said Justices of the Peace and Constables, when elected, shall hold their offices until the next general election to be held by the provisions of the above recited act. The north half of section two, in township eleven north, range twelve west, and the south half of section thirty-five, in township twelve north, and range twelve west, shall constitute a district for the election of one Justice of the Peace and one Constable, until the boundaries of the same shall be changed by the county commissioners' court of said county.

APPROVED, Feb. 12, 1835.

AN ACT providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth section in the fractional townships, on the Mississippi and Illinois Rivers, in Green county.

In force Jan. 17, 1835.

School commissioners authorized to sell said section on the petition of three fourths of the inhabitants of the township.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon the petition of three-fourths of the inhabitants of township six north, of range twelve west, in Green county, for the sale of the fractional sixteenth section in said township, it shall be the duty of the school commissioner to sell said fractional sixteenth section, according to the laws providing for the sale of such lands, either in town lots, or such other divisions or subdivisions as the trustees of such township may direct.

Lands selected in lieu of certain 16th section, may be sold.

SEC. 2. That such lands as have been selected in the lieu of the sixteenth sections in fractional townships, upon the Mississippi and Illinois Rivers, in Green county, may be sold, or any portion thereof belonging to either of said fractional townships, upon the petition of three-fourths of the inhabitants of said townships, or if there be not ten inhabitant voters in said townships, said lands may be sold by the petition of any fifty legal voters of the county in which such lands lie, in the same manner as other lands are sold, under the laws providing for the sales of section sixteen, in the different counties in this State; and the moneys accruing from the sale of said lands, shall be disposed of, in the same manner, for the benefit of the inhabitants of the several townships, as other moneys derived from the sale of sections sixteen are.

Persons residing thereon.

SEC. 3. *Be it further enacted,* That should there be any person or persons living upon any of the lands selected in lieu of the sixteenth sections in said fractional townships in Green county, or have any improvements thereon, they may apply, after the same shall have been valued, (which valuation shall be the same as if no improvement had been made thereon,) to the school commissioners of said county, who shall permit them to enter the same at the valuation of the trustees of the township, to which said land belongs, and if there should be no trustees in said township to which the land belongs, then the county commissioners' court of said county, shall appoint three disinterested men of said county to make said valuation.

This act to be in force from and after its passage.

This bill having remained with the Council of Revision ten days, Sundays excepted, and the General Assembly being in session, it has become a law the 17th January, 1835.

A. P. FIELD, *Sec. of State.*

In force Feb. 11, 1835.

AN ACT to provide for issuing writs of Ne Exeat and Habeas Corpus, and for other purposes.

Duty of circuit judges to appoint masters in chancery.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of each Circuit Judge, within his Judicial Circuit, in each county, to appoint a competent and qualified person to be a master in Chancery in such county, who shall take an oath to support the Constitution of this State and of the United States, and also an oath that he will faithfully perform the duties of his office, which oath may be taken and subscribed before any Justice of the Peace of the county.

Their powers.

SEC. 2. That the said masters in Chancery, within their respective counties, shall have power to order the issuing of writs of Habeas Corpus, Ne Exeat and Injunction, in the absence of the Judge presiding in such county, and they shall perform such other services in aid of the Courts of Chancery as are usual by the practice of the Courts of Chancery to be performed by them. They shall, also, when a writ of Ne Exeat or Injunction is about to be ordered to be issued by them, approve of the security.

Fees.

SEC. 3. The said masters in Chancery shall be entitled to the sum of one dollar for each application for a writ of Injunction or Ne Exeat, to be paid by the party applying in the first instance, and then taxed as other costs against the unsuccessful party.

SEC. 4. For the services of the said masters in Chancery, concerning references and reports made by them, they shall be entitled to such reasonable compensation as shall be allowed by the Circuit Court of the county, to be taxed as other costs.

APPROVED, Feb. 11, 1835.

In force Feb. 13, 1835.

AN ACT to extend the Jurisdiction of Justices of the Peace in certain cases therein named.

Officers refusing to pay over moneys, how proceeded against.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if any Sheriff, Coroner or other officer, shall fail, on demand made by the complainant, his executors, administrators or lawful attorney, to pay over any money collected by virtue of any execution, process or fee bill, not exceeding one hundred dollars, it shall be lawful for the party so aggrieved, or by his lawful attorney, to commence an action against such Sheriff, Coroner or other officer, and his securities, by sum-

mons before any Justice of the Peace, and if upon hearing the case, it shall appear to such Justice of the Peace, that money has been collected upon such execution, process or fee bill, and not paid over to the party entitled to the same, on demand made as aforesaid; and if it shall appear further, that the defendant or defendants sued with the Sheriff or other officer, are his securities, by the production of the original bond or a certified copy thereof, of the Sheriff, Coroner or other officer, under the hand and seal of the Clerk of the county commissioners' court, the said Justice shall proceed to render judgment against said defendants for the amount so received by said Sheriff or other officer, belonging to the plaintiff, with ten per cent. interest thereon.

Execution to issue forthwith.

Sec. 2. And upon rendition of such judgment, execution, when application is made by the plaintiff, or his or her agent or attorney, shall issue forthwith against such Sheriff or other officer and his securities, as in other cases, subject, however, to be appealed by either party, under the same rules and regulations as is provided for in other cases of judgments of Justices of the Peace. All acts and parts of acts coming within the meaning and purview of this act, are hereby repealed.

Acts repealed.

Approved, Feb. 13, 1835.

AN ACT to authorize a Special Term of the Circuit Court in the County of Fayette.

In force Jan. 24, 1835.

Judge required to hold a special term on 28th January.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Judge of the Fayette Circuit Court be, and he is hereby authorized and required to hold a Special Term of the said Court, in the county of Fayette, on Wednesday, the 28th day of January, 1835, for the trial of John Robb, now in jail in said county, charged with the crime of murder or manslaughter: *Provided,* That if the said John Robb shall be indicted for murder, the said Court shall have power, if he shall desire the same, to try the said John Robb upon such indictment for murder, and if upon such trial for murder, the said John Robb shall be found guilty of manslaughter or other less offence, the Court shall have power to pronounce judgment upon the verdict of the Jury, as though the said John Robb had been tried at a regular term of the Court upon an indictment for the offence of which the said John Robb may be found guilty.

Shall order sheriff to summon jurors.

SEC. 2. The said Judge shall issue an order to the Sheriff of the said county of Fayette, requiring him to summon twenty-three Grand Jurors, and thirty-six Petit Jurors to appear, at the day aforesaid, for the trial of said Robb.

Vested with certain power.

SEC. 3. That said Judge is hereby vested with all power and authority heretofore vested in the Judges of the Supreme Court while performing Circuit duties, and in all respects to be governed by the law heretofore enacted relative to the duties of Circuit Judges.

APPROVED, Jan. 24, 1835.

AN ACT concerning public officers.

In force Feb. 13, 1835.

Vacancies in the office of county commissioner, how filled.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That whenever any vacancy shall happen in the office of County Commissioner by death, resignation or otherwise, the Clerk of the county commissioners' court, when such vacancy shall occur, shall appoint a day to hold a special election to fill such vacancy, and shall give immediate notice to the several Judges of elections to hold the same, which election shall be conducted agreeable to the law regulating elections.

Part of act repealed.

SEC. 2. That so much of the twenty-second section of an act, entitled "An act to provide for the raising a revenue," approved, Feb. 19, 1827, as requires a statement of the fiscal concerns of the counties to be made at the December term of the county commissioners' court, be, and the same is hereby repealed; and hereafter the statement of the fiscal concerns of the counties, shall be made out at the March term of the county commissioners' court annually.

APPROVED, Feb. 12, 1835.

AN ACT to prevent trespassing on the Canal Lands of this State.

In force Feb. 9, 1835.

Penalty for such trespasses.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter, if any person or persons shall, without legal authority, go upon the Canal lands belonging to this State, and there cut, fell, box, or in anywise destroy any tree or trees or other timber, standing or lying on said Canal land, or carry or haul

away any stone or coal from said lands, shall, upon indictment, be fined in any sum not exceeding one hundred dollars for each offence.

Sec. 2. It shall be the duty of every sheriff, coroner, constable and justice of the peace in the counties of this State, where the aforesaid lands lie, to take notice of, and present all and every person so offending, to the next grand jury of their respective counties in which the said offence or offences against the first section of this act, has been committed.

Duty of sheriffs and other officers in relation thereto.

Sec. 3. It shall be the duty of the prosecuting attorney in the sixth judicial circuit of this State, to cause this act to be given in charge to the respective grand juries, (in the counties in which said lands are situated,) whose duty it shall be to inquire into, and make presentments of all persons who may have violated the provisions of this act.

Of prosecuting attorney.

This act to be in force from and after its passage.

Approved, Feb. 9, 1835.

AN ACT, supplemental to "An act relative to Wills and Testaments.

In force June 1, 1835.

Whereas, by the act, entitled "An act relative to Wills and Testaments, Executors, Administrators, and the settlement of Estates," no power is given a parent to appoint, by Will and Testament, a guardian for his child or children; and whereas, also, the common law recognizes no such power—

Sec. 1. *Be it enacted, therefore, by the people of the State of Illinois, represented in the General Assembly,* That every father of sound mind and memory of a child likely to be born, or of any living child, under the age of twenty-one years and unmarried, may, by his deed or last will duly executed, dispose of the custody and tuition of such child during its minority, or for any less time, to any person or persons in possession or remainder; and every mother of sound mind and memory being sole, may, in like manner, dispose of the custody and tuition of a child living, if a father has made no such disposition, or in any other manner restrained the right of the mother.

Father of sound mind may dispose of the custody of his child during minority or less time.

Mother being sole to have the same right.

Sec. 2. Every such disposition, from the time it shall take effect, shall invest in the person or persons to whom it shall be made, all the rights and powers, and subject him or them to all the duties and obligations of a guardian of such minor, and shall be valid and effectual against every

Such disposition to vest the person to whom made with rights of guardian.

other person claiming the custody or tuition of such minor: *Provided*, That the rights, powers, duties and obligations of such person or persons may be restrained and regulated by the person making such deed or last will as aforesaid.

Proviso.

Shall have the custody and management of the estate.

SEC. 3. Any person to whom the custody of any minor is so disposed of, may take the custody and tuition of such minor, and may maintain all proper actions for the wrongful taking or detention of the minor; he shall also take the custody and management of the real and personal estate of such minor, unless restrained by the deed or will as aforesaid, during the time for which such disposition shall have been made, and bring such actions in relation thereto, as a guardian appointed under the provisions of the laws of the State.

Guardians may be removed by complaint to the circuit court.

SEC. 4. Guardians appointed under the provisions of this act, shall be subject to removal upon complaint of any person in behalf of the minor, to the circuit court of the county in which such guardian may reside, and proof made of malconduct or misbehavior in the performance of his duties, or of a failure to perform his duties, and upon the removal of a guardian, the said court is hereby vested with the power to appoint another guardian, and to make all such orders as may be necessary to compel the guardian removed to deliver over to the successor the custody of the minor, and to account for the estate, and pay over all moneys belonging to the ward, and to compel such successor to execute a bond with good security, in such penalty and with such conditions as the court may deem necessary for the security of the rights of the minor, and the said court shall also have power, upon application of any person in behalf of the minor, to require all guardians appointed under the provisions of this act, by the father or mother, or by the court, to give bond and security in such penalty and with such conditions as the court may deem necessary for the security and protection of the minors, and of his or her estate.

Successor to give bond.

This act shall take effect on the first day of June next.

APPROVED, Jan. 27, 1835.

In force March 1, 1835.

AN ACT to change the County Line between Perry and Franklin Counties.

Part of law repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of an act creating Perry county, approved, January 29th, 1827, as

establishes the north east corner of said county, at the north east corner of township number five south, of range number one west, and so much as establishes the south east corner of said county at the west corner of township six south, of range one west, is hereby repealed.

Boundaries of said county established.

SEC. 2. That the north east corner of Perry county shall be established in the middle of Little Muddy river where the line crosses said river, dividing townships three and four; thence due west on the line between townships three and four to the north west corner of township four south, of range four west; thence due south on the line between ranges four and five eighteen miles, to the south west corner of township six south, of range four west; thence due east on the line between townships six and seven to the middle of Muddy river; thence north with its meanders to the place of beginning.

County of Perry.

SEC. 3. That all that tract of country lying west of Little Muddy river, as before described, shall compose the county of Perry, and all that tract of country lying east of said river, heretofore belonging to the county of Perry, shall compose a part of the county of Franklin; any former law to the contrary notwithstanding.

This act to take effect the first day of March next.

APPROVED, Feb. 6, 1835.

AN ACT to amend "An act prescribing the mode of Summoning Grand and Petit Jurors, and defining their qualifications and duties."

In force Feb. 13, 1835.

County commissioners shall have power to compensate jurymen.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' courts of the several counties of this State, shall have power to make an allowance out of the county Treasury of their respective counties, to all Grand and Petit Jurymen who may be regularly summoned, and shall actually serve as such in the Circuit Court of their counties, a sum not exceeding seventy-five cents per day.

Clerk of circuit court to furnish each juryman with a certificate.

SEC. 2. The Clerk of the Circuit Court shall furnish to each of the Jurors aforesaid, (and without fee,) whenever he shall be discharged from further service by the Court at any term thereof, a certificate of the number of days he may have attended at such term, and upon the presentment thereof to the County Treasurer, he shall pay to such person the sum above provided for his services: *Provided*, The Clerk shall not furnish such certificate, unless the

Proviso.

county commissioners' court shall have first made the allowance as required in the first section.

Petit jurors' fee, and docket fee, shall constitute a fund for the payment of jurors.

SEC. 3. That the fee of three dollars now paid under the provisions of the act to which this is an amendment, for compensating Petit Jurors; also, the docket fee now required by law to be paid by the unsuccessful to the successful party in each suit in law or equity in any of the Circuit Courts of this State, shall be paid to the Clerk of said Circuit Court, and by him to be paid over to the Treasurer of the county for the use of the people thereof: *Provided*, The same shall always remain as a fund for the payment of Grand and Petit Jurors.

APPROVED, Feb. 13, 1835.

In force Feb. 13, 1835.

AN ACT supplemental to an act concerning the County of Fulton, approved Feb. 25, 1833.

Sheriff to pay residents' taxes into the county treasury.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Sheriff of the County of Fulton be, and he is hereby authorized to pay all the taxes collected from the residents of said county, into the County Treasury, in pursuance of an act to which this is a supplement, for the year one thousand eight hundred and thirty-three.

This act to be in force from and after its passage.

APPROVED, Feb. 13, 1835.

In force Feb. 12, 1835.

AN ACT to remove the Seat of Justice of Adams County.

Commissioners' appointed to select a place to be voted for, as a county seat.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That George Wolf, Jacob Smith, and Daniel Harrison of Adams county, be, and they are hereby appointed commissioners to select a place to be voted for as the County Seat of said county of Adams.

When to be selected.

SEC. 2. Said commissioners, or a majority of them, shall, on the first Monday of March next, or within one month thereafter, proceed to select a quarter, half quarter, or quarter quarter section of land, particularly describing the same according to its legal survey and designation on the town plat, and shall immediately make report thereof to the Clerk

of the county commissioners' court of said county, which shall be by him filed and preserved in his office.

Sec. 3. Should the land selected as aforesaid, belong to an individual or individuals, the said commissioners shall ask and receive from the owner or owners thereof, a donation of not less than thirty acres of said tract so selected: *Provided*, That if the Seat of Justice of said county shall not be located thereon as hereinafter provided, the said donation shall be void, and the land so donated shall revert to the donor or donors. Should the land so selected belong to the United States, the county commissioners' court of the said county, are hereby authorized to purchase any quantity thereof, not exceeding one quarter section for the use of the county.

Should the land selected belong to individuals, they shall obtain a donation.

Proviso.

Should the land belong to the U. States.

Sec. 4. The said Clerk shall, so soon as he receives the report aforesaid, give notice by putting up written notices at some public place in each of the election precincts for justices in said county, that an election will be held at the same time and places of the next general election for Justices of the Peace in said county, for the Seat of Justice thereof, at which election the Clerks thereof shall open two columns in their poll books, one for Quincy and the other for the place to be selected as aforesaid, and take and record the vote of each qualified voter at the same time he votes for Justices of the Peace, for one of the aforesaid places as the Seat of Justice of the said county. The said election shall be conducted, and returns thereof made in the same manner as is provided in ordinary cases of elections for Justices of the Peace, and the place having the greatest number of votes shall be and remain the Seat of Justice of said county.

Clerk shall give notice of the time and place of election.

How conducted.

Sec. 5. Should the place selected as aforesaid, receive the greatest number of votes, the said commissioners shall then give it a name, and the county commissioners' court of said county, shall divide the same into town lots, and sell the same, and apply the proceeeds of such sale exclusively to the erection of public buildings therein, and the town lots and public ground in the town of Quincy and in the several additions thereto, belonging to the said county of Adams, shall be vested in fee simple in the President and Trustees of the town of Quincy, for the use of the said town of Quincy, and the county commissioners of said county, shall convey the same to the said President and Trustees for the use aforesaid; and the said President and Trustees are hereby authorized and empowered to sell and convey the same, in such manner as they may think proper, and to lay out the proceeds thereof in the improvement of the streets in the said town of Quincy, or such other necessary improvemement therein as they may deem

Should the place selected receive the greatest number of votes, said commissioners to give it a name.

County property in Quincy to vest in the trustees of said town.

May sell the same.

Proceeds how applied.

Proviso.

expedient: *Provided, however*, That the Court House and Jail in the town of Quincy, shall be and remain the property of the said county, and shall be used for county purposes until others shall be provided at the new county seat. As soon as the necessary buildings are provided at the new county seat aforesaid, the courts of the county shall be held there, and all officers required to reside at the county seat shall remove to the same: *Provided*, That as soon as the courts of said county shall be held at the new county seat, it shall and may be lawful for the aforesaid county commissioners' court to sell or remove, in their discretion, the Court House and Jail in the town of Quincy, and apply the same to county purposes.

APPROVED, Feb. 12, 1835.

In force Feb. 13, 1835.

AN ACT concerning the Lessees of the Gallatin Saline.

B. White, rent $156 25 per annum.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter Benjamin White, one of the lessees of the Gallatin County Saline, upon payment of one hundred and fifty-six dollars and twenty-five cents per annum for rent, it shall be received in full satisfaction for rents hereafter to become due and payable by him, and so much of the fourth section of the act entitled "An act regulating the Gallatin County Saline," approved February 2d, 1827, as relates to the rent to be paid by said White, is hereby repealed.

Part of act repealed.

APPROVED, Feb. 13, 1835.

In force March 20, 1835.

AN ACT to amend an act concerning the Trustees of Shawneetown.

Part of law repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of the second section of the act as required the Sheriff of Gallatin county to give notice and hold elections for Trustees of said town, be, and the same is hereby repealed, and hereafter it shall be the duty of the Clerk of the board of Trustees to give notice and hold said elections.

Duty of clerk of said trustees.

In case of absence of clerk,

SEC. 2. In case there be no Clerk, or in case of the absence of said Clerk, then it shall be the duty of any Jus-

tice of the Peace residing in said town, to give not less than twenty days notice in three of the most public places in said town of such election, and proceed and hold the same on the first Monday in January instead of May, and notifying the persons elected, and make returns of said election to the board of Trustees within ten days thereafter: *Provided*, That if in any case, an election should not be held on said first Monday in January in each and every year, the same may be held, on like notice being given, on the first Monday in every other month for trustees for that year; and until such election shall be held, the last elected Trustees shall continue in office until their successors are qualified.

it shall be the duty of some justice of the peace to give notice of elections.

Sec. 3. Said Trustees shall have power to license drays, and exact such other tax as to them may seem right, not to exceed one-fourth per cent. upon real property in said town, and may tax coffee houses and retailers of spirituous liquors.

Certain powers granted said trustees.

This act to take effect and be in force from and after the 20th of March next.

Approved, Feb. 12, 1835.

AN ACT to authorize James Kenzie to alter the Town Plat of the town of Wabansie.

In force Jan. 26, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That James Kenzie, proprietor of the town of Wabansie, be, and he is hereby authorized to so alter and amend the plat of said town as to make it conform to the survey thereof: *Provided*, said alteration shall not interfere with the wishes, rights or interests of individual claimants.

Jas. Kenzie authorized to alter the plat of said town.

Sec. 2. That this act shall take effect from and after its passage.

Approved, Jan. 26, 1835.

AN ACT to vacate the Survey and Plat of the Town of Venus in Hancock County.

In force Jan. 24, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the proprietors

Survey vacated.

of the town of Venus in Hancock county, and the purchasers of lots therein, be, and they are hereby authorized and empowered to alter, change or vacate the survey and plat of said town of Venus: *Provided*, That no such change, alteration or vacation shall be made without the consent of all the proprietors and purchasers aforesaid.

Proviso.

Vacancies heretofore made, valid.

SEC. 2. Any change, alteration or vacation heretofore made in the survey, plat or name of said town with the consent of the proprietors and purchasers as aforesaid, shall be and remain valid and effectual to all intents and purposes.

APPROVED, Jan. 24, 1835.

In force Jan. 1, 1835.

AN ACT to amend "An act for the Limitation of Actions, and for avoiding Vexatious Law Suits," approved, 10th February, 1827.

Right of entry barred after seven years.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter no person who now has, or hereafter may have any right of entry into any lands, tenements or hereditaments, of which any person may be possessed by actual residence thereon, having a connected title in law or equity, deducible of record from this State or the United States, or from any public officer or other person authorized by the laws of the State, to sell such lands for non-payment of taxes, or from any Sheriff, Marshall, or other person authorized to sell such land on execution, or under any order, judgment or decree of any court of record, shall make any entry therein, except within seven years from the time of such possession being taken; but when the possessor shall acquire such title after the time of taking such possession, the limitation shall begin to run from the time of acquiring title.

Actions to be brought within seven years.

SEC. 2. That every real possessory, ancestral or mixed action or writ of right brought for the recovery of any lands, tenements, or hereditaments of which any person may be possessed by actual residence thereon, having a connected title in law or equity, deducible of record from this State or the United States, or from any public officer or other person authorized by the laws of the State, to sell such land for the non-payment of taxes, or from any Sheriff, Marshall, or other person authorized to sell such land on execution, or under any order, judgment or decree of any court of record, shall be brought within seven years next after possession being taken as aforesaid; but when the

possessor shall acquire such title after taking such possession, the limitation shall begin to run from the time of acquiring title: *Provided*, That possession as aforesaid, to bar the rights, actions and suits aforesaid, shall have been continued in manner aforesaid, for the term of seven years next preceding the time of asserting the right of entry, or the commencement of any such suit or action: *And provided further*, That the heirs, devisees and assigns of the person having such possession and title, shall have the same benefit of this act, as the person from whom the possession was derived, could have had by virtue of such possession: *And provided also*, That in all the foregoing cases in this act mentioned, where the person who shall have right of entry, title or cause of action, is or shall be at the time possession is taken as aforesaid, under the age of twenty-one years, insane, imprisoned, feme covert, out of the limits of the United States, and in the employment of this State or the United States, such person may make such entry, or institute such action within the time herein limited, after the several disabilities herein enumerated shall cease to exist.

Proviso.

Further provided.

This act to take effect on the first day of June next.

APPROVED, Jan. 17, 1835.

AN ACT changing an Appropriation heretofore made to the county commissioners' court of Vermilion county, to the county commissioners' court of Champaign county, and for other purposes.

In force Jan. 31, 1835.

WHEREAS, by an act of the Legislature of this State, entitled "An act appropriating a portion of the avails arising from the sale of the Saline Lands in Gallatin county to internal improvement," approved February 16th, 1831, the sum of four hundred dollars was appropriated to the county commissioners' court of Vermilion county; and whereas, since the granting of said appropriation, the county of Champaign has been organized out of the aforesaid county of Vermilion, including, in the aforesaid county of Champaign, the point or place upon which said four hundred dollars was expressly required to be expended: Therefore—

Preamble.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of Champaign county be, and they are hereby authorized to draw upon the commissioner of the Gallatin Saline for the sum of four hundred dollars, to be

County commissioners of Champaign county authorized to draw on the commis-

sioner of Gallatin salines for $400. How expended.

by them expressly applied and expended in building a bridge across the south fork of the Big Vermilion river, where the State road crosses the same, leading from Danville to Fort Clark; and the commissioner of the Gallatin Saline is hereby required and authorized to pay to the order of the county commissioners' court of Champaign county, the sum of four hundred dollars.

County commissioners of Green county authorized to draw on the commissioner of Gallatin saline for $300. How applied.

SEC. 2. That the commissioner of the Gallatin county Saline is hereby authorized to pay to the order of the county commissioners of Green county, or a majority of them, the sum of three hundred dollars, which sum was appropriated to the county of Green, by "An act appropriating a portion of the avails arising from the sales of the Saline lands in Gallatin county, to internal improvements," approved February 16th, 1831, which appropriation, when realized by said county commissioners, shall be applied to the building of a bridge across Apple creek, at or near the mill now owned by David Haydon in Green county.

County commissioners of Wabash county to draw on the commissioner of Gallatin salines for $400.

SEC. 3. That the said commissioner is hereby authorized to pay to the order of the county commissioners' court of Wabash county, the sum of four hundred dollars, the sum appropriated in the aforesaid act, to be expended by them for purposes of internal improvement.

Act repealed.

SEC. 4. That so much of the above recited act as appropriated the sum of four hundred dollars to the county commissioners' court of Vermilion county, be, and the same is hereby repealed.

This act to be in force from and after its passage.

APPROVED, Jan. 31, 1835.

In force Feb. 7, 1835.

AN ACT to amend an act, entitled "An act relating to the Attorney General and State's Attorneys."

State's attorneys, how elected.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there be elected by the General Assembly, on joint vote, at the present session, and every two years thereafter, one State's Attorney for each Judicial Circuit now or hereafter to be created in this State, except the Circuit in which the Seat of Government is situated; and the person so elected, shall be commissioned by the Governor, to continue in office for two years from and after his election, and until his successor shall be qualified.

Vacancies how filled.

SEC. 2. Should any vacancy occur in any of the Judicial Circuits in this State between the sessions of the Legisla-

ture, it shall be the duty of the Governor to fill the same by the appointment of some qualified person to discharge the duties of said office, who, when so appointed, shall continue in office until his successor is duly elected and qualified as in this act provided, and the act to which this is an amendment.

SEC. 3. So much of the third section of the act to which this is an amendment, approved, February 17, 1827, as comes within the meaning and purview of this act, be, and the same is hereby repealed. Part of act repealed.

This bill having been returned by the Council of Revision with their objections to the same becoming a law, and the same having been reconsidered, and again passed both Houses by a majority of the whole number of members elected, the objections of the Council of Revision notwithstanding, the same has become a law of this State, Feb. 7, 1835.

AN ACT to authorize certain persons therein named to erect Mill Dams. In force Jan. 14, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Samuel Leech, his heirs and assigns, be, and they are hereby authorized to build and continue a mill dam across the Little Wabash river, at Harris's shoals in Wayne county, on the east half of the south east quarter of section twenty-one, in township two south, of range nine east, eight feet high above ordinary low water mark. Samuel Leech authorized to erect a mill dam on Little Wabash.

SEC. 2. That Daniel Francisco be, and he is hereby authorized to build a mill dam across the Kaskaskia river in Shelby county, on the west half of the north east quarter of section thirty-four, township twelve north, of range four east, eight feet high above low water mark. Daniel Francisco authorized to erect a mill dam across Kaskaskia.

SEC. 3. That Thomas Rattan be authorized to raise his mill dam twelve feet high in Green county, on Macoupin creek, on the west half of the south east quarter of section sixteen, in township nine north, range eleven west. Thomas Rattan may raise his dam across Macoupin creek.

This act to be in force from and after its passage.

APPROVED, Jan. 14, 1835.

In force Jan. 7, 1835.

AN ACT concerning Conveyances by County Commissioners.

Conveyances heretofore made declared valid.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all deeds, grants, conveyances and bonds, heretofore executed by the commissioners of any county in this State without fraud or collusion of, and concerning real estate, owned by the counties of such commissioners, are hereby declared to be good and valid in law, and to operate as though such commissioners had been authorized to execute such deeds, grants, conveyances and bonds, at the time of the execution of the same.

Authorized to execute deeds, &c.

SEC. 2. The county commissioners of the several counties of this State, are hereby authorized to execute and deliver all deeds, grants, conveyances and bonds which may become necessary in settling and transferring real estate belonging to their respective counties; and such deeds, grants, conveyances and bonds, if made without fraud or collusion, shall be obligatory upon the counties to all intents and purposes.

This act shall take effect from its passage.

APPROVED, Jan. 7, 1835.

In force Feb. 10, 1835.

AN ACT to establish the Seat of Justice of Iroquois county.

Commissioners appointed to locate seat of justice.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Bowen and Joseph Davis of Vermilion county, and Philip Stanford of Champaign county, be, and they are hereby appointed commissioners to locate and establish the Seat of Justice of Iroquois county, and give it a name. Said commissioners, or a majority of them, shall meet at the house of Thomas Venum in said county, who, after being first duly sworn before some Justice of the Peace of said county, faithfully to locate the Seat of Justice thereof, without partiality, favor or affection, taking into consideration the present, and prospect of future population, shall proceed accordingly to fix upon a place for the permanent Seat of Justice of said county.

When and where to meet.

Shall report to county commissioners' court.

SEC. 2. When said commissioners, or a majority of them, shall have agreed upon a place for the Seat aforesaid, they shall make a report thereof in writing, under their hands and seals, describing the quarter or fractional quarter section, township and range upon which they have located the same, together with the name they may have given it, to

the county commissioners' court of said county of Iroquois, who shall at the next term of said court thereafter, cause the said report to be entered on the record of said court, and the place so selected by the said commissioners or a majority of them, shall remain the permanent Seat of Justice for Iroquois county, and shall be known and called by such name as may be given to it, by said commissioners.

Sec. 3. The county commissioners' court of said county shall allow the said commissioners such reasonable compensation per day for their services, as they may deem just, not exceeding two dollars per day, out of the County Treasury of said county. Compensation.

Sec. 4. Should said commissioners locate said Seat of Justice on lands belonging to an individual or individuals, they shall ask and obtain a donation of any number of acres not less than twenty-five, and also select and describe said donation in their report, with reasonable certainty, by metes and bounds: *Provided*, That should the proprietor or proprietors neglect or refuse to make the donation herein provided for, the said commissioners shall then be required to locate the said Seat of Justice on the nearest eligible situation on public land, and it shall be the duty of said commissioners, previous to locating said Seat of Justice on the land belonging to any individual or individuals, to take a deed in fee simple to said county of Iroquois for such land as may be donated as aforesaid: *And provided further*, That if the said commissioners shall locate said Seat of Justice on the public land, the county commissioners' court shall be, and they are hereby authorized and required to purchase any quantity of land not exceeding one hundred and sixty acres, including said town site, in the name and for the use of said county of Iroquois, which land or such part thereof as the county commissioners' court may order and direct, shall be laid off into town lots in such manner, and sold for the use and benefit of said county, at such time and place, as the county commissioners' court thereof may order and direct. If located on private land. To be laid off into town lots.

Approved, Feb. 10, 1835.

AN ACT to authorize Ezra Baker, Jr., to erect a Mill Dam near Coffee Island on the Great Wabash River. In force Jan. 31, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Ezra Baker, Jr., of Wabash county, be, and he is hereby authorized to erect E. Baker, jr., authorized to erect a mill dam across Wabash.

and build a mill dam across that branch or portion of the Great Wabash river running on the west side of Coffee Island next to the Illinois shore, to begin and run as follows, to wit: At or near the foot of the ripple, on fractional section fourteen, township two south, of range thirteen west on the Illinois side, thence by the lower island to the foot of the main or Coffee Island; said dam to be of a heighth corresponding with a level of the pool, which will be raised by the contemplated improvement, at the head of Coffee Island, as reported by Edward Smith, the engineer to the commissioners of the fund appropriated to improve the navigation of the Great Wabash river.

Heighth of dam.

May use certain quantity of water.

SEC. 2. That the said Ezra Baker, Jr., be, and he is hereby authorized to take out, either through a race or forebay at or above said dam, a sufficient quantity of water to propel any mills or machinery that he may think proper to establish at or near said dam: *Provided, always*, That the quantity of water so taken out of the river, shall not prejudice the navigation thereof by reducing the channel below three feet: *Provided further*, That the said Baker shall not be entitled to the benefits and privileges conferred by this act, unless he shall have said dam completed within three years from the first day of December next; and that all the privileges and immunities granted to the said Ezra Baker, Jr., by this act, shall be, and the same is hereby granted and extended to his heirs, executors, administrators and assigns, so long as the dam aforesaid shall not inundate the land of private persons, or injure the navigation of the aforesaid river, and all laws or parts of laws coming within the purview or meaning of this act, are hereby repealed.

Proviso.

When said dam to be finished.

APPROVED, Jan. 31, 1835.

In force Feb. 13, 1835.

AN ACT relating to the Superintendent of the Gallatin County Saline, and for other purposes.

Said superintendent authorized to settle with the auditor within two months.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That if the Superintendent of the Gallatin County Saline, the Commissioner for the sale of the Saline Reserve lands, or the Receiver of the Vermilion Saline Reserve lands, or either of them, shall fail or neglect for two months after the passage of this act, to settle their respective accounts with the Auditor of public accounts, it shall be the duty of the said Auditor to commence a suit or suits against them, or either of them, with-

out delay; which suit or suits shall not be delayed or continued, except by affidavit or by the rules and proceedings of the court where the same may be instituted.

Sec. 2. It shall be the duty of the Auditor aforesaid, to cause a suit to be commenced against any former Commissioner for the sale of the Gallatin Saline lands, or Receiver of the Vermilion Saline lands, for any balance that may remain due and unpaid for two months after the passage of this act, which said suit or suits shall not be delayed or continued, except upon affidavit or by the rules and proceedings of the court where the same may be instituted.

Suit to be bro't against any former commissioner in arrears.

Sec. 3. Should a recovery be had by the said Auditor, on behalf of the State, it shall be a part of the judgment of the court, that the said Auditor, on behalf of the State, shall recover, in addition to the amount due, and interest thereon, ten per centum by way of damages, and all costs.

In case of a recovery.

Approved, Feb. 13, 1835.

AN ACT to amend an act appropriating a portion of the avails arising from the sale of the Saline Lands, in Gallatin county, to Internal Improvement: approved, February 16, 1831.

In force Feb. 11, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of four hundred dollars, appropriated by the act to which this is an amendment, to the county commissioners' court of Wayne county, to be expended, two hundred dollars to build a bridge across Elm river on the mail route from Fairfield to Maysville, and the other two hundred dollars to repair the State road from Fairfield to Albion, be, and the same is hereby appropriated to the improvement of the State road from Fairfield to Leech's mills on the State road from Fairfield to Albion, and if there should be any surplus after making said road a good and sufficient one, the same is to be applied to the improvement of that part of the State road lying between Fairfield and Salem in said county of Wayne.

Certain appropriations removed.

How applied.

Sec. 2. The sum of one hundred dollars, part of the sum of two hundred and fifty dollars appropriated by the act to which this is an amendment, to the county commissioners' court of Edwards county, to be expended in discharging the debts of said county, be, and the same is hereby appropriated to be expended by the said county commissioners'

Appropriation to Edwards county heretofore made, removed.

How applied.

court of Edwards county, in improving the State road in said county, leading from Albion to Mount Carmel, and one hundred and fifty dollars, the balance of said sum, heretofore appropriated as aforesaid, be, and the same is hereby appropriated to be expended by the county commissioners' court of said Edwards county, for the purposes of internal improvement in said county.

Appropriations to Green county, how applied.

Sec. 3. That all appropriations made to the county of Green from the sales of Saline lands, (except three hundred dollars appropriated to build a bridge across Apple creek near Hayden's mill,) shall be subject to the order of the county commissioners' court of said county, and the said county commissioners are hereby authorized to expend the sum of three hundred dollars of the aforesaid appropriations to aid in building a bridge across Macoupin creek at or near Thomas Rattan's mill, and a further sum of three hundred dollars, to be expended in building a bridge at or near Henry Tegarden's mill, across Macoupin creek, and the remainder of said appropriations shall be disposed of in such manner as the county commissioners may think proper. All acts and parts of acts coming within the purview of this act are hereby repealed.

Acts repealed.

Approved, Feb. 11, 1835.

In force June 1, 1835.

AN ACT declaring the Snicarty, a branch of the Mississippi river, a Navigable stream.

Stream declared navigable.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Snicarty, a branch of the Mississippi river, from its confluence with the said river, opposite to the town of Clarksville in the State of Missouri, to the Atlas mills, in Pike county, on said Snicarty, is hereby declared a navigable stream, and shall at all times hereafter, be a public highway, and free for the passage of all boats and water crafts of every description.

This act to take effect and be in force from and after the first day of June next.

Approved, Jan. 31, 1835.

AN ACT concerning Marks and Brands.

In force Feb. 6, 1835.

Act relating thereto revived.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the act, approved, March the 23d, 1829, as relates to marks and brands, be, and the same is hereby revived, and shall be printed with the laws of the present General Assembly.

This act to be in force from and after its passage.

APPROVED, Feb. 6, 1835.

AN ACT in addition to an act, supplemental to an act, entitled "An act to provide for raising a Revenue."

In force Feb. 12, 1835.

Treasurer to administer oath to persons wishing to list lands for taxation lying out of his county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever any person shall wish to list lands for taxation which are situated in any other county than the one in which he resides with the Treasurer of said county, it shall be the duty of said Treasurer to administer an oath to every such person, that the bona fide owner of said land resides in this State, and upon his refusing to take such oath, the Treasurer shall not permit such lands to be listed in the county.

APPROVED, Feb. 12, 1835.

AN ACT relative to the Receiver of the Vermilion Saline Reserve, and the Commissioner of the Gallatin Saline Lands.

In force Feb. 7, 1835.

Said receiver to pay over moneys into the hands of state treasurer.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Receiver of the Vermilion Reserve be, and he is hereby authorized and required to pay into the State Treasury, on or before the first Monday in March annually, all moneys then in his hands, and which have come into his hands on account of, or by reason of the sale of the Vermilion Saline Lands.

SEC. 2. That the Commissioner of the Gallatin Saline Lands is hereby authorized and required to pay into the State Treasury, on or before the first Monday in March annually, all moneys then in his hands, on account of, or by reason of the sale of the Gallatin Saline Lands: *Provided,* That no appropriation, authorized to be paid out or

expended in said county of Gallatin, shall be paid into the State Treasury, but the same may be paid over by the said commissioner to any person authorized to receive the same.

County commissioners of counties to which appropriations have been made, authorized to draw on the auditor for the amount thereof.

SEC. 3. *Be it further enacted*, That the county commissioners' courts of the several counties to which appropriations have been made by an act providing for the sale of the Vermilion Saline Reserve, and appropriating the avails thereof, approved, January 19, 1829; and an act appropriating a portion of the avails arising from the sale of the Saline Lands in Gallatin county to internal improvements, approved, February, 16, 1831, be, and they are hereby autorized to draw an order on the Auditor of State for the amount appropriated to their respective counties by the acts above referred to, and it is hereby made the duty of said Auditor, upon the presentation of such order, to issue his warrant upon the Treasurer of State, in favor of the county commissioners' court, drawing such order for the amount appropriated to said county, by either or both the acts above referred to.

State treasurer to pay over all appropriations made the different counties, to the commissioners thereof.

SEC. 4. That the Treasurer of State is hereby authorized and required to pay over to the county commissioners' court of such counties as have had appropriations made to them by said acts above referred to, the amounts so appropriated, in the manner prescribed by said acts, for the Receiver and Commissioner to pay over. All acts and parts of acts coming within the purview of this act, are hereby repealed.

Acts repealed.

This act to be in force from and after its passage.

APPROVED, Feb. 7, 1835.

In force Feb. 9, 1835.

AN ACT to amend an act, entitled "An act to regulate the Penitentiary," approved, February 19, 1833.

Warden to be elected.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there shall be elected by joint vote of the two Houses of the General Assembly, at their present session, and at every succeeding session hereafter, a Warden of the Penitentiary, who shall be commissioned by the Governor, and continue in office for the term of two years, and until his successor shall be appointed and qualified.

His duties.

SEC. 2. The duties of said Warden shall be the same that are now provided by law for the Warden heretofore appointed, and he shall receive an annual salary of three hundred dollars to be paid to him in the manner provided by

Salary.

the 9th section of the act to which this is an amendment, and the said Warden shall be allowed one hundred dollars per annum in consideration of the deterioration in value of the house formerly used and occupied by the said Warden, by the erection of a wall.

Sec. 3. The power conferred upon the Inspectors of the Penitentiary by the fifth section of the act to which this is an amendment, to lay off into lots, and sell three acres of the lot of land upon which the Penitentiary is situated, is hereby continued to and in said Inspectors: *Provided*, That such sale shall take place in the month of April next, and that four weeks public notice of the time and place thereof shall be given by said Inspectors, by publication in the newspaper printed nearest to the premises: *And provided further*, That one fourth of the purchase money shall be paid in hand, and the balance in six, twelve, and eighteen months, the purchaser in all cases, giving bond and approved security to said Inspectors for the payment of said balance of the purchase money, and the said Inspectors executing to said purchasers, title-bonds for the lots respectively purchased by them, and upon the payment in full of the purchase money, executing to them general warranty deeds.

Certain power conferred on the inspectors continued to sell penitentiary lot.

Sec. 4. One third part of the proceeds arising from the sale of said lots, shall be applied, under the direction of the board of Trustees of the town of Alton, in grading and improving State street, and other streets in said town west of the Piasa creek, and building and repairing bridges over said creek, where Second street and Fourth street crosses the same, and the balance of the proceeds thus arising, shall be applied, under the direction of the Inspectors of the Penitentiary, to completing the guard-wall around the Penitentiary, and if necessary, to building additional workshops.

Proceeds of sale, how appropriated.

Sec. 5. All acts and parts of acts coming within the meaning and purview of this act, are hereby repealed.

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

Approved, Feb. 9, 1835.

AN ACT amending "An act Creating the County of Tazewell," and the several acts supplemental thereto.

In force Feb. 12, 1835.

Whereas, the commissioners appointed by an act, entitled "An act to permanently locate the seat of justice of

Preamble.

Tazewell County," passed and approved 16th February, 1831, have failed to execute the provisions and duties imposed upon them by the said act, and the location of said county seat still remains undecided: Therefore—

Commissioners appointed to locate the seat of justice of Tazewell county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That for the purpose of permanently locating and establishing said seat of justice, the following persons are appointed commissioners, viz: John Calhoun of the county of Sangamon, Jarvis Gaylord of the county of Putnam, George E. Walker of Lasalle county, James Evans of Morgan county, Isaac C. Pugh of Macon county, who, or a majority of them, being first duly sworn before some justice of the peace of this State, to take into consideration the eligibility of the place to be selected, as also the convenience of the people of said county with reference to the present and future population; shall meet at the house of Alexander McNaughton in said county, on the first day of April, or on any day between the first of April and the first of October (1835) next, and proceed to examine and determine on and select a place for the permanent seat of justice of said county, and designate the same.

Shall be sworn.

When and where to meet.

If located on private property.

SEC. 2. The said commissioners, or a majority thereof, are hereby authorized to locate the said seat of justice on the land of any person or persons who may be owners thereof, if the proprietor of such land shall donate and convey, with covenants of general warranty, to the county commissioners of said county, for the use thereof, a quantity of land not less than twenty acres, in a square or oblong form, upon which to erect the public buildings; otherwise the said commissioners, or a majority thereof, may, in their discretion, locate the said seat of justice on any of the public lands in said county, as shall be most advantageous to the present and future interest of said county.

Shall make report.

SEC. 3. As soon as a place shall have been located, the said commissioners, or the major part thereof, shall make a report of their proceedings, under their hands and seals, to the first county commissioners' court to be holden in and for said county thereafter, in which they shall designate, by metes and bounds, the place so located. If the location shall be on the land of the United States, the quarter, quarter section, or half quarter section, or quarter section of land on which the location may be made, shall be designated on the said report; and in such an event, it shall be the duty of the said county commissioners, as soon thereafter as practicable, to purchase the same, either to the extent of a quarter section or less, as they may deem most advantageous, as county commissioners, for the use

If located on U. S. land.

of the said county of Tazewell; all of which proceedings the county commissioners' court shall cause, without delay, to be entered of record on the books of the court.

Sec. 4. As soon as a site shall have been selected for a seat of Justice and a report made thereof, and a title acquired, as is by this act provided, it shall be the duty of the county commissioners aforesaid, to cause such tract of land, or so much thereof as they may deem advisable, to be laid off into lots, and sold on such terms and conditions as may be considered most advantageous to the interest of said county, and the proceeds of such sales shall be applied to the erection of a Court House and Jail, and such other public works as may be necessary and useful to said county. The said county commissioners are hereby authorized to make conveyances to the purchasers thereof, in their own names, as commissioners for and on behalf of said county. Duty of county commissioners.

Sec. 5. The commissioners appointed to make the location aforesaid, shall receive the sum of three dollars per day for each day by them necessarily employed in discharging the duties imposed on them by this act, to be allowed by the county commissioners' court, and paid out of the Treasury of said county. This act shall be construed in all courts of justice and elsewhere, favorably for all beneficial purposes therein intended, and all acts and parts of acts heretofore passed and in force, repugnant thereto, are hereby repealed. Compensation. Acts repealed.

Approved, Feb. 12, 1835.

AN ACT concerning the Sixteenth Section in Equality township, Gallatin county. In force April 1, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Giles Y. Taylor, Tiler D. Hewitt and Charles Guard, or a majority of them, be, and they are hereby authorized to examime books, maps, &c. of the commissioner of the Ohio Saline, and if it appears to said commissioners that the section numbered sixteen, or any portion thereof, in said Reserve, has been selected and sold by the State, then said commissioners shall be authorized to proceed on the first day of April, or as soon thereafter as convenient, to select, in lots, of not less than eighty acres, in the name of the inhabitants of the proper township, one section of land in lieu of such sixteenth section, selected and sold by the State as aforesaid, Commissioners appointed to select lands in lieu of said sixteenth section.

and report the numbers of the same to the commissioner of the Ohio Saline lands, whose duty it shall be to enter the same upon his books, in the name of the inhabitants of the proper township, and strike off to the State an equal number of acres of lands heretofore selected, which lands so selected by the commissioners aforesaid, shall be applied, or the proceeds thereof, by the inhabitants of such township, to the purposes of education, agreeably to the laws of this State.

Compensation.

SEC. 2. Said commissioners shall be allowed by the inhabitants of the township for whose benefit said selection may be made, one dollar per day whilst necessarily engaged in making such selections, to be paid out of the proceeds of said lands.

This act to take effect and be in force from and after the first day of April next.

APPROVED, Feb. 12, 1835.

In force Jan. 31, 1835.

AN ACT declaring Big Muddy a Navigable stream.

Big Muddy declared navigable.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Big Muddy river be, and the same is hereby declared a navigable stream and public highway, from the intersection of the East and West Forks, in Jefferson county, to its confluence with the Mississippi river.

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

APPROVED, Jan. 31, 1835.

In force Jan. 30, 1835.

AN ACT to amend "An act regulating the mode of trying the Right of Property.

Duty of constable receiving an execution from a foreign county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases when an execution shall be issued by any justice of the peace in this State, directed to any constable of a different county, it shall be the duty of such constable receiving the same, to proceed, as in other cases, to make a levy on the personal property of the defendant in such execution.

Further duty of

SEC. 2. *Be it further enacted,* That it shall be the duty of

any constable having an execution as aforesaid, after making a levy on the property of the defendant, and such property being claimed by another person or persons, to notify such person or persons that he will attend before some justice of the peace of the county, naming him, on some day to be designated (by him the said constable,) for the purpose of having the rights of said property tried, said constable designating the day and hour when such trial of the right of property shall take place: *Provided*, That said trial shall not be deferred exceeding ten days from the time such levy may have been made. constable.

Sec. 3. That it shall be the duty of any justice of the peace, when notified of any person or persons claiming property as aforesaid, to enter such case on his docket, and to proceed in all cases, to have the right of such property tried as if the execution had been issued by him; and in case the property may appear to belong to the claimant, the justice shall enter judgment against the plaintiff in execution for the costs that may have accrued on such case, and on failure of the plaintiff to pay the same, the justice may issue execution, directed to any constable of the county in which such plaintiff lives, for the amount of such cost not paid; but in all cases, when it may appear that the property claimed belongs to the defendant in execution, it shall be the duty of the justice of the peace to enter judgment against the claimant of the property for the amount of such costs as have accrued, and execution may issue therefor as in other cases: *Provided*, That in no case of the trial of the right of property under this act, or the act to which this is an amendment, shall the defendant in execution be a competent witness, and that all appeals from the judgments on the trial of the right of property, shall be demanded on the day of such trial, and bond entered into before the clerk of the circuit court within five days from such trial; and in all cases of the trial of the right of property before a justice of the peace, either party may take the case into the circuit court by writ of certiorari, as provided in the "Act concerning justices of the peace and constables," approved, February 3, 1827: *Provided*, That in all cases of said appeals, the praying thereof shall be supersedeas, and stay all further proceedings until the expiration of five days. Duty of justice when property is claimed. Proviso.

Sec. 4. *Be it further enacted*, That in all cases when the plaintiff in the execution neither resides in the county where judgment was rendered, nor in the county in which such trial of the right of property is had, it shall not be necessary for the constable to give said plaintiffs notice; but the trial shall be conducted in the same manner as if actual notice had been given, and in case the property shall Plaintiff residing in different county.

be found to be the property of the claimant, the plaintiff in the execution shall be bound for all costs that may have accrued.

Approved, Jan. 30, 1835.

In force Jan. 31, 1835.

AN ACT to increase the number of Election Precincts in the counties of Morgan and Madison.

Number increased to twelve.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of Morgan county, are hereby authorized to increase the number of election precincts in said county of Morgan to the number of twelve, one of which shall be established at Manchester, one at Naples, one at Meridocia, and one at Bethel in said county.

One additional precinct in Madison county.

Sec. 2. That there shall be an additional election precinct in Madison county, which shall be at the house of Isom Vincent in said county.

Approved, Jan. 31, 1835.

In force Feb. 12, 1835.

AN ACT permanently to locate the Seat of Justice of Randolph county.

Removal of said seat to be determined by election.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there shall be an election in the county of Randolph on the first Monday in August next, to determine whether or not the seat of justice in said county, shall be removed from Kaskaskia to Miller's farm, situate on the north half of section thirty, in township five south, of range six west. It shall be the duty of the clerk of the county commissioners' court to open a column in the poll books for "Kaskaskia" and "Miller's farm." The qualified voters of said county voting for justices of the peace, may vote for one of those places, and it shall be the duty of the clerks of the election to enter said vote as in other cases.

Majority voting in favor thereof it shall be removed.

Sec. 2. If a majority of the voters as aforesaid, shall vote for "Miller's farm," the county seat shall be removed to the same: *Provided*, the proprietor or proprietors of the land shall give and convey by deed of general warranty, in a

square form, or not more than twice as long as wide, thirty acres thereof.

Sec. 3. In case of a majority determining as aforesaid in favor of a removal of the county seat, it shall be the duty of the county commissioners of said county, to proceed to lay out a town upon the land donated, and cause the lots to be sold, the avails of which, or a sufficient amount thereof as may be necessary, shall be appropriated to the erection of a court house and jail for the use of the county; and the town thus laid out, shall be the permanent seat of justice for said county, from and after the first day of September, 1836, at which time the public offices of the county shall be removed to the same: *Provided*, That if the proprietor of the aforesaid north half of section thirty, in township five south, of range six west, shall neglect or refuse to make the donation on such part of said tract of land as the commissioners may deem most eligible, they may lay off said county seat on some adjoining quarter section of land, if the proprietor thereof will make a donation as aforesaid.

Duty of county commissioners in case of removal.

Proviso.

Sec. 4. The county commissioners aforesaid shall have power to make deeds for the lots sold, to name the town, and such other powers as are necessary to carry this act into effect.

Authorized to make deeds to lots, &c.

Approved, Feb. 12, 1835.

AN ACT in relation to Bank Collectors.

In force Feb. 7, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Auditor of public accounts and Treasurer, be, and they are hereby authorized and required to settle the accounts of the several attorneys, justices of the peace, and other collectors of money due to the President and Directors of the State Bank of Illinois, and to allow such reasonable charges for contingent expenses as may appear to them proper, and if any balance shall be found due to any such attorney, justice of the peace, or other collector, said Auditor and Treasurer shall give a certificate of the same, and upon filing such certificate in the Auditor's office, the Auditor shall draw his warrant on the Treasurer, in favor of such attorney, justice of the peace, or other collector, for the amount contained in said certificate. If any sum shall appear to be due from any of said attorneys, justices of the peace, or other collectors, and they shall fail to appear and settle

Auditor and Treasurer authorized to settle with such collectors.

Collectors failing to pay over money, to be sued.

their accounts on or before the first day of April next, and pay over such amount as shall be found due from them, then it shall be the duty of said Treasurer to direct the Attorney General, or proper State's Attorney, to commence suit against all such delinquents without delay: *Provided*, That no money shall be paid out of the State Treasury, under the provisions of this act, until an appropriation shall be made by law.

Proviso.

This act to be in force from and after its passage.

APPROVED, Feb. 7, 1835.

In force Jan. 7, 1835.

AN ACT concerning the Revenue of the County of St. Clair for the year 1829.

Present sheriff authorized to collect tax for 1829.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the present sheriff of the county of St. Clair, be, and he is hereby authorized to collect so much of the tax of the said county for the year 1829, as remains unpaid, in such manner as the former sheriff might have collected the same; but such of the inhabitants as have paid their taxes for said year to the county commissioners or sheriff, are hereby discharged from any liability for their taxes for the aforesaid year.

Liable therefor.

SEC. 2. *Be it further enacted*, That the said sheriff shall be liable and accountable for any moneys collected under this law, in the same manner as for other taxes collected by him, and shall pay the same over in like manner as other taxes are by law.

This act to take effect from and after its passage.

Certificate.

This bill having remained with the Council of Revision ten days, Sundays excepted, and the General Assembly being in session, it has become a law, this 7th day of January, 1835.

A. P. FIELD,
Sec'y of State.

In force Feb. 6, 1835.

AN ACT concerning the town of Vandalia.

Certain street therein vacated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all that part of

the south exterior street in the town of Vandalia, lying between Third street and the eastern boundary of said town, be, and the same is hereby declared vacated, and annexed to, and made a part of, the public burial ground of said town.

Sec. 2. That out-lot number three in said town, be, and the same is hereby granted to the president and trustees of the town of Vandalia, to be used by them as a public burying ground for said town.

Out-lot No. 3, granted for a burial ground.

Sec. 3. That Harvey Lee, Joseph T. Eccles, and James W. Berry be, and they are hereby appointed commissioners to lay off one half acre of said out-lot number three, to be used exclusively for the burial of members of the Senate and House of Representatives, and other officers of the government, who may decease here in the discharge of their public duties, and enclose the same with a strong and substantial fence; and it shall be the further duty of said commissioners, after having performed the duties herein enjoined, to remove the remains of John B. Emanuel Canal, late a member of the House of Representatives of this State, within the said enclosure. The auditor of public accounts is hereby authorized and required to issue his warrant, on the treasurer, in favor of said commissioners for a sum not exceeding fifty dollars, to enable them to carry the provisions of this act into effect.

Commissioners appointed to select a portion thereof for the burial of members of the legislature, &c.

Approved, Feb. 6, 1835.

AN ACT supplemental to an act to provide for the Election of County Recorders and Surveyors.

In force Feb. 13, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the recorders appointed to office by and under the provisions of an act, entitled "An act relating to the office of recorder," approved January 8th, 1829, shall be and remain in office and perform and discharge all the duties required of them by law, until their successors shall be duly chosen and qualified to office by and under the provisions of the act to which this is a supplement.

County recorders heretofore appointed, to continue in office until their successors are qualified.

Sec. 2. That the surveyors appointed to office by and under the provisions of "An act regulating the appointment and duties of county surveyors," approved, January 14th, 1829, shall be and remain in office and perform and discharge all the duties required of them by law, until their successors shall be duly chosen and qualified to office by

Surveyors.

and under the provisions of the act to which this is a supplement.

Contested elections.

SEC. 3. That in case of a contested election between any two or more persons, who shall have been voted for, for the office of county recorder or of county surveyor, a commission shall not issue to such person until such contest shall have been duly decided according to the provisions of the law in force relative to elections.

Offices vacated.

SEC. 4. That the act to which this is a supplement, shall be construed to vacate the office of all recorders and surveyors, as well those appointed under the act of the 19th February, 1819, as those under the act of January 8th, 1829, subject, however, to the continuance in office, as is provided in and by the first and second sections of this act.

Recorders superseded in office, to be paid for books.

SEC. 5. That the county commissioners of each county in this State, shall provide for the payment to each of the several recorders who shall be superseded in office under the act to which this is a supplement, a reasonable compensation for books used as record books in his office.

This act to be in force from and after its passage.

APPROVED, Feb. 13, 1835.

In force Feb. 12, 1835.

AN ACT to ascertain the County Line between the Counties of Morgan and Sangamon.

Commissioners appointed to ascertain said line.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Wetherford of Morgan county, and Henry Riggin of Sangamon, and John K. Felts of Macoupin county, be, and they are hereby appointed commissioners to ascertain, designate and permanently establish the county line between the counties of Morgan and Sangamon.

When and where to meet.

SEC. 2. Said commissioners, or a majority of them, at some day before the first of June next, shall meet at Cooke and Eastman's mill, and after having been sworn by some justice of the peace of either Morgan or Sangamon county, shall proceed to ascertain, designate and establish the county line between said counties, beginning at the south east corner of township twelve north, of range eight west, of the third principal meridian, and running thence in a northerly direction between the waters of Apple creek, Mauvais Terre, and Indian creek on the left, and the waters of the Sangamon river, on the right, until they strike the middle of range eight west; it shall be the duty of said

commissioners to plant and fix suitable stones at least every mile from the place of beginning to the place of termination.

Sec. 3. It shall be the duty of said commissioners to make three reports, and maps and copies of the field notes of the survey, one of which they shall send to the Secretary of State, to be by him filed and preserved in his office, and one shall be sent to the county commissioners' court of each of the counties of Morgan and Sangamon, and shall be by them recorded at length on the records of said courts, and filed and preserved, and the line agreed on by the said commissioners, shall forever thereafter be the county line between the said counties. Shall make reports.

Sec. 4. Said commissioners may employ a surveyor, and such other hands as may be necessary to carry into effect the foregoing provisions of this act; and it shall be the duty of the county commissioners' courts of Morgan and Sangamon to allow to said commissioners two dollars for each day they shall be necessarily employed in performing the duties enjoined upon them by this act; also, to said surveyor three dollars for each day he may be employed, and one dollar for each hand necessarily employed. The expenses to be paid equally by the counties of Morgan and Sangamon. May employ a surveyor. Compensation.

Approved, Feb. 12, 1835.

AN ACT regulating the mode of granting License to Clock Pedlers. In force Jan. 31, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no auctioneer, vender, pedler or other person shall hereafter be permitted to auctioneer, vend, peddle, sell, lease, hire, or traffic at public auction, or private sale, any clock, wooden, metal or composition, without first having obtained from the clerk of the county commissioners' court of the county in which he so vends, leases, hires, sells or peddles the same, a license for so doing, for which he shall first pay into the county treasury of the county the sum of fifty dollars, which license, when so granted, shall authorize the person therein named, to sell, vend, peddle, lease, hire, or traffic in the county only where such license may have been obtained, for the term of three months from the time of granting such license. Prohibited from selling without license. Amount of license.

Sec. 2. Should any person or persons attempt to sell, Penalty for

selling without license.

hire, lease, traffic or vend any clock, or clocks, to any person whatever, without first having obtained a license as aforesaid, and without first having exhibted the same to the person or persons he offers or attempts to sell, lease or traffic the same to, shall forfeit and pay the sum of fifty dollars for each offence, one half to the use of the informer, and the other half for the use of the county, which sum shall be recoverable before any justice of the peace in said county, and the offender liable to indictment as in other cases of misdemeanors: *Provided*, That nothing herein contained shall be construed to prevent citizens of this State from vending, leasing, or hiring any clock in the common way of deal, such citizens not being obviously pedlers in such traffic.

Proviso.

Duty of county officers in relation thereto.

Sec. 3. It shall be the duty of the county commissioners, sheriffs, coroners, justices of the peace, constables and clerks of the several courts in this State, and lawful for any other person in case of their neglect, to cause all persons who shall violate the provisions of this act, to be sued for the aforesaid penalties, and the suit or suits caused to be prosecuted to effect, and bail may be required in such cases without affidavit, if the court or justice in their discretion shall deem the same necessary to secure the county in the ultimate payment of any such penalty. So much of the act, entitled "An act requiring merchants, auctioneers, pedlers, and others engaged in the sale of goods, wares, and merchandize in this State, to procure a license for that purpose, under the penalties therein prescribed," approved, February 6th, 1831, as relates to clock pedlers, be, and the same is hereby repealed.

Certificate.

This bill having remained with the Council of Revision ten days, Sundays excepted, and the General Assembly being in session, it has become a law, this 31st day of January, 1835.

A. P. FIELD,
Sec. of State.

In force Feb. 12, 1835.

AN ACT for the relief of John G. McDonald and others.

Auditor to issue his warrant in favor of J. G. McDonald for $150.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Auditor of public accounts be, and he is hereby required to issue his warrant on the Treasurer for the sum of one hundred and fifty dollars in favor of John G. McDonald, for one hun-

dred and ten days services as surveyor of the Vincennes and Chicago road; and to Daniel W. Beckwith the sum of fifty dollars for making a plat of said road, payable out of any money in the Treasury not otherwise appropriated.

To D. W. Beckwith for $50.

Approved, Feb. 12, 1835.

AN ACT for the relief of Willard Twiss.

In force Jan. 31, 1835.

Whereas Willard Twiss, clerk of the county commissioners' court of the county of Bond, by issuing a marriage license to John Hopton, Jr., by the fraud and misrepresentation of the said John Hopton, Jr., as is alleged, has become liable to be sued for the penalty of three hundred dollars, given by the fifth section of the act, entitled "An act concerning marriages," approved, February 14th, 1827: Therefore—

Preamble.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the said Willard Twiss be, and he is hereby released and entirely discharged from the penalty so aforesaid granted by the fifth section of the act above recited, to which he may have become liable by issuing a marriage license to the said John Hopton, Jr., as aforesaid: *Provided*, That if a suit shall have been commenced to recover said penalty, the said Willard Twiss shall pay all costs which may have accrued to the time of the passage of this act.

W. Twiss released from certain penalty.

Proviso.

Approved, Jan. 31, 1835.

AN ACT for the relief of the securities of Thomas Moore and others.

In force Feb. 6, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William A. Minshall, Abraham Marshall, and Charles W. Bacon, are hereby discharged and released from their recognizances, by them entered into, as the securities of Thomas Moore in the two cases of the people of the State of Illinois against said Moore, now pending in the circuit court of Hancock county, and they are hereby authorized to plead this act

Securities of Thos. Moore released from certain recognizances.

in bar to any proceeding on the said recognizances, or either of them.

Securities of Wm. Blocker released from certain recognizances.

SEC. 2. That the estate of William Gaston and Squire Craine, Robert Henderson and Conrad Will, are hereby discharged and released from the recognizances by them entered into as the securities of Timothy Blocker, in a case of the people of the State of Illinois against said Blocker, now pending in the circuit court of Jackson county, by their paying all costs accrued thereon.

This act to be in force from and after its passage.

APPROVED, Feb. 7, 1835.

In force Feb. 12, 1835.

AN ACT for the relief of a person therein named.

Certain law repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act, entitled "An act to authorize George H. Beeler to keep a ferry on the Kaskaskia river," approved, January 28th, 1833, be, and the same is hereby repealed.

APPROVED, Feb. 12, 1835.

In force Feb. 13, 1835.

AN ACT to amend the act, entitled "An act for the relief of the poor," approved, March 1, 1833.

Proof of twelve months residence in the county necessary to obtain relief.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when application is made by any pauper, or paupers, to the county commissioners' court of any county in this State, for relief, it shall be necessary for said county commissioners' court to require of said pauper or paupers, satisfactory evidence that he, she or they, have been residents of said county for twelve months immediately preceding the day upon which such application is made.

When non-residents, how dealt with.

SEC. 2. That when on application made by any pauper or paupers, to the county commissioners' court as aforesaid, it shall appear to the satisfaction of said court, that the person or persons so applying for relief, have resided in said county agreeably to the provisions of the first section of this act, he, she or they, shall be entitled to all the relief provided by the act to which this is an amendment; but if on the contrary, it shall appear to the satisfaction of

said county commissioners' court, that said pauper or paupers, shall not have been residents of said county agreeably to the provisions of the first section of this act, they shall proceed to remove from their county, at the expense of said county, said pauper or paupers to the county or State where said pauper or paupers may have had his, her or their last place of residence, or may, if they think best, issue a notice directed to some constable of the county, which notice said constable shall serve forthwith on said pauper or paupers, requiring him, her or them, to depart said county forthwith; and after so serving said notice, by reading the same to said pauper or paupers, said constable shall, within five days thereafter, return the same to the clerk of the county commissioners' court issuing the same, noting the time and manner of serving the same thereon.

Sec. 3. After service of such notice as aforesaid, no pauper or paupers shall be entitled to relief from such county, any law or custom to the contrary notwithstanding.

Sec. 4. The county commissioners' court of any county in this State, may, if they see proper, cause to be built or procured, in their respective counties, convenient work-houses for the accommodation and employment of such paupers as may from time to time become a county charge; said work-houses and paupers to be under such rules and regulations as said county commissioners' court may deem proper and just; and that if any person shall bring and leave any pauper or paupers in any county in this State, wherein such pauper is not lawfully settled, knowing him or them to be paupers, he shall forfeit and pay the sum of one hundred dollars for every such offence, to be sued for and recovered by, and to the use of such county, by action of debt, before any justice of the peace in the proper county.

County commissioners authorized to erect work houses.

Approved, Feb. 13, 1835.

AN ACT for the benefit of Bank Debtors.

In force Feb. 14, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every person indebted to the State Bank, (cashiers, purchasers of Bank property and collectors, excepted,) shall be allowed to pay such debt or debts in three annual instalments, and that all interest now due, and twenty-five per cent. of the principal, shall be remitted.

Intererest and part of principal remitted.

Sec. 2. That all persons desirous of taking the benefit of

Persons desi-

rous of taking benefit of this act, how to proceed.

this act, shall apply to the Treasurer of the State, or any other collector or agent of the said State Bank, and cancel all obligations of indebtedness subsisting between such persons and the Bank, by giving their promissory notes, under seal, with approved security, payable as provided in the first section of this act, to the Governor of the State for the use of the people of the State; and all promissory notes or other obligations thus executed, shall be in consideration of the forbearance and indulgence herein extended, and no plea to the consideration or the constitutionality of the Bank, shall be considered valid in law or received in any court, before which actions may be brought for the recovery of the debts or obligations hereby created.

Approved, Feb. 13, 1835.

In force Feb. 7, 1835.

AN ACT for the relief of Thomas Redmond.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Redmond shall be relieved from any further payment for certain Vandalia out-lots, upon his paying fifty dollars: *Provided,* the same is paid within eighteen months after the passage of this act.

Approved, Feb. 7, 1835.

In force Feb. 13, 1835.

AN ACT for the relief of John Robb.

Preamble.

Whereas John Robb was lately tried and found guilty of manslaughter, in the Fayette county circuit court, at a special term thereof, and sentenced to the penitentiary for the term of three months; and whereas the Governor of the State has pardoned the said Robb, whereby he has been released from punishment by confinement in the penitentiary; and whereas said Robb is still in prison for the non-payment of the fine imposed on him by the Judge of the aforesaid circuit court: Therefore—

J. Robb released from payment of a certain fine.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the fine of fifty dollars, imposed on John Robb at the late special term of the Fayette county circuit court by the Judge thereof, be,

and the same is hereby remitted and released to him forever.

APPROVED, Feb. 13, 1835.

AN ACT for the benefit of William Allen.

In force Jan. 31, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the contract entered into between William Allen and Malina Rogers, (now Malina Allen,) both from Hamilton county, on the first day November, 1832, be, and the same is hereby confirmed and declared of full force, any law to the contrary notwithstanding; and the record of the said contract, and of the acknowledgment of the said parties thereto, in the recorder's office of the said county of Hamilton, shall be deemed and taken as competent evidence of the execution of said contract.

Certain contract confirmed.

This bill having remained with the Council of Revision ten days, Sundays excepted, and the General Assembly being in session, it has become a law, this 31st day of January, 1835.

Certificate.

A. P. FIELD,
Sec. of State.

AN ACT for the benefit of John Groves.

In force Jan. 20, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the commissioners heretofore appointed by law to superintend the construction of the necessary improvements to the navigation of the Little Wabash river, or a majority of said commissioners, are hereby authorized and required to adjust the accounts of John Groves, on a contract for the erection of a lock at Robinson's mill-dam on the said river, and to execute to said Groves, upon ascertaining what balance, if any, is due to him on his said contract, a certificate setting out that such balance does so remain due; and upon production of said certificate to the commissioner for the sale of Saline lands at Equality, the said Groves shall be entitled to purchase land from the said commissioner, to the amount of the sum stated

Commissioners of Little Wabash river, to settle with.

Any balance due said Groves how paid.

to be due by the certificate aforesaid, at the rate per acre provided by law, or he may purchase a less quantity if he prefer, and the said commissioner shall endorse on the said certificate the number of acres so purchased by the said Groves, and file the same in his office, and the said commissioner shall issue and grant to the said Groves, certificates of purchase, in the usual form, and make a special entry on his books, explaining the transaction, and the certificate of the commissioners first named, to the said Groves, shall be taken as payment for such lands as may be so purchased by him according to the amount purchased: *Provided*, That the said selections to be made by the said John Groves, shall be of the first thirty thousand acres ordered to be sold, and should any of the lands in said reservation be hereafter relinquished, and others selected in lieu thereof, the said Groves shall not interfere with any pre-emption right heretofore granted thereon.

APPROVED, Jan. 20, 1835.

In force Jan. 27, 1835.

AN ACT for the benefit of the Clerk of the Circuit and County Commissioner's Court of La Salle County.

Authorized to keep his office at his place of residence.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Clerk of the circuit and county commissioners' court of La Salle county, be, and he is hereby authorized and permitted to keep his office as clerk of said courts at his present residence, where said office is now kept, any law to the contrary notwithstanding: *Provided*, this act shall not be so construed as to authorize the said clerk to make any charge against said county for office rent.

Proviso.

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

APPROVED, Jan. 27, 1835.

In force Jan. 7, 1835.

AN ACT for the benefit of Daniel Curtin.

Right of the State to the estate of E. Butler, confirmed upon.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all the right, title and interest which the State now has or hereafter may acquire by escheat, in the real estate of Edward Butler, late

of Equality, deceased, be, and the same is hereby released to, and confirmed upon Daniel Curtin of Gallatin county.

How to proceed.

Sec. 2. The said Daniel Curtin shall be entitled to proceed, in his own name, in the same manner as the State's Attorney, on behalf of the State, is authorized to proceed, under "An act regulating escheats," approved, March 1st, 1833; and the same process shall be awarded to the said Curtin, and judgment had in his name and for his benefit, as the State would be entitled to under the said act; the court proceeding in all respects by the same rules as are prescribed in said act, for the regulation of information on behalf of the State.

Unknown heirs.

Sec. 3. It is hereby intended that the rights of the unknown heirs of the said Edward Butler, deceased, if any there be, shall stand and be in all respects under the provisions of the escheat laws of this State now in force.

Approved, Jan. 7, 1835.

AN ACT for the relief of a person therein named.

In force Feb. 13, 1835.

County commissioners of Morgan county required to consider the claims of Wm. Spencer.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners of Morgan be, and they are hereby authorized and required to take into consideration a certain claim set up by William Spencer, a citizen of said county, praying a remuneration for damages he sustained by the sale of section numbered sixteen, in township thirteen north, of range nine west.

If found just, how paid.

Sec. 2. *Be it further enacted,* That if it shall appear to the satisfaction of the court that the claim is just, they shall authorize the Trustees of the township aforesaid, to pay said Spencer any sum not exceeding seventy-five dollars, as they may think just, out of the money which accrued from the sale of said section, and it shall be the duty of the School Commissioner to pay the Trustees the money to be appropriated as they may deem just.

This act to take effect from and after its passage.

Approved, Feb. 13, 1835.

In force Jan. 31, 1835.

AN ACT for the benefit of the Town of Quincy in Adams County.

Trustees authorized to erect wharves and ferries.

And to regulate the same.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Trustees of the town of Quincy, in the County of Adams, shall have power to erect, build and establish wharves on the bank of the Mississippi river, in front of said town, and to rent or otherwise regulate or keep the same as they shall see proper, and to establish the rates of tolls on the same. The said Trustees shall also have power to establish a ferry or ferries from the landing in front of said town, across the Mississippi river, and to rent, regulate or keep the said ferry or ferries, and the profits of said ferry or ferries and wharves, are hereby vested in said Trustees, to be used as other funds belonging to the corporation of said town, and the said Trustees shall also have power to fix the rates of ferriage at any ferry established by them as aforesaid; and any such ferry, when established, shall, in all other respects, be regulated by the laws, now or hereafter to be in force, relating to ferries in this State.

Approved, Jan. 31, 1835.

In force Dec. 24, 1834.

AN ACT for the relief of Douglass Merrill and William Gassaway.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of seventy-five dollars be, and the same is hereby appropriated to Douglass Merrill; and William Gassaway twenty-five dollars, to be paid on the warrant of the Auditor, out of any moneys in the Treasury not otherwise appropriated, in full compensation for the apprehension, by said Merrill, of Henry C. Shouse, since convicted of murder in the Pope county circuit court.

Approved, Dec. 24, 1835.

In force Jan. 31, 1835.

AN ACT for the benefit of the Sheriffs therein named.

Said sheriffs allowed until the first day of June next to settle

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Sheriffs of the counties of Sangamon, Morgan, Washington, Franklin, Gal-

latin, Perry, St. Clair, Pope and Fayette, be, and are hereby allowed until the first Monday in June next, to settle with the county commissioners' courts of their respective counties, for the tax collected for and during the year one thousand eight hundred and thirty-five: *Provided*, said Sheriffs shall pay over to the Treasurer of their respective counties, on the first Monday of March next, all the money that may at that time have been collected for the taxes aforesaid.

with county commissioners' court.

Proviso.

APPROVED, Jan. 31, 1835.

AN ACT for the benefit of the Infant Heirs of Willis Snyder, deceased.

In force Dec. 17, 1834.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Samuel Snyder, guardian for Philip Snyder and Willis Snyder, infant heirs of Willis Snyder, deceased, be, and he is hereby authorized to vest such portions of the moneys of said infant heirs as are in his hands, over and above what shall be sufficient to raise and educate them, in real estate, the same to be purchased in such a manner as the said guardian may deem most conducive to the interest of the said infant heirs, and the deeds for the same to be taken in the names of the said infant heirs.

Guardian of said heirs authorized to vest certain portion of money in real estate.

APPROVED, Dec. 17, 1834.

AN ACT for the benefit of Robert Ritchey.

In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the ferry heretofore established by the county commissioners' court of Gallatin county, at their September term, 1834, over the Ohio river, on section sixteen, township twelve south, range ten east, where the road leading from St. Louis to the southern part of Kentucky by Ford's ferry, on the Kentucky side of said river, crosses the same, be, and the same is hereby confirmed and fully established to and for Robert Ritchey and his assigns or heirs, with all the rights and privileges belonging to the same, and which may be necessary to the keeping up and enjoyment thereof.

Certain ferry privileges conferred on said Ritchey.

Sec. 2. That, that part of the road above mentioned, leading from Equality to Ford's ferry on the Ohio river, as it now runs, and on which the said ferry is established, be, and the same is hereby declared to be a state road.

County commissioners of Gallatin to lease to said Ritchey certain lands.

Sec. 3. That whereas the aforesaid road meets the Ohio river at a point included by fractional section numbered sixteen, in township twelve south, range ten east, in Gallatin county, therefore, the county commissioners of said county of Gallatin, be, and they are hereby authorized and required to execute and deliver to said Ritchey, a lease for any quantity of the land of the said section numbered sixteen, for any term not exceeding fifteen years: *Provided*, the quantity of said land shall not exceed eighty acres. The said lease shall be made upon such terms and upon such conditions as the said county commissioners shall deem conducive to the interest of the inhabitants of the said township: *Provided*, the consent of three-fourths of the legal voters of the township shall be obtained to the making such lease.

Proviso.

Further proviso.

Approved, Feb. 6, 1835.

In force Jan. 26, 1835.

AN ACT for the benefit of the Infant Heir of James Mason, deceased.

Guardian authorized to sell certain real estate.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Sarah Mason, guardian of Martha Maria Mason, infant and only heir of James Mason, deceased, on filing with the Judge of Probate of the county of Madison, a bond with good and sufficient securities to be approved of by said Judge, in such sum as may be deemed sufficient by said Judge, conditioned for the true and faithful discharge of the duties enjoined by this act, and that, as the guardian of said infant heir, she will well and truly pay over to said heir all the moneys arising from the sale of lands herein authorized; shall be and is hereby empowered to sell and convey by sufficient deed or deeds, all the lots and lands adjoining to the town of Grafton, of which the said James Mason died seized, either at private sale, under the direction and sanction of the said Judge, or at public sale, on giving due notice according to law, and upon such terms as to credit or not to credit, as the said guardian, by the direction or sanction of the said Judge, may deem proper and most beneficial to her said ward.

Proceeds how applied.

Sec. 2. The moneys arising from the said sales, shall be chargeable in account with her ward to the said guardian,

and shall be laid out by her to the best advantage of her said ward: *Provided*, That if in the course of administration, it shall appear that the personal estate of the said Mason should not be sufficient to pay the debts, the said money so arising from such sale, shall be subject, by order of the said Judge of Probate, to payment of such deficiency. Proviso.

SEC. 3. That said Sarah Mason, being also administratrix of said James Mason, deceased, is hereby authorized and empowered, as such administratrix, to make and execute deeds for lots and lands in the town aforesaid, or elsewhere in this State, to the purchasers thereof, or their assigns, whenever complete payment shall be made therefor, as the said James Mason, if alive, would be required to make the same, which deeds so executed, shall be good and sufficient in law, to pass the estate, right and title of the said heir of said Mason, deceased, to all intents and purposes as if executed by her when of full age. Conveyances by administratrix's deed, valid.

APPROVED, Jan. 26, 1835.

AN ACT for the benefit of the Counties therein named. In force Feb. 13, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the sum of two thousand dollars, appropriated to improve the navigation of the Kaskaskia river, by an act providing for the sale of the Vermilion Saline Reserve and appropriating the avails thereof, approved, January 19th, 1829, be, and the same is divided and appropriated as follows: The sum appropriated to the improvement of the Kaskaskia river removed.

To the county of Randolph, the sum of three hundred dollars, to be expended in the erection of a bridge over Mary's river, where the State road from Brownsville to Kaskaskia crosses the same. Randolph.

To the county of Perry, one hundred dollars, to be applied in building bridges, as the county commissioners' court may direct. Perry.

To the county of Monroe, the sum of two hundred and fifty dollars. Monroe.

To the county of Washington, two hundred and fifty dollars. Washington.

To the county of St. Clair, three hundred dollars. St. Clair.

To the county of Clinton, four hundred dollars. Clinton.

To the county of Fayette, three hundred dollars. Fayette.

To the county of Marion, one hundred dollars, to be applied to internal improvements. Marion.

To the county of Bond, one hundred dollars. Bond.

Auditor to draw his warrant on the Treasury for the several sums hereby appropriated, in favor of the several counties.

SEC. 2. Whenever the money arising from the sales of the Vermilion Saline lands shall be received into the Treasury, as provided for by law, at the present session, it shall be the duty of the Auditor of public accounts, on the application of the county commissioners of the several counties aforesaid, or their authorized agent, to issue his warrant on the Treasurer for the several sums respectively hereby appropriated to the counties aforesaid, and which said money, when so received, shall be deposited in the several County Treasuries, for the use of the people of said counties: *Provided*, That said Auditor shall not issue said warrants for an amount exceeding that which would be payable for the improvement of the Kaskaskia river, under the laws now in force for the distribution of the proceeds of the Saline lands. So much of the act to which this is an amendment, as comes within the purview of this act, is hereby repealed.

APPROVED, Feb. 13, 1835.

In force Jan. 20, 1835.

AN ACT for the relief of the Sheriff of Jackson County.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Governor is hereby authorized to issue a commission to William Worthen, who was elected Sheriff of the county of Jackson at the general election held in August last, upon his producing and filing satisfactory evidence that he was not in arrears to the State, or County, for taxes or other public money at the time of his election.

This act to take effect from its passage.

APPROVED, Jan. 20, 1835.

In force Feb. 7, 1835.

AN ACT for the relief of Warren County.

Appropriation made thereto.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Auditor of public accounts be, and he is hereby authorized and required to draw his warrant on the Treasury in favor of the county commissioners of Warren county, for the use of said county, for the sum of one hundred and eighty-nine dollars and forty cents, as an indemnity for expenses incur-

red in the capture and imprisonment of four Indian prisoners of the Sac and Fox nations, who were arrested and surrendered to the custody of the Sheriff of said county, on the demand of the President of the United States, at the request of the Legislature, for the supposed murder of William Martin on Henderson river, during the late Indian disturbances on our north western frontier, to be paid out of any money in the Treasury not otherwise appropriated.

This act to take effect from and after its passage.

APPROVED, Feb. 7, 1835.

AN ACT, to repeal "An act for the relief of the Securities of Henry Boyer," late Sheriff of Gallatin county, approved, February 26, 1833.

In force Jan. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the act, entitled "An act for the relief of the securities of Henry Boyer," late Sheriff of Gallatin county, approved, February 26, 1833, as authorizes and empowers Michael Sprinkle, William McCoy, and Michael Jones, or any one of them, to collect any and all taxes that may be due on the books of said collectors, for the years 1824 and 1825, by distress and sale of personal or real estate, in the same manner that Sheriffs may now lawfully collect taxes, and enforce the payment thereof, be, and the same is hereby repealed.

Acts repealed.

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

APPROVED, Jan. 7, 1835.

AN ACT, entitled "An act for the relief of Lewis J. Clawson.

In force Jan. 24, 1835.

WHEREAS, it appears by the Report of the Inspectors of the Penitentiary, that after expending all the money appropriated for Penitentiary purposes, a balance of two hundred and twenty-three dollars remains due and unpaid to Lewis J. Clawson for work done by said Clawson upon the Penitentiary wall, under a contract made by said Inspectors with said Clawson; and whereas it appears by the Report of the Auditor of public accounts, that the whole

Preamble.

amount of money arising from the proceeds of the sales of Saline lands and paid into the State Treasury for Penitentiary purposes, has been drawn by the Inspectors of the Penitentiary: Therefore—

Auditor to issue warrant in favor of L. J. Clawson for $223.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Auditor of public accounts be, and he is hereby authorized and required to draw his warrant on the Treasurer in favor of Lewis J. Clawson for the sum of two hundred and twenty-three dollars, which the said Treasurer shall pay out of any money in the Treasury not otherwise appropriated.

Said sum to be appropriated out of the penitentiary fund, to State purposes.

SEC. 2. The aforesaid sum of two hundred and twenty-three dollars, shall be appropriated, by the State Treasurer, to State purposes, out of the next money arising from the sale of Saline lands, and paid into the Treasury for Penitentiary purposes.

This act to be in force from and after its passage.

APPROVED, Jan. 24, 1835.

In force Feb. 7, 1835.

AN ACT for the relief of the Sheriff of Union County.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Champion Anderson, Sheriff of Union county, be, and he is hereby allowed, out of the State Treasury, the sum of twenty-eight dollars and seventeen cents, in full for his services as Sheriff of Union county, in selling Bank property.

APPROVED, Feb. 7, 1835.

In force Jan. 31, 1835.

AN ACT for the relief of Cook County.

Commissioner of school lands for said county authorized to loan money to county commissioners.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Commissioner of the School Lands for Cook county, Illinois, be, and he is hereby authorized to loan to the county of Cook a sum of money not exceeding twelve thousand dollars, out of the funds of township thirty-nine north, range fourteen east, of the third principal meridian in said county, at a rate of interest not less than ten per centum per annum, payable semi-annually.

Rate of interest

SEC. 2. The money so borrowed by the said county, shall be expended under the direction of the county commissoners of said county, in erecting a Court House in the town of Chicago, in said county; and the said Court House, when so erected, and the ground upon which the same is situate, and the revenues of the said county are hereby pledged to the school fund of said township for the re-payment of the money so borrowed: *Provided, however*, That it shall be discretionary with the said county commissioners to borrow the said sum of money or not, as they may see proper. How expended. Proviso.

SEC. 3. The said sum of money so authorized to be loaned to the said county of Cook, shall be considered a loan to the said county for the term of ten years, but reimbursable at the pleasure of the county commissioners of said county. To be a loan for ten years.

SEC. 4. It shall be the duty of the county commissioners of said county of Cook, in the event the said loan shall be made, to provide sufficient revenues, by a tax or otherwise, to pay the interest on the same as it shall become due and payable: *Provided, however*, That the corporate authorities of the town of Chicago shall, and they are hereby required to pay, one-fourth of the interest of said loan, as the same shall become due and payable, out of the Treasury of said corporation. Interest how paid. Proviso.

SEC. 5. The commissioner of school lands for the said county of Cook, is hereby authorized to loan the school funds of said county, by taking a mortgage upon unincumbered real estate, in double the value of the sum so loaned; and also good and sufficient individual security: *Provided*, That all sums of one hundred dollars and under, may be loaned upon good personal security. May loan money on mortgages and good personal security. Proviso.

APPROVED, Jan. 31, 1831.

AN ACT for the relief of the People of White County. In force Jan. 24, 1825.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*; That the county commissioners' court of White county, be, and is hereby authorized and empowered to cause to be reviewed and re-located any State road in said county, in the same manner and under the same restrictions as other roads in said county may be reviewed and re-located: *Provided*, no State road shall be altered or changed at the point where the same may cross the county line. County commissioners authorized to re-locate certain State road.

This act to be in force from and after its passage.

APPROVED, Jan. 24, 1835.

In force Jan. 7, 1835.

AN ACT to authorize Wilman and Weed to establish a Ferry on the Little Wabash River.

Wilman and Weed authorized to keep a ferry on Little Wabash.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Charles J. Wilman and Charles J. Weed be, and they are hereby authorized to establish and keep a ferry on the Little Wabash river, at their mill near Carmi, to be subject to the same rules and regulations as now or hereafter may be provided by law, the rates of ferriage to be prescribed by the county commissioners' court of White county.

This act to be in full force from and after its passage.

APPROVED, Jan. 7, 1835.

In force Feb. 10, 1835.

AN ACT to change the name of Clayborn Elder.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of Clayborn Elder, the adopted son of Alfred Bell, be and the same is hereby changed to the name of Clayborn Elder Bell, and by this name he shall hereafter be called and known, and all gifts, grants, rights and hereditaments due, or coming to the said Clayborn Elder, shall, in nowise, be effected by the change hereby made in the name of said Clayborn Elder. And in the name of Clayborn Elder Bell he may sue and be sued, plead and be impleaded, and it shall be valid in law.

This act to take effect from and after its passage.

APPROVED, Feb. 10, 1835.

In force Jan. 29, 1835.

AN ACT, further to amend "An act to authorize James Nabb to build a Toll Bridge across the Embarrass River.

Allowed two years to complete said bridge.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James Nabb have two years from the passage of this act, to complete his bridge so as to entitle him to the rights and privileges granted by the act to which this is a further amendment.

Authorized to change part of State road.

SEC. 2. The said James Nabb shall be, and he is hereby authorized to change a part of the State road leading from Vincennes to St. Louis, so as to make said road pass over

said bridge: *Provided*, the said James Nabb shall not be allowed to obstruct the ford below said bridge in any manner by changing said road. Proviso.

Approved, Jan. 29, 1835.

AN ACT to authorize Alexander Kirkpatrick and William Hick to build a Toll Bridge across the Saline Creek at Equality. In force Jan. 14, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That there be, and hereby is granted to Alexander Kirkpatrick and William Hick, on the terms and conditions hereinafter mentioned, the privilege of building and keeping a toll bridge at or near the place where the present bridge crosses the Saline creek at Equality is erected. Kirkpatrick & Hick authorized to build a toll bridge across Saline creek.

Sec. 2. The said bridge shall be a good and substantial wooden bridge, of sufficient strength to support loaded wagons and their teams, or droves of cattle; which said bridge shall be built and fit for use on or before the expiration of the charter of the present bridge; which said charter was, by the General Assembly of this State, granted to James A. Richardson, December 23d, 1824, and now held by the said Alexander Kirkpatrick and William Hick, and they shall be entitled to receive the same rates of toll as are now allowed by the charter aforesaid; and the said Kirkpatrick and Hick, their heirs or assigns, in the occupation of said bridge, shall keep the same in good repair, so as to afford, upon payment of toll as aforesaid, at all times, a safe and speedy passage to passengers and their property. And if, at any time, said bridge shall unavoidably get out of repair, the said Kirkpatrick and Hick, or person or persons, holding under them, shall keep a good and sufficient ferry-boat or boats, at or near the bridge, for the transportation of passengers and their property, which boat or boats shall be manned by competent hands, having the banks on each shore, dug down, or otherwise rendered safe and convenient for access of wagons and other vehicles, to the ferry-boat; and shall, as long as the bridge may be out of order, give safe, convenient and speedy passage to all passengers and their property, upon tender of the payment of toll, at the same rates as is allowed by the charter aforementioned for crossing the bridge. And if the said Kirkpatrick and Hick shall, at any time, suffer the said bridge to be out of repair, so as to be unsafe to pas- When to be built. Rates of toll. When left out of repair.

sengers, for the space of three months, the said bridge and the privileges hereby granted, shall be forfeited to the county of Gallatin: *Provided*, That if all reasonable exertions be made and prosecuted by them or their assigns, occupiers of said bridge, to effect its complete repair; and by high water or other uncontrolable cause, it be apparent, that such repair could not reasonably be made, then, and in that case, there shall be no such forfeiture; but the said bridge shall as soon after as practicable, be put in good repair.

Proviso.

Persons when exempted from paying toll.

SEC. 3. All grand and petit jurors going to and returning from court, and militia men going to and returning from musters, and all persons going to and returning from State or County elections, shall be allowed to pass over said bridge or ferry free of toll.

Privileges hereby granted may be transferred.

SEC. 4. The privileges granted by this act, may be transferred by the said Kirkpatrick and Hick to any other person or persons, subject to the restrictions by this act provided; and at the end of ten years from and after the commencement of the present charter, the bridge hereby authorized in good order, safe and sound, shall inure to, and become the property of Gallatin county, upon payment by the said county to the proprietor or proprietors of the same, the fair value thereof, to be ascertained by two citizens of said county, one to be chosen by the county commissioners' court of said county, and the other by the proprietor of said bridge; and should the persons thus chosen, disagree in their valuation, they shall choose a third person to decide, whose decision shall be final; and upon payment being made by the county commissioners' court as aforeaforesaid, the said bridge shall be surrendered to the said court or their authorized agent to receive the same.

County of Gallatin may purchase said bridge.

Authorized to enter certain lands.

SEC. 5. The said Kirkpatrick and Hick shall be allowed to enter and purchase at the office of the commissioner for the sale of Saline lands in Gallatin county, forty acres of land, on the south side of Saline creek, at the minimum price of said Saline lands; to be laid off so as to have their bridge in, or as near as practicable to the centre of the north line on the creek; having the creek with its general course for the length of one line of forty acres for the base, and lines to run therefrom at right angles, so as to include the said quantity of forty acres as aforesaid. And the said commissioner is hereby authorized and required to grant to the said Kirkpatrick and Hick the usual certificate upon the making such purchase; and the said commissioner shall then strike off, and enter as purchased, forty acres of land, now selected, of such part of the selection as he may deem the most unlikely to sell: *Provided, and it is one of the conditions of said grant*, That public roads and pipe lines now crossing the tract, which may compose the said

Proviso.

forty acres, shall forever remain public highways and privileges, until changed agreeably to law.

Approved, Jan. 14, 1835.

AN ACT to authorize Ransom Higgins to build a Toll Bridge across Bon Pas creek in Edwards County. In force Feb. 9, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Ransom Higgins is hereby authorized to build a toll bridge across Bon Pas creek, at or near his mills in Edwards county. Ransom Higgins authorized to build a toll bridge.

Sec. 2. The rate of toll for crossing said bridge shall be as follows, namely: For every four wheeled carriage, with four or more oxen, horses or mules, thirty-seven and a half cents; for every four wheeled carriage, with two and not more than four oxen, horses or mules, twenty-five cents; for every wagon, dearborn or gig, with one horse, twelve and a half cents; for a man and horse, six and a fourth cents; for each horse, mule or ass, or head of horned cattle, two cents; for each hog, sheep or goat, one cent: *Provided,* That no charge shall be made for any person or persons with their horses, carriages, oxen or mules, going to or returning from said Higgins' mill for the purpose of grinding their grain. Rates of toll.

Sec. 3. Whenever the county commissioners' court of Edwards county shall deem it expedient to purchase said bridge, and make it a free one, they shall have the right to do so, upon paying the said Higgins the original cost of said bridge, with ten per cent. thereon. The said Higgins, after having completed the said bridge, shall make out and file with the clerk of the county commissioners' court of said county, an accurate account of the cost of said bridge, and make oath of the correctness thereof, before said clerk or some justice of the peace of said county. County commissioners of Edwards county may purchase the same.

Sec. 4. Said Higgins shall, at all times, afford a speedy passage to all persons and their property, on payment of the lawful toll; and he is hereby authorized to demand and receive the tolls as herein allowed, for the term of twenty years, and to erect a gate or gates at either end of said bridge; and if the said bridge shall, at any time, be out of repair for ten days together, the said Higgins shall forfeit and pay a fine of fifty dollars, and a like fine for every ten days thereafter that the said bridge may remain out of repair, to be recovered by action of debt, one half to be paid to the person suing for the same, and the other half to be If said bridge shall be out of repair.

paid into the County Treasury: *Provided*, That no injury to said bridge, caused by fire, high water, or other unavoidable cause, shall work a forfeiture, if reasonable diligence be used in repairing the same.

When said bridge shall be commenced and completed.

SEC. 5. Said Higgins shall commence the erection of said bridge within one year, and complete it within two years from the date of beginning: *Provided*, nothing in this act contained shall be construed to authorize said Higgins to obstruct the ford over said stream.

This act to be in force from and after its passage.

APPROVED, Feb. 9, 1835.

In force Jan. 7, 1835.

AN ACT to authorize Samuel Musick to build a Toll Bridge across Salt creek in Sangamon County.

Samuel Musick authorized to build a bridge across Salt creek.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Samuel Musick, his heirs and assigns, be, and they are hereby authorized to erect a toll bridge across Salt creek in Sangamon county, at or near the place where the said Musick is now authorized to keep a ferry. At either end of said bridge, the said Musick, his heirs and asaigns, are hereby authorized to place a toll gate, where he or they may ask and demand of all and every person passing, the rates of toll which may from time to time be fixed by the county commissioners' court of the county of Sangamon.

Rates of toll.

When to commence the building of the same.

SEC. 2. The said Samuel Musick, his heirs and assigns, shall commence the building of said bridge within nine months, and have it so far completed within eighteen months from and after the passage of this act, as to admit the safe passing of persons, wagons, teams, cattle, &c., over it.

Shall keep it in good repair.

SEC. 3. The said Samuel Musick, his heirs and assigns, shall at all times, after the completion thereof, keep said bridge in good repair, and allow a speedy passage to all persons and their property over it, upon the receipt of the tolls, in such cases allowed, as herein provided; and if, at any time, the said bridge be left out of repair, so that the same be impassable for the space of twelve months at any time, the said bridge shall accrue and belong to the county of Sangamon: *Provided, however*, That the destruction of said bridge by fire, high water, or other casualty, shall not work a forfeiture of privileges hereby granted; but the said Samuel Musick, his heirs or assigns, shall proceed immediately to repair the same.

When out of repair.

Proviso.

Sec. 4. No person shall, within ten years thereafter, build a bridge, or establish a ferry across said creek within the distance of one mile above or below said bridge: *Provided*, the said Samuel Musick, his heirs or assigns, shall erect and keep up said bridge for that space of time as by this act authorized.

Prohibition from building bridges within one mile thereof for ten years.

Proviso.

Sec. 5. Whenever the county commissioners of said county of Sangamon, shall deem it expedient to purchase said bridge, they shall have the right so to do, by paying the said Samuel Musick, his heirs or assigns, the original cost of said bridge, and for the purpose of enabling the county commissioners to make said purchase, it shall be the duty of said Samuel Musick, his heirs or assigns, to file with the clerk of the county commissioners' court of said county, such vouchers as shall be deemed sufficient by the commissioners to ascertain the cost of said bridge.

Commissioners of Sangamon county may purchase said bridge.

Sec. 6. If the said Samuel Musick, his heirs or assigns, shall at any time obstruct the ford on said creek, at or near the said bridge, in any manner, he or they so offending, shall forfeit and pay the sum of one hundred dollars for every such offence; to be recovered by action of debt in any court having competent jurisdiction thereof; one half of which shall go to the use of the person informing, and the other to the use of the county.

Prohibited from obstructing ford.

Sec. 7. That the county commissioners of said county, shall have full power to levy a tax on said bridge, as is provided in "An act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved, February 12th, 1827.

County commissioners to levy a tax thereon.

Approved, Jan. 7, 1835.

AN ACT to provide for building a Toll Bridge across the Little Calimic.

In force Feb. 11, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Timothy R. Hale, John Mann, Nelson R. Norton, and James Kinzie of the the county of Cook, be, and they are hereby authorized to erect a toll bridge across the Little Calimic in said county, at or near the place where the State road crosses the same leading from Chicago to La Porte in the State of Indiana.

Persons authorized to build a toll bridge.

Sec. 2. The said Timothy R. Hale, John Mann, Nelson R. Norton and James Kinzie, their heirs and assigns, shall at all times after the completion of said bridge, keep the same in good repair, and allow at all times a speedy pas-

Shall be kept in repair.

sage to all persons and their property over it, upon the receipt of the toll, as hereinafter provided by this act; and if, at any time, the said bridge shall be left out of repair, so as the same shall be impassable for the space of six months at any one time, the said bridge shall accrue to the county of Cook: *Provided, however*, That the destruction of said bridge by fire, high water, or other unaccountable casualty, shall not operate as a forfeiture of the privileges hereby granted; but the said proprietors, their heirs and assigns, shall immediately proceed to rebuild said bridge or repair the damages.

If left out of repair.

Proviso.

When the same shall be commenced and completed.

Sec. 3. Said Hale, Mann, Norton and Kinzie, shall commence and complete the said bridge within eighteen months from the passage of this act, in a good and substantial manner for the safe crossing of persons, wagons, and droves of cattle over it; and when the said bridge is so completed, the owners or proprietors of the same shall have the right to place at either end of said bridge a toll gate, and they are hereby authorized to ask and demand from all persons crossing the same, such rates of toll as is hereinafter provided.

Rates of toll.

Sec. 4. The rates of toll for crossing over said bridge, shall be as follows: For each score of hogs, sheep or goats, twelve and a half cents; each mule, ass or horse, three cents; each head of cattle, three cents; each man and horse, six and a fourth cents; each one horse wagon or vehicle of any kind, twelve and a half cents; each wagon or other vehicle drawn by two horses or oxen, eighteen and three fourth cents; each wagon or other vehicle drawn by three horses or oxen, twenty-five cents; each wagon or other vehicle drawn by four or more horses or oxen, thirty-seven and a half cents: *Provided*, That persons traveling on foot shall not be required to pay toll: *Provided, further*, That all persons shall have a right to cross said bridge in going to and returning from any muster or election, and all grand and petit jurors in going to and returning from court, shall be permitted to cross said bridge free from toll for themselves and their horses.

Said bridge may be purchased by the county of Cook.

Sec. 5. Whenever the county commissioners' court of the county of Cook shall deem it expedient to purchase out said bridge, and make it a free one, they shall have the right so to do, upon paying the said Hale, Mann, Norton and Kinzie, the original cost of said bridge, with ten per cent. interest on the same; and for the purpose of enabling said commissioners to know what the actual cost of said bridge was, the said proprietors shall, as soon as the said bridge is completed, make out and file with the clerk of the county commissioners' court, an account of the actual expense of

building the same, and make oath to it before said clerk or some justice of the peace of the county.

SEC. 6. That the said Hale, Mann, Norton and Kinzie, be, and they are hereby required to construct said bridge so that rafts of logs, lumber and plank, or either, may safely pass under the same; and if they should fail to comply with this requisition, all privileges and powers granted them by this act, shall be forfeited. How constructed.

This act to be in force from and after its passage.

APPROVED, Feb. 11, 1835.

AN ACT to permanently establish the Road leading from Vandalia to Shelbyville, as far as the County Line of Fayette County. In force Jan. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the Geueral Assembly,* That the road as now traveled from Vandalia to Shelbyville by Chaffin's, Doyle's, Boaz's bridge, Blankenship's and Mark Jones's, thence on the dividing line between Binns J. Wren and William Nichols, and between said Nichols and John Depew; thence by Bowling Jones, crossing Beck's creek on the bridge over the same, to the line dividing the counties of Fayette and Shelby at the point where the road aforesaid crosses the same, is hereby declared a public highway, and hereafter shall be so deemed and taken, and shall be worked upon and kept in repair as other public highways and State roads are required to be in this State. Road declared a public highway.

SEC. 2. That the county commissioners' court for the county of Fayette, be, and they are hereby required to make an allowance to each commissioner of not less than one dollar and fifty cents for each day necessarily employed; and to all other persons employed in surveying and locating the road aforesaid, not less than seventy-five cents per day, satisfactory proof being first made to said court that said services were performed under the authority of "An act for establishing the road from Vandalia to Shelbyville, as lies in Fayette county, and for other purposes," approved, February 1st, 1833. Compensation of commissioners.

APPROVED, Jan. 7, 1835.

AN ACT to Incorporate the Chicago and Vincennes Rail Road Company.

Company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John H. Kinzie, Gurdon S. Hubbard, Peter Pruyne, George W. Dole, John H. Murphey, Isaac R. Moores, Leander Munsell, Gideon Minor, Milton K. Alexander, William B. Archer, James C. Hillibert, James S. Ota, Wickliff Kitchell, Samuel Harris, Abner Green, David S. Bonner, Arthur Bronson and Samuel Munday, and all such other persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be and continue for the term of sixty years from the passage of this act, a body corporate and politic, by the name of "The Chicago and Vincennes Rail Road Company."

Nature and objects of the incorporation.

SEC. 2. The corporation shall have the right to construct, and during its existence, to maintain and continue a railroad or railroads, with a single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, to transport, take and carry persons and their property on the same by the power or force of steam, of animals, or any other mechanical or other power, or of any combination of them, for the term of sixty years from the passage of this act, commencing at any eligible part of, or point in the said town of Chicago, and county of Cook, and extending from thence on the most eligible and practicable route, as a majority of the directors of the company shall determine, passing through Iroquois county, Danville in Vermilion county, Paris in Edgar county, thence through Clark county to Palestine in Crawford county, and thence to the water's edge on the west bank of the Great Wabash river, in Lawrence county, opposite Vincennes.

When to commence said road.

SEC. 3. If the said corporation hereby created, shall not, within three years from the passage of this act, commence the construction of said road, and expend at least the sum of twenty-five thousand dollars thereon; and shall not, within eight years from the passage of this act, construct, finish and put in operation, the single or double railroad, then the said corporation shall, thenceforth, forever cease, and this act shall be null and void.

Capital stock.

SEC. 4. The capital stock of the corporation hereby created, shall be three millions of dollars, which shall be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferable in such manner as the said corporation shall by, by-laws direct.

Commissioners to open books of subscription.

SEC. 5. John H. Kinzie, Gurdon S. Hubbard, Peter Pruyne, George W. Dole, John H. Murphey, Isaac R.

Moores, Leander Munsell, Gideon Minor, Milton K. Alexander, William B. Archer, James C. Hillibert, James S. Ota, Wickliff Kitchell, Samuel Harris, Abner Greer, David S. Bonner, Arthur Bronson and Samuel Munday, shall be commissioners, whose duty it shall be, within one year from the passage of this act, at the Cities of New York and Philadelphia, and the towns of Chicago, Danville and Vincennes aforesaid, to open books to receive subscriptions to the capital stock of said corporation; and sixty days public notice shall be given by the said commissioners of the time and place of opening such books, in one of the public newspapers printed in New York, Philadelphia, Vandalia, Chicago, Danville, Terre Haute and Vincennes; and the said commissioners shall, at the time of any subscription by any person or persons for the capital stock of said corporation, require the payment to them, by the person or persons subscribing, of five dollars towards and upon every fifty dollars so subscribed; and unless the same shall be paid, the subscription shall be invalid. And in case a greater amount of capital stock shall be subscribed for than the sum of three millions of dollars, the said commissioners shall distribute the stock in such manner as a majority of them shall deem most advantageous to the interest of the corporation; but in case the capital stock shall not be subscribed for, then the said commissioners shall be authorized to re-open said books at such times and places, and in such manner and after such notice, as they or a majority of them shall direct; and whenever the said capital stock shall have been subscribed and distribution made as aforesaid, or as soon thereafter as practicable, it shall be the duty of the said commissioners to give thirty days notice in a public newspaper printed in New York, Philadelphia, Chicago, Danville and Vincennes, for a meeting of the stockholders of the corporation to meet at Danville to choose thirteen directors; and such election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy. Each share of the capital stock, owned thirty days previous to the day on which any election for directors shall take place, shall entitle the owner and holder to one vote, either personally or by lawful proxy; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money and books to said directors; and the time of holding the first meeting of the directors shall be fixed by the said commissioners; and the said directors shall cause such examinations and surveys for the said railroad to be made, as may be necessary to the selection by them of the most ad-

Directors to be elected.

Election how had.

Directors to cause surveys to be made.

vantageous line, course or way, for the said road, on the route set forth in the second section of this act; and the said directors shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, designate the line, course or way, which they or a majority of them shall deem most advantageous for the said railroad; one report, survey, courses and distances, with a certificate annexed thereto, shall be filed in the office of Secretary of State, and one to be presented to the Recorder of each county, through which said road shall pass, and be recorded, filed and preserved; which line, course or way, so selected, certified, filed and recorded, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make the raildroad as hereinafter mentioned.

Elections of directors held annually.

SEC. 6. The first directors to be chosen, shall hold their offices until the first Monday of June in the year next succeeding their election, and until others shall be chosen; and every election of directors thereafter, shall be annually at Danville on the first Monday in June in each and every year, giving thirty days previous notice of the same in a public newspaper printed at Chicago, Danville and Vincennes, or two of said places, if a paper should not be printed at each point. Every election shall be held under the inspection of five stockholders not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of the votes given shall constitute a choice; one, at least, of the directors shall reside in each of the counties, viz: Cook, Iroroquois, Vermilion, Edgar, Clark, Crawford and Lawrence; but no county shall be entitled to a director, unless stock be taken by the county or the citizens thereof, and owned thirty days previous to the election, to the amount of at least five thousand dollars; nor shall any stockholder be eligible to the office of director, unless he shall own stock to the amount of at least two hundred dollars. In case of an equal number of votes for any two or more directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board.

When such election is not made at the proper time.

SEC. 7. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time directed by the by-laws of said corporation, within sixty days after the day in which it should have been held.

May hold real estate.

SEC. 8. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which

this corporation is granted; and may, by their agents, surveyors and engineers, enter upon and take possession of, and use, all such lands and real estate as may be indispensable for the construction and maintenance of their single and double railroad or way, and the accommodations required and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate for the purpose of said road, as shall be made to the said corporation by the General Government, or by any corporation, company, individual or individuals, to aid in the construction, maintenance and accommodation of the said single or double railroad or way, completely vesting in said company and corporation absolutely the fee simple to the same; but all lands or real estate thus entered upon for materials or otherwise, which are not donations or owned by the company, shall be purchased by the said corporation of the owner or owners of the same, at a price to be agreed upon mutually by the company and the owner or owners; and in case of a disagreement as to price, and before taking any materials or making any portion of said road on said land, it shall be lawful for the commissioner, superintendent, or other authorized person, to apply to some justice of the peace of the county where the same may occur, who shall cause three freeholders to be summoned, and after being sworn faithfully and impartially to examine the materials or ground to be pointed out to them by the commissioner, superintendent or other authorized person or persons, and notice having been given to the owner of the property, said freeholders shall assess the damages which they shall believe such owner or owners will sustain over and above the additional value which such lands will derive from the construction of such road, and make two written reports, signed by at least a majority of them, one of which they shall deliver to the commissioner, superintendent, or other person requesting the view, and the other to the justice of the peace, and the amount of damages and costs being paid to the owner or deposited with the justice of the peace, the road may be located, constructed, and materials taken; but if either party shall be dissatisfied with the valuation, an appeal where lands are in question, may be taken to the circuit court of the county, by petition, stating all the facts, and particularly setting forth the land and premises, the necessity of such land for making such railroad, and the attempt and failure to purchase the same, with the name and residence of the owner, and the reasons why the purchase cannot be made. And the circuit court, to whom such appeal and petition shall be presented, acting and sitting as a court of chancery, shall direct such notice to the owner

All lands entered upon for materials, &c., to be purchased.

In case of a disagreement as to price, how to proceed.

and parties, as may be deemed fair and reasonable, of the time and place of hearing the parties, and upon proof of due service of such notice, and upon hearing the parties, said court shall appoint three competent and disinterested freeholders of the county in which the lands are situated, to be commissioners to appraise said lands, and the damages the owner or owners thereof shall sustain by reason of their appropriation to the uses of said company. The said commissioners shall cause due notice in writing to be served on said owner or owners, or in case of absence, to be left at his or their usual place of residence, of the time when they will act in the premises. They shall examine the lands; may administer oaths and hear testimony, and shall make their appraisement in writing without delay, under their hands, with a minute and accurate description of the land appraised, with a map thereof, awarding to the owner or owners thereof what they shall deem to be due and the full value thereof, as also the damages, if any, they otherwise may sustain from the making and maintaining of said road, and report the same with the testimony taken to the court. The court shall examine said report, and if required by either, hear the parties in relation thereto, and increase or diminish the damages and valuation, if the court shall be satisfied that injustice has been done. The commissioners shall be allowed one dollar and fifty cents each per day, and payment of costs to be awarded as the court may judge equitable, and make a decree for payment of damages and conveyance, describing the land, and reciting the appraisement of damages and the mode of making it; and all other facts necessary to a compliance with this act, and when the order or decree shall be fully complied with on the part and behalf of the company, the company shall be possessed of all such lands or real estate, and may enter upon and take possession of, and use the same for the purpose of said road. Where the question shall arise as to materials to construct the road, or damage done by passing through lands in collecting the same, there shall be no appeal to the circuit court; but in case the parties, or either of them, shall be dissatisfied, and it shall appear to the justice to be right, he may set aside the first valuation, and appoint other viewers or commissioners to appraise and value the materials, whose award shall be final, and the costs be divided as may appear right and just between the parties, or all against one party.

Sec. 9. In case any married woman, infant, idiot or insane person, or non-resident of the State, who shall not appear after such notice, shall be interested in any such lands or real estate, the circuit court shall appoint some competent and disinterested person to appear before the said com-

missioners, and act for and in behalf of such married woman, infant, idiot, insane person, or non-resident.

SEC. 10. The said corporation is hereby authorized and empowered to regulate the time and manner in which goods, passengers and property shall be transported, taken and carried on the same, and shall have power to erect and maintain toll houses and other buildings necessary for the accommodation of their concerns, and from time to time to fix, regulate, demand, and receive the tolls and charges by them to be received for transportation of persons or property on the single or double railroad or ways aforesaid.

To regulate the time and manner of transportation.

SEC. 11. If any person or persons shall wilfully do, or cause to be done, any act or acts whatever, whereby any buildings, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be deemed guilty of misdemeanor, and shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt, and shall be subject to indictment and punishment for high crimes and misdemeanors as in other cases.

Persons injuring said road.

SEC. 12. All the officers and agents necessary to carry on and superintend the interest of the corporation, shall be appointed or elected, and continue in office as the directors shall determine and point out in the by-laws and general regulations of the company; and it shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock at such times, and in such proportions, and on such conditions as they shall deem fit and right, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time, when and where the same are to be paid, at least thirty days previous to the payment of the same, in a public newspaper printed in Chicago, Danville and Vincennes.

Officers, agents, &c., how appointed.

Directors to require payments of stock.

SEC. 13. Whenever it shall be necessary for the construction of their single or double railroad or way, to intersect or cross any stream of water or water courses, or any road or highway, being betwixt the place of beginning and termination of the said road, viz: From Chicago to the west bank of the Wabash river opposite Vincennes, it shall be lawful for the said corporation to construct their single or double railroad or ways, across or upon the same; but the corporation shall restore the stream or water course, or road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness,

May construct said road across any water course, road, &c.

and shall moreover erect and maintain sufficient fences upon the sides of the route of their single or double railroad whenever it passes through enclosed lands.

May join with other railroad companies.

SEC. 14. It shall be lawful for any railroad company which may hereafter be incorporated, to join and unite with the railroad company hereby created and incorporated, at any point at which the directors of the company hereafter to be incorporated may think advisable, on such terms as the directors of the companies respectively may agree upon; and in case of a disagreement between the directors of the said companies, then upon such terms as the circuit court of Vermilion county in this State, shall upon full view of the premises and facts connected with the case, determine to be equitable and just between said companies.

Rights and privileges of said corporation.

SEC. 15. The said corporation shall have the right to bring suit in any court in the State having jurisdiction of the case, and prosecute to judgment and recovery, and defend when sued, both at law and in equity, and shall be entitled to all the rights and privileges which such corporation by the common or statute laws, governing the case, ought and should of right have; and in like manner the company may be sued in any court in the State, which according to the rules of law and equity, can take cognizance of the case. The whole of the stock of the company and corporation shall be deemed personal property, and together with all the tools, implements, machinery, apparatus of every description used and employed, or on hand belonging to the company, shall be liable to be siezed, executed and sold, after judgment, to make good any contract, agreement or stipulation made by any agent, superintendent or authorized person, and it shall be a sufficient service of process to serve the same either on the President of the board of directors or the Secretary of the company, and in case of absence, to leave a copy at the office thereof.

APPROVED, Jan. 17, 1835.

In force Feb. 6, 1835.

AN ACT to amend an act, entitled "An act to lay out a State Road from Peoria to Chicago.

Commissioners appointed to lay out said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Lewis Bigelow of Peoria county, William Hawes of Putnam county, and George E. Walker of La Salle county, be, and they are hereby appointed commissioners to view and lay out a State

road from Peoria in Peoria county, to Ottawa in La Salle county.

SEC. 2. The said commissioners, or a majority of them, shall meet at Ottawa on or before the first Monday in June next, and proceed to locate said road, as is provided for in the act to which this is an amendment: *Provided*, nothing in this act shall be so construed as to require said commissioners to locate said road between Ottawa and Chicago, or the county of Cook to pay any part of the expense of locating said road. When and where to meet.

SEC. 3. The first section of the act to which this is an amendment, and such other parts of said act as are repugnant to the provisions of this act, are hereby repealed. Parts of act repealed.

APPROVED, Feb. 6, 1835.

AN ACT changing part of a State Road from the mouth of the Ohio in Alexander County, to Jonesborough in Union County. In force Jan. 31, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of the counties of Union and Alexander, at their March term, or as soon thereafter as may be, may appoint three discreet persons in each county, whose duty it shall be to examine so much of the State road as runs through their respective counties, and make such alteration therein as they shall deem most expedient, and make a report to their respective counties of their proceedings, and the said courts shall proceed to have the same opened and kept in repair agreeable to the report so made; and so much of said road as is on different ground from the road so reported, shall hereafter be declared vacated; and the road so reported shall be a public State road. County commissioners shall appoint viewers. To make report. Part of road vacated.

SEC. 2. The county commissioners of the above named counties shall issue their warrant in favor of their respective re-viewers, for the sum of one dollar per day to each person so appointed, for each day by them necessarily employed in said work. Compensation.

APPROVED, Jan. 31, 1835.

In force Jan. 29, 1835.

AN ACT to change part of the State Road leading from Greenville to Vandalia.

Commissioners appointed to view and re-locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Thomas Keyes, Wyatt Stubblefield and Peter Hubbard, be, and they are hereby appointed commissioners to view and re-locate that part of the State road leading from Greenville to Vandalia that lies between the summit of the hill east of Greenville and the present road at the east end of Howell and Hall's grove. Said commissioners shall meet at Wyatt Stubblefield's on the first day of April, or as soon thereafter as convenient, and after having taken an oath before some justice of the peace of Bond county, faithfully to discharge their duties according to this act, shall proceed to view and relocate said road, commencing at the summit of the hill east of Greenville as aforesaid, on the most practicable route, to the north line of section eleven, on the Shelbyville road; from thence on said sectional line to the east end of Howell and Hall's grove, and from thence on a striaght line, as near as practicable, to intersect the present road east of the above mentioned grove. Said commissioners, after having viewed and re-located said road, shall report the same to the county commissioners' court of Bond county; said court shall cause the said road to be opened and kept in repair as other State roads are.

When and where to meet.

Shall report to county commissioners' court.

Compensation.

SEC. 2. That when the said commissioners shall report to the county commissioners' court of Bond county that they have viewed and re-located said road according to the provisions of this act, said court shall allow them a reasonable compensation for their services.

APPROVED, Jan. 29, 1835.

In force Jan. 20, 1835.

AN ACT to locate a State Road from Bloomington to Chicago.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That James Allen and Henry Weed of M'Lean county, and John K. Boyer of Cook county, be, and they are hereby appointed commissioners to view, survey, mark and locate a road from Bloomington in M'Lean county, to the town of Chicago on lake Michigan, varying as little as practicable from a direct line, having in view the most eligible route, its permanency, and due regard to the public convenience.

SEC. 2. That said commissioners, or a majority of them, shall meet on the first day of May next, or within three months thereafter, at Bloomington, and being first duly sworn before some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road; and as soon as practicable thereafter, cause to be made a map of the survey of said road, certified by them, and forward a copy thereof to the clerk of the county commissioners' court of each of the counties through which said road shall pass, which shall be by him filed in his office, and the said road thus laid out, shall be, and is hereby declared a public State road, and shall be opened and kept in repair in the same manner as other public roads are. When and where to meet.

SEC. 3. Said commissioners shall receive for their services two dollars per day for all the time necessarily employed in said work; together with a reasonable compensation for one surveyor, two chain carriers and one marker, which several sums shall be paid by the counties through which said road shall pass, in proportion to the extent of said road in each. Compensation.

APPROVED, Jan. 20, 1835.

AN ACT to locate a State Road from Rushville to Monmouth. In force Feb. 12, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Fields Jarvis of Warren county, William Edmondson of M'Donough county, and Alfred Spencer of Schuyler county, be, and they are hereby appointed commissioners to view, mark and locate a State road, to commence at Rushville in Schuyler county, thence to M'Comb in M'Donough county, thence to Monmouth in Warren county. Commissioners appointed to locate said road.

SEC. 2. That said commissioners, or a majority of them, shall meet at Rushville on the first day of June next, or within three months thereafter; and after being sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road from point to point, as directed in the first section of this act, upon the nearest and best route, avoiding, as much as practicable, any injury to farms, improvements and private property on said route, and make out and return to the county commissioners' court of the several counties through which it passes, a certified report When and where to meet. Shall make report to county

commissioners' court.

of said road, describing as nearly as practicable, the route and distance of said road, which shall be filed with the several clerks of the county commissioners' courts through which said road passes, within one month after said road is located; and said road, when so located, shall be deemed a public State road and kept in repair as other State roads are.

Compensation.

SEC. 3. The county commissioners' courts of the several counties through which said road passes, shall allow to said commissioners, appointed under this act, a sum not exceeding one dollar and fifty cents per day for their services for the time necessarily employed by them in the discharge of the duties assigned them by this act, to be paid out of the County Treasuries of the counties in which said road may be located, in proportion to the extent of said road in each.

County commissioners may order said road to be surveyed.

SEC. 4. That if the county commissioners' court of any two of the counties through which said road passes, shall think proper, they may authorize said road commissioners to cause said road to be surveyed, and plats thereof filed in the offices of the clerks of the county commissioners' courts of the several counties through which said road passes, in the same manner as other State roads are surveyed.

Expense thereof how paid.

The expense of surveying to be paid out of the County Treasuries of the several counties in which said road may be located, in proportion to the extent of said road in each.

APPROVED, Feb. 12, 1835.

In force Feb. 10, 1835.

AN ACT to establish a State Road from Crow's in the County of Morgan, by the way of Athens in Sangamon County, to Musick's bridge on Salt creek.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Abner Hall, Peter Cartwright and William Stotts of the county of Sangamon, be, and they are hereby appointed commissioners to view, mark, survey and locate a road, commencing at or near the house of William Crow, on Indian creek, in the county of Morgan, on the road leading from Jacksonville to Sangamon town, and with said road as far as said commissioners may think advisable, so as to pass near the head of Richland Timber, thence on the most practicable route, doing as little damage as possible to private property, to Athens, and from thence to William Stotts', in the Irish Grove, and thence to Musick's bridge on Salt creek, and

from thence to the road leading from Springfield to Fort Clark.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Peter Cartwright in said county, on the first Monday in April next, or in one month thereafter, and after being first duly sworn before some justice of the peace faithfully to perform such duties as are required by this act, shall proceed to the place of beginning and commence said location, and as soon as practicable, shall make a true survey and map of said road, signed by them, and file the same in the office of the county commissioners' court of Sangamon county. When and where to meet.

SEC. 3. Said road, when laid out as aforesaid, shall be deemed a public highway. The county commissioners of said county, shall cause the same to be opened four poles wide, and be worked and kept in repair as other State roads are. The county commissioners of said county may allow a reasonable compensation for said services, to be paid out of the County Treasury. Compensation.

APPROVED, Feb. 10, 1835.

AN ACT to locate a State Road from Rushville in Schuyler County, to the Town of Commerce in Hancock County. In force Feb. 9, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Alexander Hollingsworth of Schuyler county, and James Miller of Hancock county, be, and they are hereby appointed commissioners to view, mark and locate a road from Rushville in Schuyler county, the nearest and best route, running into Hancock county at or near the south east corner of township four north, five west, thence to Carthage the seat of justice of Hancock county, thence to the town of Commerce on the Mississippi river, having in view its permanency and a due regard to the public convenience and private interest. Commissioners appointed to locate said road.

SEC. 2. The said commissioners shall meet on the first Monday in June next, or within two months thereafter, at Rushville in Schuyler county, and after being duly sworn before some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, and as soon as practicable thereafter, cause to be made out a report of the location of said road, designating the most noted points thereon, and return a copy of the same to the clerk of the county commission- When and where to meet. Shall make report.

ers' court of each of said counties, which shall be by him filed in his office, and said road thus laid out, shall be, and is hereby declared a public State road, and shall be opened and kept in repair in the same manner as other public roads are.

Declared a state road.

Sec. 3. The said commissioners are authorized to employ one person as a marker to assist in locating said road, and the county commissioners of said counties, shall allow said commissioners and marker, a sum not exceeding one dollar and fifty cents each for every day necessarily employed in locating and marking said road, to be paid equally out of the County Treasury of each of said counties when said commissioners shall have filed a copy of the report as recited in this act, duly certified and attested by them.

Compensation.

Approved, Feb. 9, 1835.

In force Feb. 6, 1835.

AN ACT declaring the Road from Mount Vernon to New Nashville a State Road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the road as now laid out from Mount Vernon in Jefferson county, to New Nashville in Washington county, be, and the same is hereby declared a State road.

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

Approved, Feb. 6, 1835.

In force Feb. 6, 1835.

AN ACT to change part of the State Road from Springfield to Alton.

Commissioners appointed to re-locate said road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Dewey Whitney, David Black and John Campbell, be, and they are hereby appointed commissioners to view, re-locate and re-survey so much of the State road leading from Springfield to Alton as lies between the towns of Springfield and Carlinville, and so much of said road between the points aforesaid, as in the opinion of said commissioners the public good requires; and so much of said road as shall be changed by said commissioners, is hereby vacated: *Provided*,

That the said commissioners, in the re-survey and re-location aforesaid, shall be confined to so much of said road as lies between Springfield and the north end of George and William Dyer's lane, in Macoupin county, and shall proceed no further than the said lane in the direction of Carlinville, unless the county commissioners' court of Macoupin county shall first consent to the same, in which case the said commissioners may continue their re-survey and re-location to the public square in Carlinville.

When and where to meet.

Sec. 2. Said commissioners, or a majority of them, shall meet in the town of Springfield on the first Monday of May next, or within one month thereafter, and after being first duly sworn before some justice of the peace faithfully to perform such duties as are required by this act, shall commence said location at the town of Springfield, and as soon thereafter as practicable, make out a true survey and map of so much of said road as shall be changed by them, and file the same in the office of the clerk of the county commissioners' court of Sangamon and Macoupin counties: *Provided*, That it shall not be necessary to file a map with the clerk of Macoupin county, unless some part of said road should be changed which lies in Macoupin county.

Compensation.

Sec. 3. So much of said road as shall be re-located and re-surveyed as aforesaid, shall be deemed a public highway, and shall be worked and kept in repair as other State roads are. The county commissioners' court of Sangamon county, shall allow said commissioners a reasonable compensation for their services, to be paid out of the County Treasury.

Approved, Feb. 6, 1835.

AN ACT to lay out a Road from Blair's Ferry to Frankfort, and for other purposes.

In force Feb. 12, 1835.

Commissioners appointed to locate said road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John Baldwin, Thomas Consert and Daniel Watkins, be, and they are hereby appointed commissioners to view, lay out and mark a road from Blair's ferry on the Ohio river in Pope county, to intersect M'Farland's road at or near Bradford's, and from thence to Vandalia. The road as it now runs, by Blackman's in Gallatin county, thence by M'Rery's old place, thence by Estes's, thence by Mount Vernon, and thence to Vandalia, be, and the same is hereby declared a State road, together with such part of said road as may be

laid out by said commissioners; all of which shall be opened and kept in repair as other State roads are by law required to be.

When to perform their duties.

Sec. 2. That said commissioners shall view, mark and locate said road, on or before the first day of August, 1835, and shall be allowed, out of the County Treasury of Pope county, one dollar per day while employed as such commissioners.

Approved, Feb. 12, 1835.

In force Feb. 10, 1835.

AN ACT appointing Commissioners to re-view so much of the State Road leading from the county seat of Peoria county, to the State line of Indiana, as lies in the county of Tazewell, and for other purposes.

Commissioners appointed to re-view said road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Francis Voris of Peoria, Christopher O. Neville and Simon Porter of Tazewell county, be, and the same are hereby appointed commissioners to re-view and re-locate so much of the said road as lies between the east line of Tazewell county and the town of Peoria; and the said commissioners shall meet at the town of Mackinaw on the first day of May, or within fifteen days thereafter, and after taking the necessary oath, shall proceed to locate, survey, and stake out said road, and shall return an accurate map or plat of the same at the next commissioners' court after the same has been done, and the said county commissioners' court may allow the said commissioners a reasonable compensation for their services, and shall cause their supervisors to open and keep in repair the said road as other roads in their respective districts.

When and where to meet.

Compensation.

Commissioners appointed to locate certain other road.

Sec. 2. That William Mettz of Calhoun county, Daniel Shinn of Pike county, and Erastus Stone of Schuyler county, be, and they are hereby appointed commissioners to to view and locate a State road from Gilead in Calhoun county via Pittsfield in Pike county, thence to Rushville in Schuyler county, under the provisions of an act to locate a State road through Calhoun and Pike counties to Rushville in Schuyler county, approved, February 27th, 1833. Said commissioners shall meet at Gilead on the first Monday in May next, or within one month thereafter, and proceed to locate said road as provided in said act, and shall receive their compensation as therein provided.

When and where to meet.

Compensation.

Approved, Feb. 10, 1835.

AN ACT relative to a State Road therein named. In force Feb. 12, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Reuben Harrison, John Clary and Tandy James, be, and they are hereby appointed commissioners to view, mark and permanently locate so much of the State road leading from Springfield in Sangamon county, to Lewiston in Fulton county, as lies between Springfield and George G. Miller's ferry on the Sangamon river. Commissioners appointed to locate said road.

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Springfield on the second Monday in March next, or as soon thereafter as practicable, and after being duly sworn by some officer authorized to administer oaths, shall proceed to perform the duties required of them by this act, avoiding as much as possible the injury of private property. When and where to meet.

SEC. 3. The said commissioners shall as soon thereafter as convenient, cause to be filed with the clerk of the county commissioners' court of the county of Sangamon, a report and complete map of said road, which report and map shall be preserved, and shall form a part of the record of said court. Said road, when so established, shall be kept in repair as other State roads are. Shall make report.

SEC. 4. The county commissioners' court of Sangamon county, shall allow to said commissioners, out of the County Treasury, such compensation as to them shall seem just and reasonable. Compensation.

APPROVED, Feb. 12, 1835.

AN ACT to locate a State Road therein named, and for other purposes. In force Feb. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the State road leading from Jacksonville in Morgan county, to Quincy in Adams county, (established by an act entitled "An act to locate a State road from Jacksonville in Morgan county to Quincy in Adams county, and for other purposes," approved, February 25th, 1833,) as lies between Meridocia and John Wigle's in Adams county, be, and the same is hereby vacated. Certain State road vacated.

SEC. 2. *Be it further enacted,* That John Taylor, senr., Benjamin Kendrick and Harvey Luster of the county of Schuyler, be, and they are hereby appointed commissioners Commissioners appointed to locate a certain road.

to view, mark and locate a State road from a point on the west bank of Illinois river, opposite Meridocia; thence to the nearest and best route through Mount Sterling to the western boundary line of Schuyler county in the direction of Quincy, doing as little injury to private property as the public convenience will permit.

Where and when to meet.

SEC. 3. Said commissioners, or a majority of them, shall meet at Mount Sterling on the first Monday in May next, or within one month thereafter, and after being duly sworn by some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to locate said road accordingly. Said road shall be marked in the prairie by suitable stakes, well set in the earth, and in the timbered land by hacks and blazes upon the trees. They shall make a return of the location thereof to the county commissioners' court of Schuyler county, particularly noting all the principal places upon and near said road. Said commissioners shall receive for their services, one dollar and fifty cents each per day, for all the time necessarily employed in said work, together with a reasonable compensation for one hand as a marker, which sum shall be paid by the county of Schuyler. Said road shall, in all respects, be deemed a public highway, and shall be opened and kept in repair as other State roads are.

Compensation.

APPROVED, Feb. 7, 1835.

In force Jan. 7, 1835.

AN ACT to locate a State Road from Shelbyville to Chicago.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George H. Beeler of Shelby county, A. H. Kelly of Macon county, Philip Stanford of Champaign county, Robert Hill of Iroquois county, and Hiram Pearson of Cook county, be, and they are hereby appointed commissioners to view, survey and locate a State road, to commence at Shelbyville in Shelby county, thence to Chicago in Cook county, or to intersect the Chicago and Vincennes road at or near where it crosses the Iroquois river, if the commissioners see proper.

When and where to meet.

SEC. 2. Said commissioners, or a majority of them, shall meet in the town of Shelbyville on the first Monday in June next, or as soon thereafter as practicable, and first being duly sworn before some justice of the peace faithfully to perform the duties required by this act, shall proceed to view, mark and locate said road on the nearest and best possible route from point to point, taking into considera-

tion the public convenience, utility and economy, so as to make the same a permanent road.

Sec. 3. Said commissioners shall, on or before the first Monday of July next, make out a report of their proceedings to the county commissioners' courts of the several counties through which said road shall pass, signed by each of said commissioners, with the number of days they were employed in locating said road, and said commissioners shall receive one dollar and fifty cents per day for every day they may be necessarily employed in locating said road, to be paid out of the County Treasuries of the several counties through which said road may pass.

Shall make report.

Compensation.

Sec. 4. When the said road shall have been located and the reports filed as aforesaid, it shall be, and is hereby declared a State road, and shall be opened thirty feet wide, and kept in repair as other State roads are in this State: *Provided, however*, if the said commissioners think proper to intersect the Chicago and Vincennes State road as provided in the first section of this act, it shall not be necessary for said commissioners to locate that part of said road which lies between Chicago and the point where the said road shall intersect the aforesaid State road.

Declared a State road.

This act to be in full force and virtue from and after its passage.

Approved, Feb. 7, 1834.

AN ACT to locate a State Road from Knoxville to New Boston.

In force Feb. 13, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Erastus Deniston of Mercer county, Ephraim Gilmer of Warren county, and John Gum of Knox county, be, and they are hereby appointed commissioners to view, mark and locate a State road from Knoxville in Knox county, the nearest and best route to New Boston, on the Mississippi river, in Mercer county. The said commissioners, or a majority of them, shall meet in Knoxville on the first Monday of June next, or within three months thereafter; and after being duly sworn before some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to locate said road as herein provided for, by placing substantial stakes in the ground in the prairie, and marking the trees through the timber; and said commissioners shall, on or before the first day of September next, make a

Commissioners appointed to locate said road.

When and where to meet.

Shall make return.

return of the location of said road, designating the important points through which the same is located, to the county commissioners' courts of the several counties through which the same shall pass, which return shall be entered upon the records, and filed in the clerks office, and said road shall be a public and State road, and opened and kept in repair as other public roads.

Compensation.

SEC. 2. The said commissioners shall receive such compensation for their services as the commissioners' court of the counties through which said road shall pass, may deem just and reasonable, to be paid out of the several County Treasuries.

SEC. 3. The county commissioners' court of Mercer and Knox counties, may, at any time they shall agree upon, have said road surveyed, and plats thereof filed in the several clerks' offices of the county commissioners' courts through which said road may pass.

Commissioners appointed to locate certain other road.

SEC. 4. That James Ferguson and Henry M. Gillett of the county of Knox, and Roma Wells of Rock Island county, be, and they are hereby appointed commissioners to view, mark and locate a road from Knoxville in Knox county, to the county seat of Rock Island county, varying as little as practicable from a direct line, having in view the most eligible route, its permanency, and a due regard to the public convenience.

When and where to meet.

SEC. 5. The said commissioners, or a majority of them, shall meet at Knoxville on the first Monday in June next, or within three months thereafter, and after being duly sworn before some justice of the peace faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, and as soon thereafter as practicable, make a report thereof and forward a copy thereof to the clerk of the county commissioners' court in each county through which the same may pass, which shall be by him filed in his office, and the road thus laid out, is declared a State road, and shall be opened and kept in repair as other State roads are.

Shall make report.

Compensation.

SEC. 6. The said commissioners shall receive such compensation for their services as the commissioners' court of the counties through which the said road shall pass, may deem just and reasonable, to be paid out of the several County Treasuries.

SEC. 7. The county commissioners' court of Knox and Rock Island counties, may, at any time they shall agree upon, have said road surveyed, and plats thereof filed in the several clerks' offices of the county commissioners' courts through which said road may pass.

APPROVED, Feb. 13, 1835.

AN ACT to amend an act to establish a State Road from Hillsboro' to Alton. In force Jan. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the act, approved, January 7, 1833, to establish a State road from Hillsboro' in Montgomery county, to Alton in Madison county, as authorized David Roach and Thomas G. Hawley of Madison county, to view and locate said road above named, be, and the same is hereby repealed. Part of act repealed.

SEC. 2. *Be it further enacted,* That Samuel Voiles and Nimrod Dorsey of Madison county, be, and they are hereby appointed commissioners to act in conjunction with David Star of Montgomery county, and that the said commissioners are to meet in Hillsboro' on or before the first Monday in May next, and after having taken the oath required by the act to which this is an amendment, they shall proceed to locate said road, in every respect, as is prescribed in the above named act. Other commissioners appointed to locate said road.

This act to take effect from and after its passage.

APPROVED, Jan. 7, 1835.

AN ACT declaring the Road leading from Paris in Edgar County to the State Line, in a direction towards Terre Haute in Indiana, a State Road. In force Jan. 7, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the road leading from Paris in Edgar county, by Smith Shaw's, Hall Sims's, Thomas Forrester's and Martin Ray's, to the State line, in a direction towards Terre Haute in Indiana, as now traveled, be, and the same is hereby declared a State road, and shall be kept in repair by the county commissioners as other State roads. Road declared a state road.

This act to take effect from and after its passage.

APPROVED, Jan. 7, 1835.

AN ACT to change a State Road therein named. In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Griffith, Commissioners appointed to re-

locate said road.

Benjamin Briggs, and Joshua Brown of the county of Tazewell, be, and they are hereby appointed commissioners to re-view and re-locate that or any part of the State road leading from Pekin to Danville, which lies between said town and of Pekin and the town of Mackinaw.

When and where to meet.

Sec. 2. Said commissioners, or a majority of them, shall meet in the town of Pekin on or before the first day of May next, and after being duly sworn by some justice of the peace faithfully to discharge the duties herein required of them, shall proceed to execute the same, and on or before the first day of June next, shall make report of their proceedings to the county commissioners' court of Tazewell county, and said court shall cause said road to be opened and kept in repair as other State roads are.

Compensation.

Sec. 3. Said commissioners shall receive for their services a reasonable compensation, to be paid out of the County Treasury, by order of the county commissioners court.

Part of road vacated.

So much of said road as said commissioners shall deem it expedient to change, is hereby vacated.

Approved, Feb. 6, 1835.

In force Feb. 12, 1835.

AN ACT declaring the road from Mount Vernon to Fairfield a State Road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the road as now laid out from Mount Vernon in Jefferson county, by way of E. Maulding's mill, to Fairfield in Wayne county, be, and the same is hereby declared a State road.

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

Approved, Feb. 12, 1835.

In force Feb. 6, 1835.

AN ACT to lay out a Road from Moses Thomas's in Champaign County, to Bloomington in M'Lean County.

Commissioners appointed to locate said road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Akers and Moses Thomas of Champaign county, and James M. Kellep of M'Lean county, be, and they are hereby appointed commissioners to view, mark and locate a road from Moses

Thomas's in Champaign county, by way of Urbana in said county, to Bloomington in M'Lean county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Moses Thomas on the first day of April next, or as soon thereafter as they conveniently can, and after being first duly sworn before some justice of the peace faithfully to discharge the duties required of them by this act, shall forthwith proceed to view, mark and locate said road on the nearest and best ground for a permanent road, doing as little injury to private property as the public good will permit. When and where to meet.

SEC. 3. Said commissioners, or a majority of them, shall, on or before the first Monday in June next, make a map or plat of that part of said road, which lies in the respective counties, and transmit the same to each of the clerks of the county commissioners' courts respectively, to be by him filed in his office, and shall also make a full map or plat of said road, and transmit the same to the office of the Secretary of State of this State, there to be filed and preserved. Shall make map of said road.

SEC. 4. When said road shall be located and established, it shall be deemed a public highway, shall be opened sixty feet wide, and shall be kept in repair as other public highways. Declared a public highway.

SEC. 5. The county commissioners' courts of the respective counties, shall cause to be paid to the said road commissioners, and such hands as the said commissioners may find it necessary to employ in viewing, marking and locating said road, such compensation out of the County Treasury as they may deem reasonable. Compensation.

APPROVED, Feb. 6, 1835.

AN ACT to revive and continue in force "An act authorizing a re-view of a part of the Vincennes and Chicago Road." In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act, entitled "An act authorizing a re-view and re-location of a part of the State road from Vincennes to Chicago," approved, February 28th, 1833, be, and the same is hereby revived and continued in force for two years from and after the passage of this act. Act revived.

SEC. 2. The commissioners in said act named, to which this is an amendment, may, at any time within three months from the passage hereof, take the oath prescribed by said

act, and enter upon and perform the duties in said recited act: *Provided*, the acts of a majority thereof shall be a sufficient compliance with said act to all intents and purposes, as is by the said act contemplated, as fully to every intent and purpose as if done originally within the time named therein.

This act to be in force from and after its passage.

APPROVED, Feb. 6, 1835.

In force Jan. 27, 1835.

AN ACT to change part of the State Road leading from Hillsboro' to Shelbyville.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of the State road, leading from Hillsboro' to Shelbyville, as lies between the Long Branch near Isaiah Grantham's and the school house near Mark J. Rutledge, in the county of Montgomery, be so changed as to run on the line dividing section thirty-two, east and west, and from the east side of said section to run a straight course to the ford of the Long Branch near said Grantham's, and from the west side of said section a straight course to the said school house; and said road when so changed, to be worked and kept in repair as other State roads are.

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

APPROVED, Jan. 27, 1835.

In force Feb. 13, 1835.

AN ACT to locate a State Road from Frankfort in Franklin County, by way of Vienna in Johnson County, to the Ohio River.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That James Bain and Ivy Reynolds of Johnson county, and Cudworth Harrison of Franklin county, be, and they are hereby appointed commissioners to view, survey and locate a State road from Frankfort in Franklin county, the nearest and best practicable route to Vienna, and from Vienna the nearest and most practicable route to Wilcox's ferry on the Ohio river.

Sec. 2. The said commissioners, or a majority of them, shall meet at Frankfort on the first day of May next, or within three months thereafter, who, after being duly sworn by some justice of the peace, faithfully to observe the provisions of this act, shall proceed to view and locate said road, taking into consideration the local situation of the country and the public convenience, and shall fix said road on the most advantageous ground for a permanent road; and the said commissioners shall, on or before the first day of November next, make or cause to be made, a true survey and map of said road, which being signed by them or a majority of them, a duplicate shall be delivered, one to the county commissioners' court of Johnson county, and the other to the county commissioners' court of Franklin county.

Where and when to meet.

Shall make a return to the commissioners' court of Johnson and Franklin counties.

Sec. 3. The said road, when laid out as aforesaid, shall be deemed and considered a State road, shall be opened, worked, and kept in repair as other State roads are; and the said commissioners so appointed, shall receive such compensation out of the County Treasuries of the respective counties through which said road may pass, as the respective commissioners' courts may deem just and reasonable; the county of Jackson paying the two commissioners appointed from that county, and the county of Franklin paying the commissioner residing in said county.

Declared a state road.

Compensation of commissioners.

Sec. 4. That the county commissioners of said county of Johnson shall, at the term of the court next succeeding the location of said road, proceed to contract for the improvement of such parts of said road, as they may think proper, within the county of Johnson, until they shall have expended the two hundred and twenty dollars which was appropriated by the legislature by an act, entitled "An act making an appropriation out of the State Treasury, to Johnson county," approved, March 1st, 1833, and so much of said act as is repugnant to this act, be, and the same is hereby repealed.

County commissioners of Johnson county to contract for the improvement of said road.

Partial repeal.

Approved, Feb. 13, 1835.

AN ACT to change a part of the State Road leading from Equality to Mount Vernon.

In force April 1, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the State road leading from Equality to Mount Vernon, as lies between the house of Cornelius Elliott and the line between

Road vacated.

Abraham T. M'Cool and Offitt's, crossing said road, be, and the same is hereby discontinued; and that from and after the first day of April next, the said Mount Vernon road shall run on the Frankfort road to the line between said M'Cool and Offitt's, thence north to the Mount Vernon road.

This act to take effect and be in force from and after the first day of April next.

APPROVED, Feb. 15, 1835.

In force Jan. 26, 1825.

AN ACT to lay out a State Road from the Wabash to the Yellow Banks on the Mississippi.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Panrick Owens of Knox county, Samuel Allen of Peoria county, and Robert Bird of Putnam county, be, and they are hereby appointed commissioners to view, mark and locate a road from a point on the eastern boundary line of this State, where a line running due west from Logansport in the State of Indiana would cross said State line, thence westward the nearest and best route to Allenton, at the head of Lake Peoria on the Illinois river, thence to the seat of justice of Knox county, thence to the seat of justice of Warren county, thence to the Lower Yellow Banks on the Mississippi river.

When and where to meet.

SEC. 2. The said commissioners, or a majority of them, shall meet at Knoxville on or before the first day of June next, and after being duly sworn by some justice of the peace, faithfully to view and locate said road, without partiality, favor or affection, shall immediately thereafter proceed to discharge the duties required of them by this act, placing in the prairie through which the same shall pass, stakes of a reasonable size, and of durable timber.

Shall file a report of said road with the Secretary of State

SEC. 3. As soon as practicable after said road is located, said commissioners or a majority of them, shall make out a report, accompanied by a map or plat of said road, denoting the courses and distances from point to point, with such other remarks as they or a majority of them may deem necessary and proper, and transmit the same to the Secretary of State; and they or a majority of them, shall make a map or plat of so much of said road as lies within the respective counties, and transmit it to the clerks of the county commissioners' courts of the respective counties through which the same may pass, which shall be filed and preserved in the office of said court.

Also, with county courts.

SEC. 4. When said road shall be located, it shall be to all intents and purposes a State road, four poles wide, and shall be opened and kept in repair as other State roads are in this State. Road declared a state road.

SEC. 5. The county commissioners court of each county through which the said road may pass, are hereby authorized, if they shall think proper, to allow said commissioners one dollar and fifty cents per day, for the time necessarily employed in locating the said road in each of their respective counties: *Provided*, That nothing herein contained, shall be so construed as to create any liability on the part of this State, to pay said commissioners for their services rendered under the authority of this act. Compensation. Proviso.

This act to be in force from and after its passage.

APPROVED, Jan. 26, 1835.

AN ACT to amend an act, entitled "An act to locate a State Road from Quincy in Adams County to Macomb in M'Donough County," approved, February 12th, 1833. In force Jan. 17, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the commissioners named in the act to which this is an amendment, or a majority of them, shall proceed to survey, mark and locate said road from Quincy to Fairfield in Adams county, and from thence to Macomb in M'Donough county, according to the provisions of the act to which this is an amendment, previous to the first day of August next.

APPROVED, Jan. 17, 1835.

AN ACT to change part of certain State Roads. In force Jan. 24, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Daniel Roberts, John O. Briant and Nathan Dellon, be, and are hereby appointed commissioners to re-view and re-locate that or any part of the State road leading from Springfield to Peoria, which lies between the north end of John T. Scott's lane on section number thirty-five, in township number twenty-five north, range number four west, and the north line of said township twenty-five. Commissioners appointed to re-locate said road.

When and where to meet.

Sec. 2. Said commissioners, or a majority of them, shall meet on or before the first day of May next, and after being duly sworn by some justice of the peace, faithfully to discharge the duties herein required of them, shall proceed to execute the same, and on or before the first day of June next, shall make a report of their proceedings to the county commissioners' court of Tazewell county, and said court shall cause said road to be opened and kept in repair as other State roads are.

Compensation.

Sec. 3. Said commissioners shall receive for their services a reasonable compensation, to be paid out of the County Treasury by order of the county commissioners' court. So much of said road as said commissioners shall deem it expedient to change, is hereby vacated.

Commissioners appointed to change certain other road.

Sec. 4. *Be it further enacted*, That George H. Hanna, Isom Clay, Jr., and Solomon Litten, be, and are hereby appointed commissioners to change the location of the State road from Belgrade in Pope county, by Green's mill, intersect the State road leading from Golconda to Vandalia, so as to diverge from the present location, at a point three quarters of a mile from the Ohio river, running through fractional section number eight, in township sixteen south, of range five east, of the third principal meridian, in the district of lands offered for sale at Shawneetown, and to terminate on the Ohio river, seventeen poles above the termination of the present location: *Provided*, the said change can be made upon as good ground for a road as is upon the road at present located.

Proviso.

When and where to meet.

Sec. 5. Said commissioners, or a majority of them, shall meet on or before the first day of April next, and after being duly sworn before some justice of the peace, as prescribed in the second section of this bill, shall proceed to perform the duties required of them by this act, and on or before the first day of June thereafter, make a report of their proceedings to the county commissioners' court of Pope county, and thereafter said court shall cause said road as changed to be opened and kept in repair as other State roads.

Their duty.

Shall make report to county commissioners.

Compensation.

Sec. 6. Said commissioners shall receive for their services a reasonable compensation, not to exceed one dollar per day, to be paid out of the County Treasury of said county of Pope. So much of the old road as may be changed by said commissioners, is hereby vacated, and the new location established in lieu thereof.

Part of road vacated.

Approved, Jan. 24, 1835.

AN ACT establishing a State Road. In force Jan. 27, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county road now leading east from Danville, in the county of Vermilion in this State, to the State line dividing Illinois from Indiana, at the point where the road from Covington to Danville strikes said line, be, and the same is hereby declared a State road, and shall be kept in repair as other State roads.

This act to be in force from and after its passage.

APPROVED, Jan. 27, 1835.

AN ACT to locate and establish a State Road therein named. In force Jan. 24, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Anthony W. Calad and Joseph Penn, sen., of the county of St. Clair, Joseph Duncan of the county of Madison, and Benjamin Johnson of the county of Bond, be, and they are hereby appointed commissioners to view, mark and locate a road from the town of Lebanon in St. Clair county, to the house of Benjamin Johnson on the Edwardsville and Vandalia road in Bond county. Commissioners appointed to locate said road.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Lebanon on the first day of May next, or within thirty days thereafter, and before entering on the duties assigned them by this act, to take an oath before some justice of the peace of the county in which they may meet, and then proceed to view, mark and locate said road on the nearest and most eligible ground. When to meet.

SEC. 3. The said commissioners shall cause a true report of said road, signed by them, to be lodged with each of the county commissioners' courts in the counties through which it may pass, which road, when laid out as aforesaid, shall be deemed and considered a public State road, and the county commissioners' courts of the counties through which said road may pass, shall appoint supervisors and cause said road to be opened, worked, and kept in repair as other public roads are; and the said county commissioners' courts may allow said commissioners a reasonable compensation for their services, to be paid out of the County Treasuries in the county which they may reside. Their duty. Compensation.

SEC. 4. That the act, approved February 22d, 1833, appointing commissioners to view, mark and locate a State

Same act declared to be in force.

Proviso.

road from Lebanon in St. Clair county, to Lower Alton on the Mississippi river, be, and the same is hereby declared to be in full force and effect: *Provided*, That the said commissioners shall locate and establish said road on or before the first Monday in June next.

Approved, Jan. 24, 1835.

In force Feb. 12, 1835.

AN ACT to change a part of the State Road leading from Vandalia to Golconda, and for other purposes.

Commissioners appointed to re-locate said road.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John S. Davis and Abraham Romine, sen., be appointed commissioners to review, re-locate and re-survey so much of the State road leading from Vandalia to Golconda, established in 1823, as lies between the bridge on the East Fork of the Kaskaskia, now being constructed in the county of Marion, and John Myers's in the said county of Marion, so as to pass by Salem, the seat of justice thereof.

When and where to meet.

Sec. 2. The commissioners aforesaid, shall meet at Hardy Foster's on the first day of June next, or within sixty days thereafter, and before entering on the duties assigned them by this act, shall take an oath before some justice of the peace, faithfully and impartially to locate said road, keeping in view the shortness of the route and the eligibility of ground, so as to make the same a permanent road.

Shall make report thereof.

Sec. 3. The said commissioners, so soon as they shall have completed said work, shall make a report thereof, under their hands, and return the same to the county commissioners' court of the said county of Marion.

Compensation.

Sec. 4. When said report shall be filed in the office of the clerk of the county commissioners' court of the said county of Marion, the whole bill of expenses of commissioners, and all other necessary persons employed, shall be made out and presented to said county commissioners' court, who shall make an allowance therefor, for the sums severally due, allowing the commissioners one dollar and fifty cents each, and all other persons necessarily employed, seventy-five cents per day each.

County commissioners of Marion shall cause said road to be opened.

Sec. 5. The said county commissioners' court of Marion, shall cause the said road to be opened four poles wide so soon as practicable, and kept in repair to the best advantage.

Certain appro-

Sec. 6. That the appropriation of one hundred dollars for building a bridge across the East Fork of the Kaskas-

kia river, on the State road leading from Vandalia to Golconda, made by the law appropriating a portion of the avails arising from the sale of Saline lands in Gallatin county, to internal improvement, be, and the same is hereby removed and appropriated to the building and construction of a bridge across the said stream at the point where the new State road, contemplated in this act, may pass the same, and that part of the said State road which must be changed in order for the same to pass the aforesaid bridge, be, and the same is hereby declared a State road, and shall be worked upon and kept in repair as such.

priation removed.

Sec. 7. The county commissioners, respectively, of the counties of Marion and Clay, are hereby vested with power and authority to enter, or cause to be entered, for the use of the people of their respective counties, with the commissioner of the Gallatin county Saline lands, any quantity of land at the minimum price, and in legal subdivisions, amounting to a sum not exceeding their respective appropriations, made to them by the law aforesaid: *Provided*, That the land, or the proceeds thereof, be specifically appropriated to the objects contemplated in the law aforesaid, and none other.

County commissioners of Marion and Clay counties authorized to enter Saline lands to the amount of their respective appropriations.

Proviso.

Approved, Feb. 12, 1835.

AN ACT to amend "An act directing the location of a State Road from Carmi in White County, to the County Road leading from Palestine to Heath's mill in Lawrence County."

In force Jan. 7, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Joseph Robinson of Edwards county, William Higgins and Samuel H. Clubb of Lawrence county, or any two of them, are hereby appointed commissioners to view, locate and mark a State road from Henry I. Mills's in Edwards county, to Higgins's mills in Edwards county, on the Bon Pas creek; thence to Benjamin Sumner's in Lawrence county; thence the nearest and best route to Heath's mills on the Embarrass river in Lawrence county, and thence north to intersect the county road in Crawford county, leading from Palestine to Heath's mills; and shall make report thereof to the clerks of the county commissioners' courts of Edwards and Lawrence counties, of that part thereof that may be in such county; and the county commissioners' court of Edwards county shall make said commissioners a just and

Commissioners appointed to locate said road.

Compensation.

equitable allowance for all time and necessary expense in viewing and reporting the same, to be paid out of the County Treasury, for that part that may pass through such county; and the county commissioners' court of Lawrence county shall, in like manner, make said commissioners a just and equitable compensation for all time and necessary expense in viewing and reporting the same, to be paid out of the County Treasury, for that part that may pass through such county.

When and where to meet.

SEC. 2. The said commissioners, or any two of them, shall meet on the first day of April next, or within a month thereafter, at Henry I. Mills's, and being sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, locate and mark said road; and said road, thus laid out, shall be, and is hereby declared a State road, and shall be opened and kept in repair in the same manner as other public roads.

Acts repealed.

SEC. 3. The third and fourth sections of the act to which this is an amendment, are hereby repealed.

This act to be in force from and after its passage.

APPROVED, Jan. 7, 1835.

In force Feb. 6, 1835.

AN ACT to locate a State Road from Shelbyville to the Great Wabash River, in Lawrence County, opposite Vincennes, in Indiana.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Silas P. Rhodes of Shelby county, Silas Hart of Coles county, Lewis W. Jourdan of Jasper county, and John Adams of Lawrence county, be, and they are hereby appointed commissioners to mark and locate a State road from Shelbyville to the Great Wabash river, in Lawrence county, opposite Vincennes in Indiana.

Where and when to meet.

SEC. 2. The said commissioners, or a majority of them, shall meet in the town of Shelbyville on the first Monday of May next, or as soon thereafter as practicable, and after being duly sworn before some justice of the peace, proceed to view, mark and locate said road on the nearest and most eligible route, taking into view the present and future population.

Shall make report.

SEC. 3. The said commissioners shall, during the month of May next, or as soon thereafter as possible, cause a true report of said road, with the number of days they were employed in locating the same, signed by them, to be lodg-

ed with each of the county commissioners' courts in the counties respectively through which it may pass; which road, when laid out as aforesaid, shall be considered a public State road; and the county commissioners of the several counties through which said road may pass, shall appoint supervisors, and cause the same to be opened and kept in repair as other State roads are; and said commissioners shall receive such compensation for their services, not exceeding one dollar and fifty cents per day, out of the respective County Treasuries in which they reside, as may be deemed reasonable.

To be a State road.

Compensation.

Approved, Feb. 6, 1835.

AN ACT to authorize the County Commissioners of Edgar County to Establish and Re-locate a certain Road therein mentioned.

In force Feb. 12, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners of Edgar county, are hereby authorized, if in their judgment they may think it right and expedient, to alter and re-locate so much of the Chicago road as lies between George Redmond's in said county, and the town of Paris, so as to establish the same as now traveled, so as to intersect the Terre Haute road at the mouth of Smith Shaw's lane in the vicinity of Paris.

Approved, Feb. 12, 1835.

AN ACT for the altering of the Vincennes and Chicago State Road.

In force Feb. 10, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Peleg Spencer, John H. Murphy and Edward M. Wilson, be, and they are hereby appointed commissioners to view and re-locate that part of the Vincennes and Chicago State road that lies between the one hundred and third, and one hundred and fifth mile stones, as surveyed by D. W. Beckwith, county surveyor, taking into consideration the injury to private property, as now located; also, the injury by the proposed alteration, and make report thereof to the commissioners'

Commissioners appointed to re-locate said road.

court of Vermilion county. They shall also report, whether or not, said road should be so altered, and in case they should report unfavorable to such alteration, it shall not be made.

When and where to meet.

SEC. 2. Said commissioners shall meet in Danville on or before the first Monday in April next, and after being duly sworn before some justice of the peace, impartially to view and re-locate the same, shall, within fifteen days after the re-location of said road, cause a true survey and map of the same to be lodged with the clerk of the county commissioners' court of Vermilion county.

Declared a public highway.

SEC. 3. Said road, when re-located as aforesaid, shall be deemed a public highway, and opened and kept in repair as other State roads are.

Compensation.

SEC. 4. The county commissioners' court shall allow to said commissioners, a reasonable compensation for their services.

APPROVED, Feb. 10, 1835.

In force Feb. 13, 1835.

AN ACT to locate a Road from Golconda in Pope County to Pinckneyville in Perry County.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John Witt of the county of Pope, Cudworth Harrison and William Ryburn of the county of Franklin, and Joseph Wells of the county of Perry, be, and they are hereby appointed commissioners to view, survey and locate a road from Golconda in Pope county, to Pinckneyville in Perry county.

When and where to meet.

SEC. 2. The said commissioners, or a majority of them, shall meet at Golconda on the second Monday in May next, or within three months thereafter, who, after being duly sworn before some justice of the peace, faithfully to discharge the duties enjoined on them by the provisions of this act, shall proceed to view, survey and locate said road, taking into consideration the local situation of the country through which the same may pass, and establish the same on the most eligible and advantageous ground, so as to make it a permanent and good road; and the said commissioners shall, on or before the first Monday of September, make, or cause to be made, true surveys and maps of said road, signed by them respectively, to be lodged by them in the office of the clerk of county commissioners' courts of the counties through which the said road may pass, or be located.

Sec. 3. The said road, when laid out as aforesaid, shall be deemed and considered a public State road, and the county commissioners' courts of the counties through which said road may pass, shall appoint supervisors over said road, and cause the same to be opened four poles wide, and to be worked and kept in good repair. Said road declared a State road.

Sec. 4. The road leading from Pinckneyville by Lively's ferry and Belleville to St. Louis, is hereby declared to be a State road. Certain other road declared a State road.

Sec. 5. The commissioners appointed under the provisions of this act, shall receive a just and fair compensation for the time they are necessarily employed in the several counties herein mentioned, each county paying for the time necessarily employed therein. Compensation of commissioners.

Approved, Feb. 13, 1835.

AN ACT to change a part of the State Road leading from Bloomington to Danville. In force Feb. 6, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Orendorf, Cheney Thomas and Samuel Durley, be, and they are hereby appointed commissioners to re-view and re-locate that, or any part of the State road leading from Bloomington to Danville which lies between the house of John Himler and a point on said road, five miles south east of said town of Bloomington. Commissioners appointed to locate said road.

Sec. 2. Said commissioners, or a majority of them, shall meet on or before the first day of April next, and after being first duly sworn by some justice of the peace, faithfully to dicharge their duties herein required of them, shall proceed to execute the same, and on or before the first day of June next, shall make a report of their proceedings to the county commissioners' court of M'Lean county, and said court shall cause said road to be opened and kept in repair as other State roads are. When to meet.

Sec. 3. Said commissioners shall receive for their services, a reasonable compensation, to be paid out of the County Treasury, by order of the county commissioners' court. So much of said road as said county commissioners shall deem it expedient to change, is hereby vacated. Compensation.

This bill having remained with the Council of Revision ten days, Sundays excepted, and the General Assembly being in session, it has become a law this 6th day of February, 1835. Certificate.

A. P. FIELD, *Secretary of State.*

In force Feb. 13, 1835.

AN ACT to establish a State Road therein named.

Certain road declared a State road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the route heretofore laid out by B. W. Brooks, Daniel Kimmer and Peter Casper, from the town of Jonesborough to Snider's ferry on the Mississippi river, be, and the same is hereby declared a State road, which shall be opened and kept in repair as other State roads.

SEC. 2. That there shall be opened in the poll books in the several precincts in the county of Union, at the next August election for justices of the peace, two columns, in which shall be entered, by the clerks of election in said precincts, the votes of the qualified voters in said county, for or against the establishment of the road named in the first section of this act, the returns whereof shall be made and canvassed as provided in cases of justices of the peace: *Provided*, That if the road established by the first section of this act, shall not receive a majority of all the qualified votes given at said election, it shall not become a State road, any thing in this act to the contrary notwithstanding: *Provided, also*, That until it shall be determined by the election herein provided, the several supervisors through whose districts said road runs, shall not be required to open the same or keep it in repair, and if a majority of the legal voters of said county shall vote against said road, then and from thenceforth, the said road shall be vacated.

Proviso.

APPROVED, Feb. 13, 1835.

In force Feb. 12, 1835.

AN ACT to view and lay out a State Road from Brownsville by way of Pinckneyville, to New Nashville in Washington County.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Henry Dillinger of the county of Jackson, Abner Pyle of the county of Perry, and James Gordon of the county of Washington, be, and the same are hereby appointed commissioners to view and locate a State road, beginning at Brownsville in the county of Jackson, and thence the nearest and best route to Dillinger's mill, and thence to the bridge on Delumb's, and thence to the lower end of the four mile prairie, to a corner dividing some two individuals' land nearest on said route, and thence due north to the old Kaskaskia road, and thence to Pinckneyville in the county of Perry,

and thence the nearest and best way to New Nashville in Washington county, by way of James Gordon's in said county.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Brownsville in the county of Jackson, on or before the fifteenth day of August next, and after having taken an oath or affirmation before some justice of the peace, faithfully and impartially to execute the duties required by this act, to proceed to mark and lay out said road above mentioned, and shall make due return thereof to the next county commissioners' court of the several counties. Where and when to meet.

Sec. 3. The county commissioners of the counties of Jackson, Perry and Washington, may allow, out of the County Treasuries respectively, a reasonable compensation for their services, and the county commissioners shall order the same to be opened and kept in repair as other State roads are: *Provided*, That the commissioners herein shall locate said road so as to run the same as near parallel with the north and south sectional divisions as practicable, and when the same shall run through any enclosure, the owner thereof shall not be compelled to open or remove the same before the first day of November next. Compensation.

This act to take effect from and after its passage.

Approved, Feb. 12, 1835.

AN ACT to lay out a State Road from Greenville in Bond County to Carlinville in Macoupin County. In force Feb. 7, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Volingtine of Bond county, and Joseph E. Evans of Montgomery county, and Levi Gimline of Macoupin county, be, and they are hereby appointed commissioners to view and lay out a road on the nearest and most eligible route from Greenville in Bond county, to Carlinville in Macoupin county, and cause a report of their proceedings to be lodged with the clerks of the county commissioners' courts of Bond, Macoupin and Montgomery counties, and the road when viewed and laid out as aforesaid, shall be deemed a State road. Commissioners appointed to lay out said road.

Sec. 2. As soon as said road shall be laid out as aforesaid, the county commissioners' courts of Bond, Macoupin and Montgomery counties, shall, at their next session, appoint supervisors in their respective counties, whose duty

it shall be to open and keep in repair such part of said road as shall pass through their respective counties.

Compensation.

SEC. 3. The county commissioners of Bond and Macoupin counties, shall allow to the said commissioners the sum of one dollar per day, for every day actually employed in viewing, marking and laying out said road: *Provided*, That the county of Bond be required to pay two-thirds of the expenses, and the county of Macoupin the other one-third of said expense of laying out said road: *And provided further*, That said commissioners shall not be required to lay out said road as herein required, unless the county commissioners of Bond and Macoupin counties shall first agree to pay them for their services.

Proviso.

Further proviso.

APPROVED, Feb. 7, 1835.

In force Jan. 27, 1835.

AN ACT to change part of the State Road leading from Macomb to Havana.

Commissioners appointed to re-locate a part of said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That George Miller, William Pennington and James C. Brattle, be, and are hereby appointed commissioners to view, mark, survey and locate a road, commencing at the town of Macomb in M'Donough county, and taking a due course east, for the distance of two miles; thence following the ridge on the most suitable route, so as to intersect the present established road at the Table Grove, on the east side of M'Donough county, doing as little damage to private property as the public good will permit.

When and where to meet.

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Macomb on the first Monday of April next, or within twenty days thereafter, and after being duly sworn by some justice of the peace, faithfully to view and locate said road, without partiality, shall immediately thereafter proceed to discharge the duties required by this act.

Shall make map of road.

SEC. 3. As soon as practicable after said road is located, said commissioners, or a majority of them, shall make out a report, accompanied by a map of said road, noting the courses and distances from point to point, with other such remarks as they may deem necessary and proper, and transmit the same to the clerk of M'Donough county, which shall be filed and preserved in his office.

Road declared

SEC. 4. When said road shall be so located, it shall be a

State road to all intents and purposes, and shall be opened and kept in repair as other State roads. a State road.

Sec. 5. That so much of the State road as at present laid out from Macomb to Havana, as lies between said town of Macomb and said Table Grove, be, and the same is hereby vacated. Part of said road vacated.

Sec. 6. The county commissioners of M'Donough county, shall allow said commissioners a reasonable compensation for their services, to be paid out of the County Treasury. Compensation.

Approved, Jan. 27, 1835.

AN ACT to improve the road from Equality by Crenshaw's Works and Cypress Creek to Shawneetown. In force Jan. 15, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the unexpended balance of the appropriation of five hundred dollars, to be laid out under the direction of the county commissioners' court of Gallatin county, on the road leading from Shawneetown to Equality, made by the second section of the act of the 2d March, 1833, entitled "An act to explain and amend the act concerning the Saline Reserves, a Penitentiary," &c., be, and the same is hereby directed to be laid out under the authority aforesaid, towards the building of a bridge and the necessary causeways across Cypress creek, on the old road laid out and opened by the United States, which leads from Shawneetown across Cypress and near the North Fork to Equality: *Provided,* and this change of the application of said unexpended balance is made upon this condition, that the inhabitants interested in said road, shall raise by voluntary subscription, a sum which, when added to said unexpended balance, shall be sufficient in the opinion of said court, to construct said bridge and causeways. Certain moneys to be expended on said road.

Sec. 2. If the unexpended balance of said appropriation shall not be realized and ready to be paid over, when the necessary voluntary subscriptions shall be raised, it shall be competent for the subscribers to proceed with and complete said work with their own means; and on doing so to the satisfaction of said court, they shall be entitled to receive, to their own use, said unexpended balance whenever the same shall come under the control of said court, to be paid to each in proportion to his subscription. May be done by voluntary subscription.

Approved, Jan. 15, 1835.

In force Feb. 6, 1835.

AN ACT to authorize the County Commissioners of Montgomery County to change a certain State Road therein named.

Commissioners authorized to change said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Montgomery county, be, and they are hereby authorized to change so much of the State road as lies between Hillsboro' and David Slayback's, as the case will permit, as runs through the lands of William S. Townsend, Jacob Cress, Absalom Cress, Andrew M. Haley, William D. Shirley and Israel Sewart, as lies on the State Road leading from Hillsboro' to Carlinville; and said road, when so changed, shall be deemed a State road, and worked and kept in repair: *Provided, however,* if it shall be made appear to the satisfaction of the county commissioners' court that said change ought not to be made, then, in that case, said road, as now laid out, to be opened and worked as other State roads.

Proviso.

Persons aggrieved how to proceed.

SEC. 2. *Be it further enacted,* That if any person or persons shall feel themselves aggrieved, they shall apply to the supervisor of said road, and said supervisor, when so notified, shall cause a jury to be summoned in the same manner as is required in the act, entitled "An act concerning the right of way," approved February 28th, 1833; and said proceedings and decision, to be in conformity with the above named act.

This act to be in force from and after its passage.

APPROVED, Feb. 6, 1835.

In force Feb. 12, 1835.

AN ACT to establish a State Road from Equality to M'Leansborough.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Mastin Bond and Adonijah Grimes of Hamilton county, Jeremiah Hawes and Francis A. Richey of Gallatin county, be, and they are hereby appointed commissioners to view, lay out and mark a road from M'Leansborough in Hamilton county to Equality in Gallatin county, by the nearest and most eligible route for the same, having in view the highest and most suitable ground for the location thereof, and report the same, together with a description thereof, under their hands, to the county commissioners' courts of the said counties of Gallatin and Hamilton, on or before the first

term after the said view, and the number of days employed by them respectively in the said work, and the said road when so viewed, marked and reported, shall be deemed a State road and kept in repair as other State roads are.

SEC. 2. The said commissioners shall, on or before the first Monday of April next, or within three months thereafter, meet at the town of M'Leansborough, and thence proceed to lay out said road as is directed in the preceding section, and the county commissioners' courts of the counties of Hamilton and Gallatin respectively, shall allow to the commissioners a sum equal to two dollars per day for every day they shall be engaged in viewing and marking said road. The two commissioners herein appointed in Hamilton county, to be paid by the county court of Hamilton county; and the commissioners herein appointed in Gallatin, to be paid by the county court of Gallatin county.

When and where to meet.

Compensation.

APPROVED, Feb. 12, 1835.

AN ACT to change a part of the State Road from Vincennes to Chicago, as lies in Crawford County.

In force Jan. 29, 1825.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Asahel Heath, Nathan Mars and Asa Norton, be, and they are hereby appointed commissioners to re-view and re-locate that or any part of the State road leading from Vincennes to Chicago, which lies between Palestine and Hutsonville in Crawford county.

Commissioners appointed to re-locate said road.

SEC. 2. Said commissioners, or a majority of them, shall meet on or before the first day of March next, and after being duly sworn by some justice of the peace, faithfully to discharge the duties herein required of them, shall proceed to execute the same, and they are hereby required to make a report of their proceedings to the county commissioners' court next ensuing in the said county of Crawford, after such duties shall have been performed, and said court shall cause said road to be opened and kept in repair as other State roads are.

When and where to meet.

Shall make report to county commissioners' court.

SEC. 3. Said commissioners shall receive for their services a reasonable compensation, to be paid out of the County Treasury by order of the county commissioners' court. So much of the road as said commissioners shall deem it expedient to change, is hereby vacated.

Compensation.

Part of said road vacated.

This act to take effect from and after its passage.

APPROVED, Feb. 29, 1835.

In force Feb. 10, 1835.

AN ACT to lay out a State Road therein named.

Commissioners appointed to locate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John Phelps, Wm. W. Linn and James L. Kirkpatrick, are hereby appointed commissioners to view, survey and locate a road from Chicago in Cook county, to Galena in Jo Daviess county.

Shall make survey and map thereof.

SEC. 2. The commissioners, or a majority of them, shall, on the first Monday in June, 1835, or as soon thereafter as may be, assemble at the town of Chicago, and after being duly sworn before some justice of the peace, faithfully to observe the provisions of this act, proceed to view and locate said road, making Meacham's Grove in Cook county, and the residence of the said John Phelps on Rock River in Jo Daviess county, points on the said road; and shall fix the said road on the most advantageous ground, having reference to said points for a permanent road; and the said commissioners shall, on or before the first day of November next, make, or cause to be made, true surveys and maps of said road, signed by them, to be lodged with each of the county commissioners' courts in the counties respectively through which said road passes, which road when laid out as aforesaid, shall be deemed and considered a public State road; and the county commissioners' courts of the counties through which said road is located, shall cause the same to be opened four poles wide, and to be worked and kept in repair as other public roads are: *Provided, however*, That the commissioners appointed in the first section of this act, shall not receive from the State Treasury nor the Treasuries of the counties through which the said road passes, any compensation for their services for the location of said road.

Shall receive no compensation.

John Phelps authorized to keep a ferry on Rock River.

SEC. 3. The said John Phelps is hereby authorized to establish a ferry on Rock river, at the point on said river where the said road crosses the same; and the said ferry when so established, shall be governed by the same laws, rules and regulations as other ferries in this State are, and it shall be the duty of the county commissioners' court of Jo Daviess county, annually, at the June term of said court, to fix the rates of ferriage across said river.

Commissioners appointed to locate certain other road.

SEC. 4. Leonard Roth and Joseph Brigham of Putnam county, and Michael Bartlett of Rock Island county, be, and they are hereby appointed commissioners to view and locate a State road from the Papaw Grove on the road leading from Chicago to Dixon's ferry, running from said grove by the groves on the head-waters of Bureau River to the settlements at Dimick's Grove on said stream, and from thence to Princeton, so as to best accommodate the inhabitants between those points, and from Princeton on

the shortest and best route to the county seat of Rock Island county. The said commissioners, or a majority of them, shall meet at Princeton on or before the first day of June next, and after being duly sworn by some justice of the peace, proceed to locate said road, and make return as is provided in the second section of this act. The county commissioners' court of Putnam and Rock Island counties may allow said commissioners such compensation as they deem just and proper.

When and where to meet.

Shall make return.

Compensation.

This act to be in force from and after its passage.

Approved, Feb. 10, 1835.

AN ACT concerning Public Roads.

In force Feb. 3, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all roads within this State, which have been laid out in pursuance of any law of this State, or of the late Territory of Illinois, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

All roads declared public highways.

Sec. 2. The county commissioners' courts of the several counties of this State, shall have, and are hereby vested with general superintendence over the public roads within their respective counties.

County commissioners vested with general superintendence thereof.

Sec. 3. The county commissioners' court of each county, shall, at their March term, or as soon thereafter as may be, in each and every year, lay out and divide their respective counties into such road districts as they shall deem convenient and proper, defining accurately the boundaries of said districts, and they shall appoint one supervisor in each district, who shall serve one year, and continue in office until a successor is appointed.

Shall divide their counties into road districts.

And appoint supervisors.

Sec. 4. It shall be the duty of the clerk of the county commissioners' court in each county, to make out and deliver to the sheriff, written notices to all the supervisors as aforesaid, within ten days after such appointment has been made, informing them of their said appointment, and describing the bounds of their respective districts, and the roads therein; and the said sheriff shall immediately deliver the said notices to the persons to whom they shall be directed respectively, and if any supervisor shall refuse to accept his said appointment, the sheriff shall return the said notice to the clerk who issued the same as aforesaid, noting such refusal on the back thereof. But if the said

Clerk to notify supervisors of their appointment.

supervisor shall agree to accept the same, then the sheriff shall notify the said clerk of such acceptance, and the said sheriff shall, in all cases, make return of acceptance or refusal, within twenty days after the delivery to him of the notice aforesaid. For any failure on the part of the clerk to make out and deliver to the sheriff any of the notices required by this section, he shall be fined in the sum of ten dollars, and the sheriff shall incur the same penalty for any failure to deliver any one of said notices in the manner and within the period herein prescribed.

Person refusing to accept the appointment.

SEC. 5. When any person shall refuse to accept the appointment of supervisor, he shall be fined five dollars, to be appropriated to road purposes: *Provided*, That the commissioners' court, may excuse any supervisor from the payment of said fine, upon being satisfied that such person ought not to have been appointed. Whenever the office of supervisor shall become vacant, the county commissioners' court at their next term, shall appoint another supervisor to supply said vacancy: *Provided*, That any two of the county commissioners of said county, shall have power to appoint a supervisor to fill said vacancy until the next term of said court, should such vacancy occur.

Duty of supervisors.

SEC. 6. It shall be the duty of each supervisor to cause all the public roads within his district to be kept well cleared, smooth, and in good repair, causing all stumps to be cut low, so as to afford at all times, a free and safe passage to wagons and other carriages along such roads; to cause bridges and causeways to be made whenever the same shall be necessary; and to keep the same in repair, and to cause to be erected and kept in repair at the forks or crossing place of every public road, a post with plain inscriptions thereon, in large letters and figures, giving the direction and distances to the most noted places to which said road may lead.

Roads obstructed, how cleared.

SEC. 7. Whenever any public road shall be obstructed by fallen timber, or in any other manner, and when any bridge or causeway shall be destroyed or become impassable or dangerous to travelers, it shall be the duty of the supervisor to cause such obstruction to be removed, and to have such bridges or causeways re-built or repaired, and for that purpose he shall call out the persons bound to labor on the road in his district, or as many of them as may be necessary; but if the persons bound to perform such labor in his district, shall have previously performed the number of days required by this act, or if the labor due from such persons shall not be sufficient, he then shall proceed to hire as many laborers or teams as may be necessary to remove such obstructions, or repair such damages: *Provided*, the costs shall not exceed ten dollars; and if the

cost of such work shall be estimated by said supervisor, to exceed ten dollars, then he shall report such obstruction or damage to any two or more of the county commissioners, whose duty it shall be, immediately, to cause such obstruction to be removed, or such bridge or causeway to be rebuilt or repaired, as the case may be, either by ordering the supervisor to hire laborers and teams for that purpose, or by making a contract with some fit person or persons, as they may deem best; and all moneys required to carry any of the provisions of this section into effect, shall be paid out of the County Treasury.

Penalty for obstructing roads.

Sec. 8. If any person shall obstruct any public road by falling a tree or trees across the same, by encroaching upon or fencing up the same, or by placing any other obstruction therein, he shall forfeit for every such offence, a sum not exceeding ten dollars, and a sum not exceeding three dollars for every day he shall suffer such obstruction to remain after he shall have been ordered to remove the same, by any supervisor, county commissioner, justice of the peace, or householder; and if any person shall purposely destroy or injure any bridge or causeway, or remove any of the timber or plank thereof, or destroy or deface any guide post on a public road, or dig any drain or ditch across a public road, such person so offending, shall be indicted, and on conviction, shall be fined in any sum not less than five dollars, nor more than one hundred dollars: *Provided, however*, That this section shall not be construed to extend to any person who shall lawfully cut down any timber for rails, fire wood or other purposes, and who shall immediately remove the same out of the road, nor to any person through whose land a road shall run, who shall dig a ditch or drain across such road, or drain and keep the same in good repair.

County commissioners authorized to locate roads in their respective counties.

Sec. 9. The county commissioners' courts are hereby authorized to cause new public roads to be located and made within their respective counties, and to alter or vacate public roads within their counties, except State roads. No road when ordered to be opened, shall be less than thirty, nor more than fifty feet wide; but bridges need not exceed fifteen feet in width.

Applications for a new road, how made.

Sec. 10. No new road shall be opened by order of the county commissioners' court, unless the same shall be applied for by at least thirty-five voters, except in counties which shall not have more than three hundred voters, when only fifteen shall be required. Such applicants shall deposite in the hands of the clerk of the county commissioners' court, a sufficient sum of money to pay the viewers. If their report be in favor of establishing the road, the money so deposited, shall be returned to the persons who deposit-

ed the same; but if the report be unfavorable, the expenses of the view shall be paid out of the money so deposited; and every person applying for such new road, shall contribute one day's labor in addition to the number of days required by this act, towards making such road. The clerk of the county commissioners' court shall furnish each supervisor, through whose road district such new road shall pass, with a list of the persons who petitioned for the same, and any such petitioners who shall not reside within some district through which such new road shall pass, shall be required to perform the day's labor herein required of him, under the direction of the supervisor of the nearest road district, and for failing to do so, after being duly notified, he shall be fined in the sum of one dollar.

County commissioners to appoint viewers.

Their duties.

Sec. 11. When a new road shall be applied for as aforesaid, the county commissioners' court shall appoint three suitable persons to view the ground proposed for the same, and if, after such view, the viewers shall believe the road applied for to be necessary, they shall proceed to locate the same upon the nearest and best route, having due regard to private property, designating its course through prairies and improved land, by fixing stakes in the ground, or by ploughing two furrows at the distance apart of the full width of the road, and through the timbered land by marking the trees, and make report thereof to the next county commissioners' court; but after the view, if they deem such road unnecessary or improper to be made, they shall report their opinion to that effect, to the next term of said court.

Application for vacating roads, how made.

Sec. 12. Whenever it shall be represented to the county commissioners' court, by a petition of thirty-five voters, that a public road established by said court, or any part thereof, is useless or burthensome, the said court upon a sufficient sum of money being deposited with the clerk to pay the expense of a re-view, (such money to be returned if the road shall be declared useless,) shall appoint three persons to view the same, who shall report to the said court at the next term after such appointment, whether such road in their opinion be useless and burthensome, together with the reasons for such opinion, and the county commissioners may then order such road to be vacated, if, in their discretion, they shall deem such order proper: *Provided*, That no petition, praying for the establishment or vacation of a public road, shall be received by the said court, unless the said petitioners, or some of them, shall have given twenty days public notice of such application, by a written notice posted on the doors of the court house and county clerk's office of the proper county.

When new

Sec. 13. Whenever a new road shall be located, the

county commissioners shall immediately cause the supervisors of each district through which such road shall pass, to be notified of such location, and it shall be the duty of the said supervisors to make such roads within their respective districts, and keep the same in repair, so far as the labor of the persons bound to work on said road shall enable him; and if such labor be insufficient, the county commissioners shall cause the same to be cut out and opened at the expense of the county, whenever, in their opinion, the funds of the county will justify such expense; and after being so opened, the same shall be kept in repair by the supervisors as in other cases.

roads are vacated, duty of supervisors thereof.

Sec. 14. The county commissioners' court shall have power, at any time, to remove from office any supervisor who shall fail or refuse to perform his duty. The county commissioners' court shall have power, whenever the situation of the County Treasury will permit and the condition of the roads shall require it, to purchase a suitable number of road scrapers, to be used in raising and draining public roads within the county.

County commissioners may remove supervisors from office.

Sec. 15. Any person or persons desirous of having a cart road laid out, for his or their convenience, from the dwelling or plantation of such person or persons, to any public road, or from one public road to another, or from one lot of land to another, shall present a petition to the county commissioners' court of the proper county, setting forth the reasons for desiring such road, and describing the points from and to which said road is desired to pass; and the court shall, upon a sufficient sum of money being deposited to pay for viewing such road, appoint three freeholders to view the same: *Provided*, That twenty days notice shall be given of the intention to present such petition, to each person residing in the county through whose land such road is desired to pass, and also by posting up a notice thereof on the doors of the court house and clerk's office of the county for the same period, and the viewers, when appointed, shall examine the route proposed for such road, and shall examine any other route which they may deem proper, and if they shall be of opinion that a cart road is necessary and proper from and to the points named in the petition, they shall lay out the same in such manner as to produce the least inconvenience to the parties through whose land the same shall pass, and shall make a written report to the court, describing the route of the road, and the numbers of the lots of land through which the same shall pass, and naming the owners thereof, if known, which report shall be recorded at length on the record book of the court, and shall be made at the succeeding term of the court after the viewers are appointed; and if, upon the re-

Persons wishing to have a cart road, how to proceed.

turn of the viewers, the court shall be of opinion that the road is necessary, an order shall be made establishing the same, not exceeding thirty feet wide; and the person or persons applying for the road, may proceed to open the same: *Provided*, That no such road shall be allowed to pass through any orchard, garden or yard: *And provided, also*, That if any owner of land shall object to the opening such road, the same shall not be opened until the person objecting shall be paid all damage to be sustained by the opening thereof, to be ascertained in the manner provided for assessing damage in case of a public road, by the act entitled "An act concerning the right of way, and for other purposes," approved, February 28th, 1833. But if no objection be made to the opening of such road, the person or persons applying therefor, their heirs and assigns, shall have a right of way upon the same forever thereafter: *Provided, further*, That any owner or owners of land through which such road shall pass, may at any time change the same on different ground, but the distance shall not be increased more than one-twentieth part thereof, nor the road placed on worse ground.

Number of days each person is required to labor on roads.

Sec. 16. The county commissioners' court of each county in this State, at their March term annually, shall fix and enter upon the records of their court a certain number of days that each able bodied man, between the age of twenty-one and fifty years, shall do upon some public road within the county during that year: *Provided*, That in no case shall said court be authorized to fix any number less than one, or to exceed five days, as a labor tax. The clerk of said court shall append the number of days fixed as aforesaid, to the notice of each supervisor appointed in said county. The supervisor, or any person under him, for the purpose of building or repairing any bridge or causeway, by order of the county commissioners' court, is hereby authorized to enter upon the nearest unimproved land, and to cut and haul away timber, or to quarry and haul rock or gravel, which may be necessary for that purpose: *Provided*, he shall not take away timber already cut, or any rock or gravel already quarried for another purpose, without leave from the owner or his or her agent: *Provided, also*, That unless the owner, or his or her agent, shall first consent to the cutting of timber and to the quarrying of stone, the supervisor shall call upon two discreet householders to value the materials about to be used. If the owner of the materials or his agent shall see proper, he may choose two other discreet householders to act with such as may be chosen by the supervisor, and if they cannot agree, the four shall choose a fifth as umpire; and the five, or a majority of them, shall make out their award, un-

Supervisor may enter upon unimproved land to obtain materials for the construction of any road or bridge.

Proviso.

der their hands and seals, and transmit it to the clerk of the county commissioners' court, who shall file and preserve the same, which award shall be final and conclusive of amount of damages sustained by such persons, and the amount so awarded shall be paid to the owner of the materials, or his or her agent, out of the County Treasury. The county commissioners' courts are hereby authorized to allow each road viewer one dollar for each day's service necessarily performed viewing public roads.

Compensation to road viewers.

Sec. 17. The county commissioners' court in each county of this State, may (when in their opinion the public good requires it,) at their March term of said court, or as soon thereafter as practicable, in every year, levy a county tax on every tract of land situated in their respective counties, not to exceed one half of the annual State tax, as is or may be provided in the revenue law annually, (except such lands as are exempt from taxation by the compact with the General Government.) Said tax shall be assessed at the same time, and in the same manner, as provided for in the revenue law aforesaid, to be collected and paid into the County Treasury, except when the same shall be discharged in labor as hereinafter provided.

County commissioners to levy tax.

Sec. 18. The county commissioners' court shall, at their March term annually, whenever they levy the tax as aforesaid, direct in what road district and for what object, whether for erecting bridges or otherwise, the amount of money which may be collected from said tax, shall be expended, giving each supervisor notice thereof, attached to the notice of his appointment.

How expended.

Sec. 19. It shall be the duty of the Auditor of the State of Illinois, on or before the first Monday of April next, to furnish the clerks of the several county commissioners' courts in this State, with a list of all the lands subject to taxation in their respective counties, and every year thereafter, all other lands which may subsequently become taxable on or before the first Monday in February annually thereafter.

Auditor to furnish clerks a list of taxable land in their counties.

Sec. 20. Whenever the county commissioners' court shall levy said tax, it shall be the duty of said clerk of said court, to copy the order respecting the same, and deliver it to the sheriff, whose duty it shall be, within five days thereafter, to deliver the same to the County Assessor, and it shall be the duty of the Assessor to open requisite columns in his tax book, under the head of "Road Tax," and to assess the same by extending the valuation and amount of tax at the same time he assesses the State tax, by calling upon every resident of his county to list his land or other property, as the case may be, noting the county where

How assessed.

each tract of land is situated, number of acres, amount of tax, and for what year.

Duty of assessor and clerks.

SEC. 21. The Assessor shall file a list of the resident lands in the clerk's office of the county commissioners' court immediately after he has completed the same, and the Assessor, in conjunction with the clerk, shall compare the same with the transcript of lands furnished by the Auditor as aforesaid, and shall then list all lands on said transcript, situated in the county, which are not included as resident lands, estimating the value thereof, together with the non-resident lands, agreeably to the provisions which do or may exist in the revenue laws annually; and when said list shall be completed by the Assessor and clerk, it shall then be the duty of said clerk to make out abstracts of all such tracts of land as may be situated in other counties, entered as resident lands as before provided, and transmit the same by mail to the clerk of the county commissioners' court of the county in which such lands are situated; and it shall be the duty of the several clerks, on receiving said abstracts, to compare the same with their non-resident lists, and note opposite of each tract, the words "Paid in the county of ," (as the case may be,) so that every resident may discharge his said tax in labor, and in the county and road district where he may reside.

Further duty of clerks.

SEC. 22. Whenever the tax book is completed as aforesaid, it shall be the duty of the clerk of said court, to make out a transcript of each tract of land belonging to residents of the county, with the amount of tax, for what year, and within which road district in the county, and deliver the same to the sheriff of the county, whose duty it shall be to deliver the same to the several supervisors of the county within fifteen days thereafter.

Tax may be discharged in labor.

SEC. 23. When the supervisors shall receive said list or transcript as aforesaid, he shall notify each person within his road district, (if he or they may be found in the limits of the same,) of the amount of their taxes, and that on such a day or days, said taxes may be discharged in labor, fixing the time for working the road, so as to give not less than three, nor more than five days notice, at seventy-five cents for each faithful day's labor, computing a day's labor at eight hours service. The supervisor is hereby authorized to contract for materials for building bridges, causeways, erecting guide boards, and repairing roads in discharge of the taxes aforesaid.

Delinquent lands to be sold.

SEC. 24. The clerk of the county commissioners' court, at the time he makes out the list of resident lands for each supervisor of the county, shall also make out the account of each non-resident's tax, stating the name of the patentee and present owner, according to the best information

he is in possession of, which list shall accompany the resident list of the proper supervisor, and may be discharged in labor, as directed by the county commissioners' court, under the superintendence of said supervisor. The supervisor having a list of non-resident lands, shall give at least ten days notice, by putting up a written or printed notice on the door of the court house of his county, naming the non-resident delinquent persons, tracts of land and amount of tax due from each person, and that the same may be discharged in labor, at such a time and place, and on or before the first day of December annually, the supervisor shall return a list of all delinquent persons; whereupon, it shall be the duty of the clerk of said court, at the time he makes out the list of non-resident lands to be sold for taxes under the revenue laws of the State, to include the amount of the county tax which may remain unpaid; and also, such lands as are taxed in the county and are not delinquent to the State, and advertise and sell said lands at the time and place, in the same manner as required by said revenue law; and conveyances shall be made and subject to redemption as provided in said revenue law. The proceeds of said tax sale shall be paid into the County Treasury, to be appropriated under the direction of said court, for building bridges, erecting guide boards, opening roads, and for keeping the same in repair.

Subject to redemption.

Sec. 25. All lands sold under the provisions of this act, and conveyed as aforesaid, shall vest the purchaser to all intents and purposes with the fee simple of said land, subject to redemption as before provided.

Clerk authorized to receipt for taxes.

Sec. 26. The clerk of the county commissioners' court is hereby authorized to receive all taxes due the county as aforesaid, to give receipts for the same, noting in said receipts that the amount so paid, is for a county tax, and for what year. Each supervisor, after discharging his labor tax, as required by this act, shall, on settlement of his accounts annually, be allowed seventy-five cents for each day's service superintending the work as aforesaid, to be paid out of the moneys raised by the provisions of this act. The sheriffs and clerks who render service under this act, and for postage paid by the clerk, shall be allowed such a compensation as the county commissioners' court shall deem just and equitable, to be paid out of any money raised as aforesaid.

Allowance per day for labor.

Sec. 27. Every person who shall wish to discharge his county land tax in labor, shall be permitted to do the same as herein provided, at the rate of seventy-five cents per day, and the supervisor is hereby authorized to dock any person of his wages who does not perform eight hours faithful labor each day.

Persons failing to perform road labor.

SEC. 28. Any person who shall be notified to perform road labor, as herein provided, and shall fail to perform the same, shall forfeit and pay the sum of seventy-five cents for each day neglected to be performed; and the supervisor is hereby authorized to prosecute such delinquent person, in the name of the county commissioners, before any justice of the peace in the proper county; and said supervisor shall be a competent witness against said delinquent, and in case of default as aforesaid, the justice shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith: *Provided*, That the defendant or supervisor, in all such cases, shall be allowed an appeal, as in other cases of trial before justices of the peace.

May be prosecuted.

Proviso.

County commissioners may levy tax on personal property.

SEC. 29. County commissioners in each county in this State, whenever the labor herein provided is found insufficient, may levy a tax on personal property, not exceeding one-fourth per cent. per annum; but shall not, during the same year, levy a land tax, but at said March term, elect in their discretion, whether they will levy a tax on land or personal property.

Supervisors neglecting to perform their duties.

SEC. 30. Any supervisor who neglects to keep the roads in his district in good repair, agreeably to the provisions of this act, or fails to perform any other duty herein required, shall be liable to indictment, and on conviction thereof, shall be fined in a sum not less than five dollars, and not exceeding fifty dollars, to be expended on some road within the district of said supervisor.

Clerk to give bond.

SEC. 31. The county commissioners of each county shall cause their clerk to enter into bond, with surety or sureties, in such sum or sums as they may deem sufficient for all moneys that may be received by him under the provisions of this act, conditioned that he will promptly and faithfully pay over to the County Treasurer all moneys received by him under this act, and all penalties and liabilities incurred under this act, shall be recoverable in the name of the county commissioners, before any justice of the peace of the proper county, or other court having jurisdiction thereof.

Roads running through private property.

SEC. 32. When any road or roads, laid out as aforesaid, shall run through the land of any individual or individuals, and the owner of the same shall not give his consent to the opening of said road through the land as aforesaid, it shall be the duty of the supervisor to go before the nearest justice of the peace, who shall issue his warrant, directed to some constable, commanding him to summon three householders, unless they can be otherwise had, who, after being sworn by some justice of the peace, well and truly to examine the injury that will be done the individual or

individuals aforesaid, and the damage that will accrue to him or them by the opening of the road aforesaid; taking into consideration the advantages to said individual by opening the road aforesaid, who, after being thus sworn, shall go upon the land aforesaid, make report in writing, particularly stating the damage as well as the advantage to the owner of said land, and sign the same, and return said report, in writing, to the justice before whom they were sworn as aforesaid, who shall transmit the same to the clerk of the county commissioners' court, who shall file the same in his office. The amount of damages so assessed, it shall be the duty of the county commissioners' court to order to be paid out of the County Treasury.

Supervisors to give notice of the time and place of commencing work.

SEC. 33. The supervisors appointed by virtue of this act, shall be required to give each person owing road labor, three days notice of the time and place that they shall commence work, with such tools as shall be necessary for them to use. Any person shall be permitted to furnish a substitute, equally able as himself, to perform said road labor. All moneys collected from delinquents, not otherwise provided for in this act, shall be expended by the supervisor in making or repairing roads or bridges in his district, as he may deem expedient.

Laws repealed.

SEC. 34. That all laws heretofore passed upon the subject of county roads, be, and the same are hereby repealed; but rights acquired, or liabilities incurred thereby, are not hereby affected: *Provided*, That nothing herein contained, shall be construed so as to operate as a repeal of the act, entitled "An act concerning the right of way, and for other purposes," approved, February 28th, 1833.

APPROVED, Feb. 3, 1835.

AN ACT forming an additional Justice's District in the County of Sangamon, including the Town of Athens.

In force Dec. 24, 1834.

District formed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all that district of country included within the corporation limits of the town of Athens in the county of Sangamon, be, and the same is hereby constituted into a district for the election of a justice of the peace and constable.

Election when to be held.

SEC. 2. The county commissioners' court of the county of Sangamon, are hereby authorized and required to cause an election to be held on or before the first day of April next, or as soon thereafter as practicable, and at each quad-

rennial election thereafter for one justice of the peace and one constable in said district. The officers elected shall hold their offices until the next general election for justices of the peace, at which time their successors shall be elected as in other cases, and the persons so elected, shall have and exercise the same jurisdiction, hold their offices by the same tenure, and be under the same regulations, in all respects, as other justices of the peace and constables of this State.

APPROVED, Dec. 24, 1834.

In force Jan. 7, 1835.

AN ACT concerning the Town of Galena.

May become incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That should the inhabitants of the town of Galena in this State, wish to become incorporated for the better regulation of their police, it shall be lawful for the said inhabitants to appoint their trustees and other officers without reference to property qualifications.

SEC. 2. This act to take effect from and after its passage.

APPROVED, Jan. 7, 1835.

In force Jan. 24, 1835.

AN ACT authorizing the Administrators of James Mason, deceased, to execute Deeds in certain cases.

Preamble.

WHEREAS, James Mason, deceased, during his life time, was extensively engaged in buying and selling lands, and at the time of his decease, there were many outstanding bonds for the conveyance of lands: And, whereas, much delay, expense and trouble would ensue in the settlement of said estate, by filing bills and obtaining decrees on each separate obligation: Therefore—

In what cases deeds may be made.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That for the purpose of avoiding the aforesaid difficulties, Sarah Mason and Paris Mason, administrators of the said James Mason, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver deeds for such tracts of land as may be called for, and described by any outstanding bond, sign-

ed by said James Mason, deceased, for lands sold by him in his life time to the holder of said bond, upon the payment by him of such sum or sums of money as may be due from such holder of the bond to the said Mason or his estate, as purchase money for the same, which deeds, so executed, shall be good and sufficient in law, to pass the estate, right and title, which the said James Mason, at the time of his death, had in and to the land described in said bond.

APPROVED, Jan. 24, 1835.

AN ACT to amend an act declaring what Laws of a General Nature shall be published with the Acts of a General Nature of this session, approved, March 2, 1833.

In force Jan. 31, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the several sheriffs in this State are hereby authorized and required to sell such copies of the revised code of Illinois, as are now in their hands for sale, under the act to which this is an amendment, for the sum of one dollar per copy, any law to the contrary notwithstanding.

Sheriffs authorized to sell revised code at $1.

APPROVED, Jan. 31, 1835.

AN ACT to amend "An act regulating Elections."

In force Jan. 29, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts of the several counties in this State, are hereby authorized to divide their respective counties into as many election precincts, for all general and special elections, as they may think expedient for the convenience of the voters of said county, and to appoint as many sets of judges of elections, to receive votes at the county seats, as they may think necessary.

County commissioners' courts of the several counties may divide the counties into election precincts at pleasure.

SEC. 2. *Be it further enacted,* That it shall be the duty of said court, if they shall think proper, to appoint some constable to attend each precinct, and preserve order during said elections; and the said constable shall have authority to call to his aid a sufficient number of citizens to suppress any riot, or other disorderly conduct during said election,

May appoint constable to attend elections.

His duty.

Compensation.

and there shall be paid to said constable, out of the County Treasury, a sum not exceeding one dollar a day for said services. All laws coming within the purview of this act, are hereby repealed.

Acts repealed.

This act to take effect from and after its passage.

APPROVED, Jan. 29, 1835.

In force Jan. 31, 1825.

AN ACT to authorize the County Commissioners' Courts of Randolph and Perry Counties to refund certain Taxes.

County commissioners to refund taxes paid by mistake or inadvertancy on lands not 5 years purchased.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That in all cases where, by mistake or inadvertance, any person or persons in the county of Randolph and Perry, shall have listed their lands, lying in said counties respectively, for taxation, within the five years after the purchase from the United States, and have paid the taxes thereon when the same were not taxable, shall be permitted to receive from the county commissioners' court of said counties, an order for the amount of said taxes, which said order shall be received for the value thereof, into the County Treasury for the taxes that may hereafter be due and payable by the person or persons to whom the same may be granted.

APPROVED, Jan. 31, 1835.

In force Jan. 24, 1835.

AN ACT supplemental to "An act to locate permanently the Seat of Justice of Alexander County," approved, January 18, 1833.

Seat of Justice permanently located at Unity.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the location of the seat of justice of Alexander county, at Unity, by the commissioners, under "An act to locate permanently, the seat of justice of Alexander county," approved, January 18th, 1833, and the several proceedings had in the circuit and county commissioners' and other courts of said county, so far as the same may be affected by the said location, be, and the same are hereby confirmed, and the county seat of said county, as now established at Unity, shall continue and remain the permanent county seat.

Sec. 2. The county commissioners' court of said county, shall cause the court house and other public property at the town of America, to be sold to the highest bidder, on a credit of nine months, previous notice of the time and place of sale for at least four weeks, having been first given, by posting at least three written advertisements in the three most public places in the said county, and the proceeds of the sale shall be applied to the erection of the necessary public buildings for the county at Unity.

Public property at America to be sold.

Proceeds how applied.

Approved, Jan. 24, 1835.

AN ACT declaring Spoon River a Navigable Stream.

In force June 1, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Spoon River be, and the same is hereby declared a navigable stream from its confluence with the Illinois river up to Cameron's mill on said river, and the same shall at all times hereafter be a public highway, and free for the passage of boats and water crafts from the mouth of said river up to said mill: *Provided*, That any person or persons wishing to build a mill dam on said river, may do so, by constructing an apron to such mill dam, so as to permit flat and keel boats to pass the same.

River declared navigable.

Proviso.

This act to take effect and be in force from and after the first day of June next.

Approved, Feb. 12, 1835.

AN ACT declaring Crooked Creek in Schuyler County a Navigable Stream.

In force June 1, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Crooked Creek in Schuyler county in this State, be, and the same is hereby declared a navigable stream from its confluence with the Illinois river up to Henly's mill on said creek, and the same shall at all times hereafter, be a public highway, and free for the passage of boats and water craft of every description, from the mouth of said creek up to said mill: *Provided*, That any person or persons wishing to build a mill dam on said creek, may do so, by constructing an apron to

such mill dam so as to permit flat and keel boats to pass the same.

This act to take effect and be in force from and after the first day of June next.

APPROVED, Feb. 11, 1835.

In force Jan. 24, 1834.

AN ACT to amend "An act prescribing the mode of Summoning Grand and Petit Jurors, and defining their qualifications;" approved, February 7, 1827.

Part of law repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the eighth section of the act to which this is an amendment, as requires sheriffs or other officers to make timely return of any summons to the clerks that issued the same, be, and the same is hereby repealed.

Sheriff's duty in relation thereto.

SEC. 2. *Be it further enacted,* That in all cases where any sheriff or other officer shall be commanded to execute any summons, by virtue of the aforesaid act, he shall be required to make timely return of the same, on or before the return day thereof, to the clerk of the circuit court.

APPROVED, Jan. 24, 1835.

In force Jan. 27, 1835.

AN ACT to amend "An act regulating Enclosures".

Owners of animals breaking lawful fence, liable for damages.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if any horse, mare, gelding, colt, mule or ass, sheep, lamb, goat, kid, bull, cow, heifer, steer or calf, or any hog, shoat or pig, shall break into any person's enclosure, the fence being good and sufficient, the owner of such animal or animals, shall be liable in an action of trespass, to make good all damages to the owner or occupier of the enclosures, for the first offence single damages only, and ever afterwards double the damages sustained.

Sufficiency of fence to be proven on trial.

SEC. 2. *Be it further enacted,* That the condition of the fence at the time the trespass was committed, may be proven upon trial, and that complaint made by the party injured before any justice of the peace of the county wherein such trespass shall be made, such justice is hereby authorized and required to issue a summons without delay to

three respectable householders of the neighborhood, no ways related to either of the parties, nor interested concerning the trespass, reciting the complaint and requiring them to view the fence where the trespass is complained of, and their testimony, in such case, shall be good evidence touching the sufficiency of the fence.

Persons injuring animals, when an unlawful fence, liable for the same.

SEC. 3. *Be it further enacted*, That if any person injured for want of such sufficient fence, shall hurt, wound, kill, lame or destroy, or shall cause to be hurt, wounded, killed, lamed or destroyed, by shooting, hunting with dogs or otherwise, any of the aforesaid animals, he or she so offending, shall satisfy or pay the owner of the same, the damages with costs, recoverable as aforesaid: *Provided*, That if the party liable to damages as aforesaid, in either case, will abide and pay what may be deemed reasonable by three neighbors, indifferently chosen to assess the same, it shall be a bar against such suit.

Proviso.

Owner to be notified of animals trespassing.

SEC. 4. *Be it further enacted*, That all animals trespassing, the owners of the same (if known) shall be notified thereof, and if they shall refuse to secure the said animals and prevent their trespassing, the persons on whom the trespass was committed, shall be authorized to secure the same, supplying the aforesaid animals with provender and water, for which they shall receive a compensation from said owner: *Provided*, That if said animals shall receive any abuse or damage from said persons, they shall be barred from any compensation for the aforesaid services.

Part of law repealed.

SEC. 5. *Be it further enacted*, That the first and second sections of the act to which this is an amendment, be, and the same are hereby repealed.

This act to be in force after its passage.

APPROVED, Jan. 27, 1835.

AN ACT relating to the Sale of the Gallatin Saline Lands.

In force Feb. 12, 1835.

Commissioners appointed to select 5 thousand acres of Saline lands.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Leonard White, Daniel Wood and John E. Hall, be, and they are hereby appointed commissioners to enter upon the Saline Reserve in Gallatin county, and select any quantity of land, not exceeding five thousand acres of land, and if there are any lands selected by the former commissioners which shall interfere with salt making at said Saline, or which is not now likely to sell, the same shall be relinquished by the aforesaid commissioners to an amount not exceeding the said

five thousand acres. The said commissioners shall, before entering upon their duties, take an oath before some justice of the peace faithfully to discharge the duties enjoined upon them by this act.

Shall report to the commissioner of sales.

SEC. 2. When the said commissioners shall enter upon the duties of their said office, and relinquish old selections and make new ones in lieu thereof, they shall report the same to the commissioner of sales of Saline lands, noting in their said report, the description of lands relinquished and those selected in lieu thereof, making, by separate reparate reports, a distinction between a change of lands in the first and second sections.

Shall not make any selections within any lease.

SEC. 3. The said commissioners shall not be authorized to select any lands within any lease, unless the lessee shall relinquish any incumbrance he may have, by virtue of his lease to the said land so selected, in which case the said commissioners shall return the same along with their report, to the commissioner of sales, and all lands to be reselected under this act, shall be sold free from the incumbrances of any lease.

Persons residing on lands so selected.

SEC. 4. All persons who have settled on any of the said lands that may hereafter be selected under the provisions of this act, and shall be in the actual occupancy of the same at the period when this act takes effect, shall be entitled to the right of purchasing the same at any time previous to the same being offered for sale, as is hereinafter provided, at the minimum price; and also, all persons shall be entitled to the same right, who shall have made permanent and valuable improvements thereon, tending towards husbandry, or who shall be the owner or occupier thereof at the time this act takes effect: *Provided*, That no one shall be entitled to purchase more than eighty acres under the pre-emption right herein granted.

Pre-emption claimed by two or more, how decided.

SEC. 5. In all cases where claims to the right of pre-emption shall be made by two or more to the same tract of land, the same shall be decided by the third section of an act, entitled "An act concerning the Gallatin county and Vermilion county Saline lands," which said section is hereby revived and continued in force for the purpose aforesaid; but in all cases, the preference shall be given to the actual settler.

Duty of commissioners of sales.

SEC. 6. After the said commissioners shall have made their report to the commissioner of sales, it shall be his duty to advertise the same for sale in some public newspaper, at least four weeks previous to the day of sale, and on that day offer the same as lands having been heretofore offered for sale.

Commissioners in their selec-

SEC. 7. The commissioners named in the first section of this act, shall not, in their selection of land, interfere with

the manufactory of salt; but shall, in all cases, consult the interest of the State and of the present lessees, as far as making salt is concerned. They shall be allowed the same compensation as other commissioners heretofore have been allowed, to be paid by the commissioner of sales.

tion shall not interfere with salt making.

Compensation.

SEC. 8. That the fourth section of an act, entitled "An act to amend an act concerning Saline Reserves, a Penitentiary, and the improvement of certain navigable streams," approved, December 12, 1828, be, and the same is hereby repealed.

Part of act repealed.

SEC. 9. The commissioner for selling the lands authorized to be sold in the Gallatin county Saline Reserve, shall hereafter receive as compensation for his services, and in full compensation for office rent, clerk hire, books, stationery and transportation of the money, five per cent. upon all moneys received by him in the sale of said lands. Said five per cent. to be deducted out of the money so received by him in payment for said lands.

Compensation of commissioners of sales.

APPROVED, Feb. 13, 1835.

AN ACT concerning Religious Societies.

In force March 1, 1835.

WHEREAS, petitions are frequently presented to the legislature of the State to incorporate religious societies; and, whereas, if said acts of incorporation were granted, it would lead to an endless system of partial legislation; and whereas, all religious societies, of every denomination, should receive equal protection and encouragement from the legislature, and no one society be granted exclusive privileges: Therefore—

Preamble.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That it shall be lawful for the members of any society or congregation heretofore formed in this State for purposes of religious worship, and for members of any society or congregation which may hereafter be formed for the purpose aforesaid, to purchase a quantity of land not exceeding five acres, and to erect or build thereon, such houses and buildings as they may deem necessary for the purposes aforesaid, and to make such other use of the land, and make such other improvements thereon as may be deemed necessary for the comfort and convenience of such society or congregation; and such society or congregation may assume a name and elect or appoint any number of trustees, not exceeding ten, who

Religious societies may become incorporated.

May elect or appoint trustees.

shall be styled trustees of such society or congregation by the name assumed, and the title to the land purchased and improvements made, shall be vested in the trustees, by the name and style assumed as aforesaid.

Appointment how verified.

SEC. 2. Immediately after the election or appointment of trustees by any society or congregation as aforesaid, the persons elected or appointed, shall make a certificate, under their hands and seals, stating the date of their election or appointment, the name of the society or congregation, and the length of time for which they were elected or appointed, which shall be verified by the affidavit of some one of the persons making the same, and shall be recorded by the recorder of the county in which such society or congregation may be formed, and the said trustees shall hold their office for and during the period stated in the certificate aforesaid. And at the expiration of their term of service and forever thereafter, at the expiration of the term of service of any trustee elected or appointed as aforesaid, the said society or congregation shall elect or appoint successors, who shall, in like manner, continue in office for such period as may be limited by the society or congregation, and a certificate of their election or appointment shall be made by the trustees whose term of service shall have expired, which shall be verified by affidavit, and recorded as provided in the election or appointment of trustees in the first instance.

Shall have perpetual succession.

SEC. 3. The trustees elected or appointed under the provisons of this act, and their successors, shall have perpetual succession and existence, and the title to land herein authorized to be purchased, and to the buildings and improvements thereon, shall be vested in the said trustees by their assumed name, and their successors forever; and the same shall be held for the uses and purposes herein named and no other; and such trustees shall be capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity whatsoever, in and by the name and style assumed as aforesaid; and shall have power, under the direction of the society or congregation, to execute deeds and conveyances of, and concerning the estate and property herein authorized to be held by such society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons: *Provided*, That no deed or conveyance shall be made of any estate held as aforesaid, so as to defeat or destroy the interest or effect of any grant, donation or bequest which may be made to any such society or congregation, but all grants, donations, and bequests shall be ap-

Their powers.

propriated and used as directed by the person or persons making the same.

Sec. 4. Every society or congregation formed as aforesaid, shall have power to provide for filling vacancies which may happen in the office of trustee, and also to remove trustees from office, and to adopt such rules and regulations in relation to the duties of trustees, and the management of its estate as the members may deem proper, not inconsistent with the constitution and laws of this State or the United States. Society to fill vacancies.

Sec. 5. Upon the dissolution of any society or congregation formed under the provisions of this act, the estate and property of such society or congregation shall revert back to the persons, their heirs and assigns, who may have given or contributed to the purchase of, or payment for the same, according to their respective rights. A failure to elect or appoint trustees at any time when, by the provisions of this act, such election or appointment should be had, shall not work a dissolution of the society or congregation, but the trustees last elected or appointed, shall be considered as in office until another election or appointment shall take place. When any society shall be dissolved.

This act shall take effect on the first day of March next.

Approved, Feb. 6, 1835.

AN ACT to authorize the County Commissioners of Pike County to sell certain property therein named. In force Jan. 7, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners of Pike county, be, and they are hereby authorized to sell at public vendue, all the town lots and buildings thereon, which are situated in the town of Atlas, belonging to said county of Pike. Said commissioners shall cause notice of the time and place of sale, to be posted up in five of the most public places in the county, at least four weeks next preceding the day of sale. Property to be sold.

Sec. 2. The said commissioners are hereby required to fix the conditions of the sale, and may give to the purchaser or purchasers, a credit of not exceeding one year, as they may deem most advantageous to the interest of the county. The proceeds of said sales shall be paid into the County Treasury, and become a part of the revenue of said county. Conditions of sale.

Sec. 3. All laws and parts of laws which come within Acts repealed.

the meaning and purview of this act, be, and the same are hereby repealed. This act to take effect from and after its passage.

APPROVED, Jan. 7, 1835.

In force Jan. 7, 1835.

AN ACT concerning the Towns of Pittsfield and Chester.

May become incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Pittsfield in the county of Pike, and the inhabitants of the town of Chester in the county of Randolph, are hereby authorized and empowered to become incorporated in the manner and upon the terms prescribed in the act, entitled "An act to incorporate the inhabitants of such towns as may wish to be incorporated," approved, February 12th, 1831, notwithstanding there may not be one hundred and fifty inhabitants in either of said towns; and upon complying with the provisions of the act aforesaid, the inhabitants of the said towns, and the president and trustees thereof, when elected, shall have, exercise, and enjoy all the rights, privileges, and powers granted and conferred by the act above recited.

This act to take effect from its passage.

APPROVED, Jan. 7, 1835.

In force Jan. 7, 1835.

AN ACT to establish a uniform mode of holding Circuit Courts.

Five additional judges to be elected.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall be elected by joint ballot of both branches of the General Assembly, at its present session, five judges in addition to the one now authorized by law, who shall preside in the several circuit courts now or hereafter authorized and required to be held in the several counties in this State; and shall exercise and possess such jurisdiction therein as is or may be allowed to the circuit courts in this State.

Shall be commissioned by the Governor.

SEC. 2. The said circuit judges, when thus elected, shall be commissioned by the Governor, and shall hold their offices during good behavior. The said judges shall reside in their respective circuits to which they may be assigned.

And all laws which require the judges of the supreme court to hold circuit courts, so far as such requisition is concerned, are hereby repealed. Part of law repealed.

Sec. 3. There shall be two terms of the supreme court held annually at the seat of Government. Two terms of the supreme court annually.

This act to be in force from and after its passage.

Approved, Jan. 7, 1835.

AN ACT to repeal so much of the law as grants Pre-emption Rights to Settlers on Seminary Lands. In force Feb. 6, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the third section of the act, entitled "An act to provide for the sale of the Seminary lands," approved, February 15th, 1831, be, and the same is hereby repealed: *Provided,* That rights acquired under the provisions of the above mentioned act, shall not be effected by the passage of this act. Act repealed. Proviso.

Approved, Feb. 6, 1835.

AN ACT to provide for the Enclosing and Guarding Salt Petre Caves in this State. In force June 1, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all persons working salt petre caves in this State, for the purpose of manufacturing of salt petre, shall, previous to commencing the manufacture of salt petre, enclose said cave with a good and lawful fence, and keep the same at all times in good repair, so as to prevent cattle and other stock from gaining access thereto. Manufacturers of salt petre to enclose caves.

Sec. 2. All persons working salt petre caves in this State, and not first complying with the first section of this act, may be fined in any sum not exceeding fifty dollars, to be recovered before any justice of the peace of the county in which the offence may be committed, upon complaint made by any person, in the name of the county commissioners' court of said county, one half to the person sueing therefor, the other to the county commissioners' court of the proper county, and shall also be liable for all damage which individuals may sustain by reason of their stock gaining Penalty for not doing so.

access to salt petre caves or manufactories. This act to be in force from and after the first day of June next.

Approved, Feb. 6, 1835.

In force Feb. 7, 1835.

AN ACT to amend the Practice Act of 1827.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That in all cases where interlocutory judgment shall be given in any action upon a penal bond or other instrument, and the damages rest in computation, the court may refer it to the clerk to assess and report the damages, and may enter final judgment therefor, without a writ of enquiry, and without empannelling a jury for that purpose. The provisions of this act shall apply to proceedings instituted or had under the act entitled "An act simplifying proceedings at law for the collection of debts," approved, February 1833.

Approved, Feb. 7, 1835.

In force June 1, 1835.

AN ACT allowing Appeals in certain cases.

Appeals may be taken from county commissioners' to circuit court.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That any party to a proceeding had before any county commissioners' court, who may feel aggrieved by the final decision, judgment or order of such court, shall be allowed to appeal to the circuit court of the county in which the decision, judgment or order may have been made: *Provided*, the appeal be prayed during the term of the court at which the decision, judgment or order may be rendered: *And provided, further*, That the party praying appeals shall be required to execute bond, with good security, to be approved by the court, payable to such person, and with such conditions as the court shall require; and after the execution of the appeal bond, the clerk of the commissioners' court shall file with the clerk of the circuit court, a full and complete transcript of the record and proceedings of the court, together with the appeal bond, and all original papers relating to the case; and the clerk of the circuit court shall thereupon issue a summons against all parties interested in the decision, judgment or order appealed from, as in cases of appeals

Proviso.

Appellant to give bond.

Summons to issue from circuit court.

from judgments of justices of the peace, and if a county be interested, the summons shall issue against the county commissioners of such county. When county is a party.

SEC. 2. The circuit courts shall have jurisdiction to hear and determine all such appeals, and shall give such judgment in respect to the right of the parties, as the commissioners' court should have given, and shall have power to make all such orders, and to issue all such process and notices as may be necessary to bring all persons interested before the court; and on the trial of such appeals, the court shall proceed in all respects as is or may be required in the trial of other appeal cases in said court, and the judgment of the court in the premises, shall be final and conclusive upon the parties, unless an appeal be taken to the supreme court. The said circuit court shall also have power to remand all such cases to the county commissioners' court, with directions to carry into effect, so far as relates to rights of parties, the judgment of said court: *Provided*, That in cases so remanded, the circuit court shall make out and deliver a written opinion to be entered of record, and transmitted to the county commissioners' court. Jurisdiction of circuit court in such cases. May remand the cause. Proviso.

SEC. 3. Appeals shall hereafter be allowed from all judgments of justices of the peace, rendered in *qui tam* actions and suits instituted to recover penalties or forfeitures which is or may be allowed by any statute of the State; such appeals to be taken and proceeded in, in all respects as is or may be required in appeals from judgments of justices of the peace in civil actions. Appeals allowed in *qui tam* actions.

This act shall take effect on the first day of June next.

APPROVED, Jan. 31, 1835.

AN ACT dividing the State into Judicial Circuits. In force Jan. 17, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the counties of Calhoun, Greene, Morgan, Sangamon, Macoupin, Macon, Tazewell and M'Lean, shall form the first judicial circuit; the counties of Madison, St. Clair, Monroe, Randolph, Washington, Clinton, Bond, Montgomery, Shelby, Effingham and Fayette, shall form the second judicial circuit; the counties of Hamilton, Jefferson, Franklin, Gallatin, Pope, Johnson, Alexander, Union, Jackson, Marion and Perry, shall form the third judicial circuit; the counties of Wayne, White, Edwards, Wabash, Lawrence, Crawford, Jasper, Clark, Edgar, Vermilion, Champaign, Coles and 1st circuit. 2d circuit. 3d circuit. 4th circuit.

Clay, shall form the fourth judicial district; the counties of Pike, Adams, Hancock, M'Donough, Knox, Warren, Fulton and Schuyler, shall form the fifth judicial circuit; and the counties of Jo Daviess, Rock Island, Mercer, Henry, Peoria, Putnam, La Salle, Cook and Iroquois, shall form the sixth judicial circuit.

5th circuit.

6th circuit.

This act to be in force from and after its passage.

Approved, Jan. 17, 1835.

In force Feb. 12, 1835.

AN ACT to amend an act to License and Regulate Taverns.

Sum to be demanded for license.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter the county commissioners' court of each and every county in this State shall, at the time of granting a license under the act to which this is an amendment, demand of, and from the person receiving the same, a sum not more than fifty dollars, taking into consideration the stand where such tavern is to be located or opened, which sum so received, shall, by the said commissioners, be paid to the County Treasurer of said county; which license so granted, shall authorize such person to keep a tavern and retail liquors for the term of one year.

Approved, Feb. 12, 1835.

AN ACT to Organize the County of Jasper.

In force Dec. 19, 1834.

Election of officers.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That on the fourth Monday in January next, between the hours of eight o'clock in the morning, and seven o'clock in the evening, an election shall be held in the town of Newton in the county of Jasper, for three county commissioners, one sheriff, and one coroner for said county, who shall continue in office until their successors shall be duly elected and qualified.

Judges of election.

Sec. 2. David Philips, William M. Richards, and Wm. Price, or any two of them, shall be judges of said election, and shall be authorized to appoint two clerks, and shall be qualified in the same manner as judges and clerks of elections are now required by law, and said election shall, in

every respect, be conducted in conformity with the election laws of this State. How conducted.

Sec. 3. The location of the seat of justice made by commissioners appointed by the act creating said county of Jasper, and all their acts properly appertaining to their duties as such, are hereby ratified and confirmed. Seat of justice.

Sec. 4. Said county of Jasper shall be attached to the fourth judicial circuit, and shall vote with the county of Crawford in the election of Representative to the State legislature, and with the counties of Crawford and Lawrence in the Senatorial election. Attached to 4th judicial circuit.

Approved, Dec. 19, 1834.

AN ACT relative to an Appropriation from the avails of the Gallatin County Saline Lands, for the benefit of Randolph County. In force Feb. 6, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the first section of "An act appropriating a portion of the avails arising from the sale of the Saline lands in Gallatin county, to internal improvements," approved, 16th February, 1831, as makes it the duty of the county commissioners' court of Randolph county to expend the appropriation made said county, on a certain road therein named, be, and the same is hereby repealed; and the said commissioners shall appropriate the same towards the construction of bridges in the said county of Randolph. Certain act repealed.

This act to take effect from and after its passage, any law to the contrary notwithstanding.

Approved, Feb. 6, 1835.

AN ACT for the purposes therein named. In force Feb. 13, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That after the appropriations shall have been received in the several counties, contemplated in the act, entitled "An act appropriating a portion of the avails arising from the sale of the Saline lands in Gallatin county, to internal improvement," there shall be two hundred dollars appropriated to the county of Appropriation to the counties of Macoupin and Montgomery.

Macoupin, to be applied by the county commissioners' court of said county, to internal improvement, out of the sale of the Saline lands in Gallatin county; also, to the county of Montgomery, the sum of two hundred dollars, to be appropriated in said county in the building of a bridge or bridges, under the direction of the county commissioners' court of said county.

APPROVED, Feb. 13, 1835.

In force Jan. 31, 1835.

AN ACT to Organize the County of Mercer.

Election for county officers.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That on the first Monday of April next, between the hours of eight o'clock in the morning and seven o'clock in the evening, an election shall be held in the town of New Boston, at the house of Eli Reynolds and the house of George Miller in the county of Mercer, for three county commissioners, one sheriff, and one coroner for said county, who shall continue in office until their successors shall be duly elected and qualified.

Judges of election.

SEC. 2. That James Irvin, George Piper and Benjamin Vanate, or any two of them, shall be judges of the election to be held at the town of New Boston, and George Miller, David Shouce and Ebenezer Creswell, or any two of them, shall be judges of the election to be held at the house of George Miller. Said judges shall be authorized to appoint two clerks at each precinct, and said judges and clerks shall be qualified in the same manner as judges and clerks of elections are now required by law; and said elections shall, in every respect, be conducted in conformity with the election laws of this State.

How conducted.

Place of holding courts.

SEC. 3. Until the county seat of said county of Mercer shall be located, it shall be the duty of the county commissioners' court of said county, to procure a suitable house at New Boston, and the several courts shall be held at New Boston until suitable buildings are furnished at the county seat hereinafter to be located; and the said town of New Boston is hereby declared the temporary seat of said county of Mercer, until the same shall be permanently located by law.

County organized.

SEC. 4. Said county of Mercer is hereby declared to be organized, with such corporate powers as belong to other counties in this State.

This act to be in force from and after its passage.

APPROVED, Jan. 31, 1835.

AN ACT concerning Public Records.

In force Feb. 9, 1835.

State recorder's books to be removed to Rushville.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Governor of this State is hereby authorized to cause the books in the office of the Secretary of State, and in the Recorder's office at Edwardsville in Madison county, containing the records of deeds for lands lying in the Military Tract in this State, to be removed to the Recorder's office in Rushville in Schuyler county.

Recorder of Madison county.

Sec. 2. The Recorder of Madison county is hereby required, as soon as practicable, to transcribe into a book to be provided by him for that purpose, any deeds which may be recorded in the books in his office, containing the records of deeds for land lying in the Military Tract before said books shall be taken from his office, noting at the end of each deed and acknowledgment, the book and page in which said deed is recorded.

Duty of recorder of Schuyler county.

Sec. 3. That it shall be the duty of the Recorder of Schuyler county to give his receipt for said record books when the same shall come to his office, describing each book by its letter and number of pages, which receipt shall be filed in the office of the Secretary of State.

Compensation to the recorder of Madison.

Sec. 4. That the Recorder of Madison county shall be entitled to the sum of twenty-five cents for each deed and acknowledgment which he may transcribe in pursuance of the provisions of the second section of this act, to be paid out of the State Treasury, on the warrant of the Auditor of Public Accounts, together with the cost of the record book contemplated in the second section of this act. The Auditor to draw his warrant on the Treasurer for the amount of said expenses, when he shall be satisfied of the number of said deeds and acknowledgments, and the cost of said record book shall be certified to him under the seal of the county commissioners' court of Madison county.

Sec. 5. That whenever the Governor shall inform the Auditor of Public Accounts of the amount of the expenses of removing said records, it shall be the duty of the Auditor to draw his warrant on the Treasurer in favor of the person or persons entitled to the same, which shall be paid out of the State Treasury.

This act to be in force from and after its passage.

Approved, Feb. 9, 1835.

In force Feb. 12, 1835.

AN ACT to provide for Transcribing certain Records therein named.

County commissioners of Adams county to appoint a commissioner to transcribe said records.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of the county of Adams, be, and they are hereby authorized and empowered, whenever they shall deem it expedient, by an order to be entered on their records, to appoint some competent person as a commissioner, for the purpose hereinafter expressed, who shall take and subscribe an oath faithfully and carefully to perform such duties as may be required of him by this act, which oath may be administered and certified by any justice of the peace of said county.

Shall take an oath.

County commissioners to furnish him with suitable books.

Sec. 2. It shall be the duty of the county commissioners' court of said county, when they make such appointment, or as soon thereafter as may be convenient, to provide a sufficient number of blank books, substantially bound, and suitable for recording deeds in, which books, when provided, shall be delivered to the aforesaid commissioner, who shall receipt for the same.

His duties.

Sec. 3. As soon as such book or books shall be delivered to said commissioner, he shall record in each book a copy of the order of his appointment and his oath of office, and proceed in due time to all the recording offices in this State where deeds or title papers for lands lying in the said county of Adams have been by law required or permitted to be recorded, or where such records may be deposited or kept, and shall, from the books of said offices, make out and record in a fair and legible manner in the book or books so furnished him, all deeds and title papers to lands lying in the aforesaid county, which have been recorded in any such recording office as aforesaid, after which, said commissioner shall return the book or books so delivered to him, to the Recorder of the county of Adams; and it shall be the duty of said Recorder to make a certificate to that effect, at the end of each book. The said Recorder shall estimate the number of deeds which said commissioner shall have transcribed into such book or books, and certify the same to the county commissioners' court of said county, who shall thereupon make an order in favor of such commissioner, for the sum of twenty-five cents for each deed by him transcribed as aforesaid, to be paid as other county orders are.

Duties of recorders and others having said records in possession.

Sec. 4. It shall be the duty of all recorders and other persons who may have the care, custody, or control of any of the books in which deeds to lands lying within the said county of Adams have been recorded, to permit said commissioner to make transcripts of all and every such deed,

and for that purpose, to use the books in which such deeds may be recorded.

Sec. 5. The said county commissioners' court shall have power to fill all vacancies in the said office of commissioner.

Sec. 6. The said commissioner in transcribing the deeds and title papers aforesaid, into the books so provided as aforesaid, shall, immediately after transcribing each deed, title paper, acknowledgment and certificate, note in the said book at what time, in what office, book and page, the same was originally recorded, and when such transcribed record books shall be delivered to the Recorder of the said county of Adams, they shall, to all intents and purposes, be considered as books of records of deeds for the said county of Adams, and copies of such transcribed records certified by the Recorder of said county, shall be evidence in all courts and places, in the same manner that copies of deeds regularly recorded in the Recorder's office of said county are evidence and with the like effect.

Transcripts when so made to be deemed books of record.

Sec. 7. Copies of the records of deeds and title papers, from the books of records, to be deposited in the Recorder's office of the county of Schuyler, certified by the Recorder of the said county of Schuyler, shall be evidence in all courts and places, in the same manner and with the like effect, as if the same were certified by the proper Recorder of the office to which the said records originally belonged.

Certified copies thereof good evidence.

Sec. 8. The provisions of this act may be extended to all or any of the counties in the Military Tract, and the county commissioners' courts of any or all of those counties, are hereby authorized and empowered to have the records of all deeds and title papers for lands situated in their respective counties, transcribed in the same manner and with the same effect as is herein provided for Adams county.

Approved, Feb. 12, 1835.

AN ACT to establish the County Seat of Rock Island County. In force Feb. 12, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Bennett of Jo Daviess county, Peter Butler of Warren county, and John G. Sanburn of Knox county, be, and they are hereby appointed commissioners, whose duty it shall be to locate a permanent seat of justice for the county of Rock Island,

Commissioners appointed to locate said seat of justice.

Name of county seat.

and the county seat, when selected and located, shall be called "Stephenson."

When and where to meet.

SEC. 2. The above named commissioners, or a majority of them, shall meet in the town of Farmersburg in Rock Island county, on the first day of May, or within four months thereafter, and after being duly sworn by some justice of the peace, faithfully to take into consideration the convenience of the people, situation of settlements that may hereafter be made, the eligibility of situation for said town, shall proceed to fix upon a place for said county seat.

Shall report to county commissioners' court.

SEC. 3. When said commissioners, or a majority of them, shall have agreed upon a place for a county seat, as is provided in the second section of this act, they shall make report thereof, under their hands, describing particularly the place they have so selected, to the county commissioners' court of the said county of Rock Island, who, at their next term, shall cause the same to be entered upon the records of said court; and the said place so selected, shall be and remain the permanent seat of justice of the aforesaid county.

If located on private land.

SEC. 4. Should the said commissioners conclude to locate said county seat on private property, or the property of individuals, they shall ask and obtain from said individuals a donation of at least twenty acres of land, and shall also select and describe said donation in their report, with certainty, by metes and bounds, as near as may be: *Provided*, That should said proprietor refuse to make the donation herein provided for, the said commissioners shall be required to locate the said seat of justice on the nearest eligible public land; and should said county seat be so located on public land, the county commissioners of said county may proceed to purchase the same for the use of said county; and should the said county seat be located upon individual property, the said commissioners shall take from said individuals, a deed in fee simple to said county, for such land as may be so donated.

If on public land.

Compensation to commissioners.

SEC. 5. The county commissioners' court, at the next term after said location is made, may allow the said commissioners three dollars per day for their services, to be paid out of the Treasury of said county.

APPROVED, Feb. 12, 1835.

AN ACT relating to Schools in Township thirty-nine North, Range fourteen East. In force Feb. 6, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the legal voters in township thirty-nine north, range fourteen east, in Cook county, shall assemble at the usual place of holding elections in the said township, on the first Monday in June next, and annually thereafter, and elect either five or seven persons to be school inspectors, who shall continue in office one year and until others are elected. School inspectors to be elected.

SEC. 2. The school inspectors shall recommend to the county commissioners of Cook county, to lay off and divide the said township into school districts, number, and from time to time, alter the same, and create new ones, as circumstances may require; and the said county commissioners are hereby required to lay off, number, alter and create such districts as the said school inspectors may from time to time recommend. Township to be divided into school districts.

SEC. 3. The said school inspectors, or some of them, shall visit all of the public schools within the township, at least once a month; inquire into the progress of the scholars and the government of the schools; examine all persons offering themselves as candidates for teaching, and when found well qualified, give them certificates thereof gratuitously, and attend at the quarterly examinations of the scholars. They may advise and direct as to the books to be used, and the course of study to be pursued in the schools; may remove teachers for any just cause; make by-laws for the regulations of the schools: *Provided,* That a majority of the voters, at any legal meeting of the township called for that purpose, may repeal such by-laws; may divide the schools into male and female departments, if they think it expedient; and a majority of the legal voters of the township shall require it, they may establish one or more high schools, under such regulations as a majority of such legal voters may prescribe; and they may do such other things in relation to schools, not inconsistent with this act, as a majority of the legal voters of the township may direct. Inspectors shall visit schools, &c.

SEC. 4. The legal voters in each school district, shall annually elect three persons to be trustees of common schools, whose duty it shall be to employ qualified and suitable teachers; to see that the schools are *free,* and that all the white children in the district have an opportunity of attending them, under such regulations as the inspectors may make; to take charge of the school houses, and all of the school property belonging to the district, and to manage the whole financial concerns thereof. The said trustees shall annually levy and collect a tax sufficient to defray the necessa- Trustees of common schools how elected. Their duties. May levy and collect taxes.

ry expense of fuel, rent of school room, and furniture for the same; and they shall levy and collect such additional taxes as a majority of the legal voters of the district, at a meeting called for that purpose, shall direct: *Provided*, That such additional taxes shall never exceed one-half of one per cent. per annum upon all the taxable property in the district; all of which taxes the said trustees shall have full power to assess and collect.

Corporate powers conferred on each school district.

SEC. 5. Each school district shall have full corporate powers for all school purposes: *Provided*, That nothing herein contained shall prevent two or more districts from uniting together for the purpose of erecting school houses whenever a majority of the legal voters in such districts shall agree to do so.

Trustees to make report to inspectors.

SEC. 6. The trustees of each district shall, at the end of every quarter, make report to the school inspectors in writing, which report shall set forth the number of schools within the district; the time that each has been taught during the previous quarter, and whether by male or female teachers; the number of scholars, and the time of their attendance during the quarter, to be ascertained by the teachers' keeping an exact list or roll of the scholars' names; the number present every school-time or half day, which roll or list shall be sworn to or affirmed by the teacher, and shall accompany the trustees' report.

SEC. 7. The people of the said township may, at their annual meeting in June, determine upon what amount of the interest of their school fund, shall be appropriated for the support of schools during the next year; but if the people shall refuse or neglect to make such appropriation, then it shall be left discretionary with the school inspectors.

Inspectors shall apportion the school money in proportion to the number of scholars in each district.

SEC. 8. The school inspectors shall quarterly apportion the said school moneys among the several districts in the said township according to the number of scholars in school therein, between the ages of five and twenty-one years; and also, according to the time that each scholar has actually attended such school during the previous quarter, to be ascertained by the report of the said trustees and teachers.

Shall make schedule.

SEC. 9. Whenever the said apportionment shall have been made, the school inspectors shall make out a schedule thereof, setting forth the amount due to each district, the person or persons entitled to receive the same, and shall deliver the said schedule, together with the reports of the trustees, and the lists or rolls of the teachers, to the commissioner of school lands, and thereupon the said commissioner shall pay over such parts of the interest of the school moneys belonging to the said township, as the said inspectors, in said schedule, may direct. It shall be the duty of the com-

Duty of school

missioner of school lands, in Cook county, to preserve all of the schedules, reports and teachers' rolls, that may be delivered to him as aforesaid, and to make a record thereof in a book to be by him kept for that purpose, and he shall annually make and transmit to the Auditor of the State, a report, which shall set forth the various items contained in the trustees' reports and teachers' rolls, and such other information concerning the schools in the said township, as he may have in his possession, together with a particular account of all of the school moneys by him paid out, and such other matters as he may see fit to add. commissioner.

SEC. 10. It shall be the duty of the inspectors, semi-annually, to make a report, setting forth the state and condition of the schools in the said township, and cause the same to be published in one or more of the newspapers printed in the township: *Provided*, nothing in this act shall be so construed as to authorize the school commissioner of Cook county to pay to said trustees any part of the principal belonging to said township. Further duties of inspectors.

This act to be in force from and after its passage.

APPROVED, Feb. 6, 1835.

AN ACT defining the Duties of Public Printer and fixing the time and manner of performing the same. In force Jan. 24, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter, until the legislature shall otherwise direct, all laws, journals, bills, messages, advertisements, blanks, certificates, circulars, or advertisements of any description, which shall be ordered to be printed by the legislature of the State of Illinois, or by either branch thereof, or by the Governor, or by either of the heads of departments, in pursuance of law and the discharge of their official duties, shall be given to the public printer or printers, hereafter to be elected by the joint ballot of the two houses of the legislature of this State, and said public printer or printers, shall receive for their services the following prices, viz: For all laws, journals, bills, messages, reports and documents, or other printing for the legislature, sixty-two and a half cents per thousand ems for composition, and sixty-two and a half cents per token for press-work; for the first quire of blanks of any form, one dollar and fifty cents, and for every subsequent quire of the same form ordered to be printed at the same time, one dollar, except when said blanks contain so All laws, journals, messages, blanks, circulars, advertisements, &c., to be printed by public printer. Prices to be allowed for printing for the State.

much rule and figure work, as that journeymen would make an extra charge, agreeably to the rules of printing, in which case the public printer may make an advance of fifty per cent. on the charge of the journeymen in composition and press-work: *Provided*, That the public printer or printers furnishes paper for printing said blanks, certificates or circulars: *And provided further*, That if said blanks, certificates, or circulars, be badly or inaccurately printed, or be printed on paper of an inferior quality, the officer ordering the same, may refuse to receive the same; for advertising, the public printer or printers, shall receive for every one hundred words, fifty cents the first insertion, and twenty-five cents for every subsequent insertion that may be ordered by the officer of government that directs the same to be published; and all other editors of papers who may publish such advertisement by direction of the proper officer, shall receive for their services the same as the public printer or printers for the same services.

Proviso.

Duty of public printer.

SEC. 2. That it shall be the duty of the public printer or printers, with the advice and concurrence of the Secretary of State, to procure before the meeting of every legislature, on the best terms posssible, paper of as good quality as is generally used in publishing statute books, for the printing of the laws, and suitable paper for all other printing which will be wanting for the use of the legislature, and he or they shall be allowed by the State the full amount of the cost and carriage of the same, together with such reasonable allowance for his or their trouble in providing the same; and such interest on the money expended as may appear reasonable to the Auditor, Treasurer and Secretary of State, subject to the supervision of the subsequent legislature. It shall be the duty of the public printer or printers, to publish the laws and journals on long primer or small pica type, and to make the pages as large as the paper will admit of, and leave a sufficient margin.

Shall give bond.

SEC. 3. That the public printer or printers, shall be required to give bond with sufficient security to be approved of by the Governor, in the penal sum of two thousand dollars, for the faithful performance of all printing and other services required to be done by him or them, for the State or any of its officers, under the provisions of this act.

Laws and journals of the present session when to be completed.

SEC. 4. That the printing of the laws and journals of the present session of the legislature, shall be completed within three months after the public printer or printers, shall have been furnished with a copy of the same; and at every succeeding session, printed copies of the journals shall be furnished within twelve days after the adjournment of the legislature: *Provided*, That the clerks of the two houses shall have furnished the public printer or printers, every

Proviso.

morning, with the proceedings of the preceding day; and the laws passed at each subsequent session of the legislature, shall be printed within forty days after the adjournment of the legislature; and a failure on the part of the public printer or printers, shall subject him or them to a forfeiture of six per cent. per week on the whole amount of their contract.

Compensation for binding.

SEC. 5. That the public printer or printers, shall procure the folding, stitching and binding of all such laws and journals as may be folded, stitched and bound, and shall receive such compensation as may be agreed upon by the Auditor, Treasurer and Secretary of State, who shall be governed by the usages of the binders west of Cincinnati who carry on the book binding business.

Duty of Secretary of State in relation to printing laws.

SEC. 6. That it shall be the duty of the Secretary of State to examine the printing of all laws, and see that they be correctly done, and in a workman-like manner; and it shall be the duty of the Auditor, Treasurer and Secretary of State to examine all accounts rendered by the public printer or printers, for work performed, or materials furnished for the State, which officers shall call to their aid practical printers whenever they shall be satisfied that the charges have not been correctly made.

When a contract of printing is completed, the amount to be certified by the Secretary of State to the Auditor.

SEC. 7. That on the fulfilment of any order for printing, folding, stitching or binding, or for paper furnished by the public printer or printers, and used in printing laws or journals, or other work in which the State furnishes the paper, the Secretary of State shall certify the fact to the Auditor, who shall issue his warrant on the Treasurer for the sum due such printer or printers, which shall be paid out of any money not otherwise appropriated.

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

APPROVED, Jan. 24, 1835.

AN ACT to provide for the Election of County Recorders and Surveyors.

In force Feb. 11, 1835.

Parts of certain laws repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That from and after the first Monday in August next, so much of the fifth section of an act, entitled "An act relating to the office of Recorder," approved, January 8th, 1829, as provides that the Governor, by and with the advice and consent of the Senate, shall appoint a recorder in every county; and so much of the first section of said act as requires the recor-

der to furnish, at his own proper cost, well bound books for the recording of deeds, and the first section of the act regulating the appointment and duties of county surveyors, approved, January 14th, 1829, be, and the same are hereby repealed.

County Recorder and Surveyor elected every four years.

SEC. 2. That an election shall be held on the first Monday in August next, and on the first Monday in August in every fourth year thereafter, in each county in this State, for a county recorder and surveyor, which county recorder and surveyor, so elected, shall continue in office for the term of four years, and until their successors shall be elected and qualified to office respectively.

Elections how conducted.

SEC. 3. The election herein provided for, shall, in all things be conducted, and returns thereof be made, as provided by the "act regulating elections," approved, January 10th, 1829, to the office of Secretary of State, and upon such election being made, the Governor shall commission such county recorder and surveyor to continue in office for four years; which commission shall be transmitted by the Secretary of State to the clerk of the circuit court of the proper county, and it shall be the duty of said clerk to give immediate notice to such recorder or surveyor of the receipt of his commission.

Recorder to give bond.

SEC. 4. The said recorders, previous to entering upon the duties of their office, shall enter into bond as now required by law, the secureties to which shall be approved by the county commissioners' courts of the respective counties for which said recorders are elected.

Vacancies how filled.

SEC. 5. The election provided for by this act, shall be held at the same time and places, and conducted in all respects as is now provided for by the law for elections of justices of the peace, and all vacancies shall be filled in the same manner; and contested elections for recorders and surveyors, shall be regulated as provided for in the mode prescribed for contesting elections for sheriffs and coroners.

Contested elections.

County commissioner to provide record book, &c.

SEC. 6. It shall be the duty of the county commissioners' court to provide the county recorders of their respective counties with well bound books, necessary to the execution of the duties of his office, to be paid for out of the County Treasury; and that the county commissioners' courts of the several counties, be, and they are hereby required to pay the said judges and clerks of election out of the County Treasuary, not exceeding one dollar per day, and also, such reasonable allowance to the person carrying the return of such elections to the county seat, as they may deem just, not exceeding six cents per mile for going only.

Compensation of judges and clerks of election.

JAMES SEMPLE, *Speaker House Rep.*
A. M. JENKINS, *Speaker of the Senate.*

This bill having been returned by the Council of Revision, with their objections to the same becoming a law, and the same having been reconsidered, and again passed both houses by a majority of the whole number of members elected, the objections of the Council notwithstanding, the same has become a law of this State.

JAMES M. SEMPLE,
Speaker of the House of Representatives.
A. M. JENKINS,
Speaker of the Senate.

11th Feb. 1835.

AN ACT regulating the times of holding the Supreme and Circuit Courts, and fixing the Salary of the Circuit Judges.

In force Feb. 13, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the terms of the supreme court shall commence on the second Mondays in December and first Mondays in June annually, and the court shall continue in session at each term, until the business before it shall be disposed of.

Times of holding supreme courts.

Sec. 2. The salary of the circuit judges of this State, shall be seven hundred and fifty dollars per annum, payable quarterly.

Judges salary.

Sec. 3. The circuit judges may interchange and hold each other's circuit courts as often as they may agree to do the same, and may award writs of ne-exeat, habeas corpus, certiorari and injunction, and may grant orders to stay proceedings, which said writs and orders shall run and have force in each other's circuits, and such acts, writs and orders, shall have the same effect, and be obeyed in the same manner, as if the said acts, orders and writs were done, granted and issued by the proper judge of the circuit.

Circuit judges may interchange circuits.

Sec. 4. The circuit judges in their respective circuits, may at any regular term of the court in any county, make an order appointing a time for holding a special term of the court, for hearing and deciding chancery causes, and shall have power at such special terms, to hear and decide all causes, matters and things depending in chancery in such courts, and all proceedings had, and all orders, decrees and judgments made at such special term, shall have the same validity as if had or made at a regular term appointed by law. The said judges shall also have power at

May order special terms.

any regular term of a circuit court in any county, to make an order appointing a time for holding a special term of such court, for the trial of civil and criminal causes; and suits may be instituted, and process made returnable to such special term in the same manner, and with like effect as at a regular term of such court; and the county commissioners of such county, shall select and cause to be summoned a grand and petit jury, to attend the special term appointed for the trial of civil and criminal cases; and the court shall have power at such special term to try all civil and criminal causes, and all orders, judgments and proceedings made and had at such special term, shall be as valid and effectual, as if made or had at a regular term of the court.

County commissioners to order 48 jurymen in counties where circuit courts sit two weeks.

SEC. 5. The county commissioners' courts of the several counties in which the circuit courts are allowed to set two weeks, are authorized to select forty-eight qualified jurymen, to serve as petit jurors during the term of the circuit court, twenty-four of whom shall be selected to serve during the first week of the court, and summoned to attend on the first day of the term; and twenty-four shall be selected to serve during the second week of the term, and summoned to attend on the second Monday of the term.

Process returnable to courts as at present arranged.

SEC. 6. All process, suits and recognizances, which have been or may be issued or entered into, and made returnable to the courts, as at present arranged, shall be taken and considered to be returnable to the terms fixed by this act, and shall be as valid as if made returnable to the terms fixed by this act; and all process issued and tested in the name of either of the justices of the supreme court, by the clerk of any circuit court, shall be valid to all intents and purposes, and shall be obeyed as though the same had been tested in the name of the circuit judges of such court.

Terms of circuit courts.

SEC. 7. The terms of holding the circuit courts in the several counties of this State, shall commence at the times hereinafter specified, and continue to be held from day to day, Sundays excepted, until the business shall be disposed of, unless it shall be necessary to close the term, to enable the judge to attend in the next county to hold court.

In the county of Sangamon, on the second Mondays in March and July, and the first Mondays in October.

In the county of Morgan, on the fourth Mondays in March, third Mondays in July and October.

In the county of Calhoun, on the Fridays before the second Mondays in April and first Mondays in September.

In the county of Greene, on the second Mondays in April and first Mondays in September.

In the county of Macoupin, on the third Mondays in April and second Mondays in September.

In the county of Macon, on the fourth Mondays in April and third Mondays in September.

In the county of M'Lean, on the Thursdays after the fourth Mondays in April, and third Mondays in September.

In the county of Tazewell on the first Mondays after the fourth Mondays in April, and on the fourth Mondays in September.

In the the county of Madison, on the second Mondays in March and August.

In the county of St. Clair, on the fourth Mondays in March and August.

In the county of Monroe, on the first Mondays in April and September.

In the county of Randolph, on the second Mondays in April and September.

In the county of Washington, on the third Mondays in April and September.

In the county of Clinton, on the fourth Mondays in April and September.

In the county of Bond, on the first Mondays in May and October.

In the county of Montgomery, on the second Mondays in May and October.

In the county of Shelby, on the third Mondays in May and October.

In the county of Effingham, on the Fridays after the third Mondays in May and October.

In the county of Fayette, on the fourth Mondays in May and October.

In the county of Marion, on the second Mondays in March and September.

In the county of Jefferson, on the Thursdays thereafter.

In the county of Hamilton, on the third Mondays in March and September.

In the county of Franklin, on the fourth Mondays in March and September.

In the county of Gallatin, on the first Mondays in April and October.

In the county of Pope, on the third Mondays in April and October.

In the county of Johnson, on the fourth Mondays in April and October.

In the county of Union, on the first Mondays after the fourth Mondays in April and October.

In the county of Alexander, on the second Mondays in May and November.

In the county of Jackson, on the third Mondays in May and November.

In the county of Perry, on the fourth Mondays in May and November.

In the county of Crawford, on the first Mondays in March and September.

In the county of Lawrence, on the Thursdays thereafter.

In the county of Wabash, on the second Mondays in March and September.

In the county of Edwards, on the Fridays thereafter.

In the county of White, on the Mondays after the third Mondays in March and September.

In the county of Wayne, on the fourth Mondays in March and September.

In the county of Clay, on the Thursdays thereafter.

In the county of Jasper, on the Mondays after the fourth Mondays of March and September.

In the county of Coles, on the Wednesdays thereafter.

In the county of Champaign, on the second Mondays after the fourth Mondays in March and September.

In the county of Vermilion, on the Wednesdays thereafter.

In the county of Edgar, on the Wednesdays thereafter.

In the county of Clark, on the Tuesdays thereafter.

In the county of Pike, on the first Mondays in April and September.

In the county of Adams, on the second Mondays of April and September.

In the county of Hancock, on the fourth Mondays in April and September.

In the county of McDonough, on the first Mondays in May and October.

In the county of Warren, on the second Mondays in May and October.

In the county of Knox, on the third Mondays in May and October.

In the county of Fulton, on the fourth Mondays in May and October.

In the county of Schuyler, on the first Mondays in June and November.

In the county of Jo Daviess, on the first Mondays in April, and second Mondays in August.

In the county of Rock Island, on the third Mondays in April, and fourth Mondays in August.

In the county of Peoria, on the fourth Mondays in April, and first Mondays in September.

In the county of Putnam, on the first Mondays in May and second Mondays in September.

In the county of La Salle, on the second Mondays in May and third Mondays in September.

In the county of Iroquois, on the third Mondays in May, and fourth Mondays in September.

In the county of Cook, on the fourth Mondays in May, and first Mondays in October.

In the counties of Mercer and Henry, at such times as shall be appointed by the judge presiding in the sixth circuit, after such counties shall be organized.

Three terms annually in the counties of Sangamon & Morgan.

Sec. 8. There shall be three terms of the circuit court held annually in the counties of Sangamon and Morgan, at the times herein directed.

When a person charged with a capital crime desires to be tried.

Sec. 9. Whenever any person shall be in the custody of the sheriff of any county, charged with a capital crime, or any felony, or other offence, punishable by confinement in the penitentiary, it shall be the duty of such sheriff, *provided*, such person shall desire a trial, to give information thereof, in writing, to the judge presiding in the circuit, or in the case of his absence, or disability, to the next nearest circuit judge to the county where the offence is charged to have been committed, whose duty it shall be to issue a precept, under his hand and seal, to the sheriff of such county, to summon twenty-three grand jurors, and twenty-four petit jurors, to attend at the seat of justice of said county on a day therein mentioned, which shall not be less than fifteen nor more than thirty days from the date of said precept; and the twenty-seventh section of an act, regulating the supreme and circuit courts, approved, January 19th, 1829, be, and the same is hereby repealed.

Laws now in force in relation to judges of supreme court binding on judges of circuit court.

Sec. 10. All laws and parts of laws now in force, relating to the judges of the supreme court, while performing circuit duties, in conferring jurisdiction upon them, defining their duties, or appertaining to them in any way, shall (so far as the same may be applicable,) be taken and construed to be of full force, and binding to all intents and purposes, upon the circuit judges elected by virtue of a law, entitled "An act to establish an uniform mode of holding circuit courts," approved, January 7, 1835.

All proceedings now pending to be disposed of as if no alteration had taken place.

Sec. 11. All writs, subpœnas or other process which may have issued from any circuit court since the last sitting thereof, or which may hereafter issue, previous to this act being received, in the respective counties, shall be deemed and taken, and are hereby made returnable on the first day of the next term of the several circuit courts, to be holden by virtue of this act; and all proceedings, either civil or criminal, which are now pending, shall be taken up and disposed of according to law, in the same manner as if no alteration had been made in the time of holding such courts.

Clerks.

Sec. 12. The several clerks of the circuit courts, ap-

pointed or to be appointed under the "Act to establish a uniform mode of holding circuit courts," approved, January 7, 1835, shall give bond, be qualified and exercise the duties of their office, as specified in the act regulating the supreme and circuit courts, approved, January 19, 1829.

Act repealed.

The third section of the act regulating the terms of holding the circuit courts of this State, approved, March 2, 1833, be, and the same is hereby repealed.

APPROVED, Feb. 13, 1835.

In force Feb. 12, 1835.

AN ACT to amend an act, entitled "An act to Incorporate the St. Clair Turnpike Road Company," approved, February 15, 1833.

Part of said act repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That so much of the act to incorporate the St. Clair Turnpike Road Company, approved, February 15, 1833, to which this is an amendment, as requires the corporation to commence their operations within two years after the passage of said act, and complete the same within four years, be, and the same is hereby repealed.

APPROVED, Feb. 12, 1835.

In force Feb. 13, 1835.

AN ACT to amend an act to Incorporate the Town of Alton.

Boundaries of the corporation defined.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That from and after the passage of this act, the middle of the main channel of the Mississippi river shall be the southern boundary line of the corporation of the town of Alton from the western to the eastern extremity of said town. The said 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.

Trustees to have the right of taxation when relinquished by county court.

SEC. 2. Whenever the county commissioners' court of Madison county shall, by an order to be entered on their records, agree to relinquish the revenue arising from licenses to ferries, taverns, auctioneers, merchants and grocers, theatrical and other shows within the corporation of said town, then the trustees shall have the exclusive right,

under the regulations now established by law, and the money arising from licenses shall be paid into the town treasury as other taxes now are: *Provided*, That if such order of said court shall be made, the trustees of said town of Alton, shall take charge of all the paupers of said town so as to free the county from any charge on account of any paupers of said town. Proviso.

SEC. 3. The trustees of said town of Alton shall have full power to receive donations of lots or lands for any public buildings or other public works, and to receive in the name of the corporation, from individuals or companies, deeds of trust for lots or lands situate in the bounds of said corporation, or within one mile thereof, whenever the said trustees shall deem it for the interest of the said town to accept such deeds of trust, and when so received or accepted, they, and their successors, shall perform the terms of all such deeds in perpetuity. Shall have power to receive donations, &c. Deeds of trust.

SEC. 4. This act to take effect and be in force as soon as the provisions thereof shall have been accepted by the inhabitants of said town, in the manner provided by the act to which this is an amendment, for the acceptance of said act, and not before: *Provided*, That the election for that purpose shall be held on the first Monday in April next. When this act to take effect.

APPROVED, Feb. 13, 1835.

AN ACT to amend "An act to Incorporate the Wabash Navigation Company," approved, January 13, 1825. In force Feb. 12, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the directors of the Wabash Navigation Company, appointed at the last session of the General Assembly of the State of Illinois, are hereby constituted and appointed directors thereof, to hold their offices for five years next ensuing, and until their successors in office are duly elected and qualified. Directors heretofore appointed continued in office.

SEC. 2. That nothing in this act contained, or the act to which this is an amendment, shall be so construed as to authorize said company to alter, change or improve by canal, fore-bay, race, lock, dam or otherwise, any other portion of the Wabash river, than that situate between Mount Carmel and the head of the Little Rock rapid; and the said company be, and they are hereby authorized to take out, either through a race, canal or fore-bay, within the limits above prescribed, a sufficient quantity of water to propel any mills or machinery that they may think proper to erect What portion of said river to be improved.

or establish at or near said race or canal: *Provided, always*, That the quantity of water so taken out of the river, or applied to the purposes aforesaid, shall not prejudice the navigation of said river.

Shall purchase any land by them entered upon.

SEC. 3. That said company shall not enter upon the land of private individuals for the purpose of cutting a canal, or otherwise improving the navigation of the Wabash river, except in pursuance of the limits and restrictions of the act to incorporate the Wabash Navigation Company, approved, January 13, 1825, and when the value of any land shall be assessed as prescribed in said act, and the amount paid to the owner thereof, it shall be lawful for said company to construct or excavate a canal, or any other of the aforesaid improvements, in, through, or upon said lands, and the said company is hereby empowered to supply any improvement aforesaid, with water from said river, by constructing a feeder or such other means as may be necessary.

When to go into operation.

SEC. 4. The benefits of this act, and the act to which this is an amendment, are extended to the directors of said company, and all persons who may hereafter unite together for the purposes contemplated in said act, and shall go into operation so soon as there shall be fifty shares subscribed for, of twenty-five dollars each: *Provided, also*, That said company shall not be entitled to the benefits of this act, unless they shall commence the improvement within four years from and after the first day of June next All acts and parts of acts inconsistent with, or repugnant to the provisions of this act, be, and the same are hereby repealed.

Acts repealed.

APPROVED, Feb. 12, 1835.

In force Feb. 12, 1835.

AN ACT for the Incorporation of Fire Companies.

Fire companies may be formed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That hereafter it shall be lawful for any number of persons, resident within any town or corporation within this State, exceeding forty persons, to form themselves into a company or companies, for the purpose of extinguishing fire, who, on having their names and subscriptions recorded in the Recorder's office in the proper county, are hereby authorized to make such rules and regulations as to a majority of said company or companies may seem proper and necessary for the procuring of engines, buckets, hooks, ladders, and all implements necessary for working said engines and exercising the com-

Authorized to make by-laws.

panies: *Provided*, no by-law shall be contrary to the laws of this State. Proviso.

Sec. 2. So soon as such persons shall have had their names and subscriptions recorded as aforesaid, they and their successors shall be, in law and in fact, a body corporate and politic, to have continuance forever, by the name and style of "The Fire Company;" and by such corporate name and style, shall be forever able and capable, in law and in equity, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all manner of suits, actions, plaints, pleas, causes, matters, and demands of whatever kind and nature they may be, in as full and effectual a manner, as any person or persons, bodies corporate and politic may or can do. Declared bodies politic and corporate. Style.

Sec. 3. All fines and forfeitures, for non-attendance or delinquency imposed by the by-laws and regulations to be adopted by the companies provided for by this act, not exceeding twenty dollars, shall be recoverable by action of debt, before any justice of the peace of the proper county, by the said company, in their corporate capacity, which said fines and forfeitures, shall be for the use of the company suing for the same. Fines and forfeitures how recovered.

Sec. 4. All persons who shall form themselves into fire companies, as is provided in the first section of this act, shall be exempt from militia duty during the time they belong to such company; and all persons who shall have served twelve years in succession in any such fire company, shall, forever after, be exempt from doing militia duty in this State, except in time of war. Exempted from militia duty.

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

Approved, Feb. 12, 1835.

AN ACT further defining the Powers and Duties of Trustees of Incorporated Towns. In force Jan. 31, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the president and trustees of towns which have or may become incorporated, in conformity with the provisions of the act entitled "An act to incorporate the inhabitants of such towns as may wish to be incorporated," approved, 12th of February, 1831, are hereby vested with power to appoint a town constable, and authorize him to execute all writs, process and precepts which may be issued against persons for the President and trustees may appoint town constable. His duty.

violation of the laws of the corporation, and to arrest, on view, all persons who may violate such laws, and to collect all fines, forfeitures, and penalties which may be assessed or recovered for the use of the corporation, and to require bond and security of said constable in such sum as they may think proper. The said president and trustees are also vested with power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal thereof; also, to regulate the speed which horses and other animals may be rode or driven within the limits of the corporation; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays within the limits of the corporation, and to provide that such punishment may be inflicted for any offence against the laws of the corporation, as is or may be provided by law for like offences against the laws of the State: *Provided*, That no person shall be deprived of the right of trial by jury in any case, when such person would be entitled to a trial by a jury for a like offence against the law of the State.

Shall give bond.

Further powers vested in president and trustees.

Punishment of offenders.

Proviso.

Punishment by imprisonment.

Sec. 2. The president and trustees as aforesaid, are further authorized to provide for the punishment of offenders by imprisonment in the county jails, in all cases where such offenders shall fail or refuse to pay fines which may be assessed, or for forfeitures or penalties which may be recovered: *Provided*, That no person shall be imprisoned under the provisions of this section, for a longer period than twelve hours for every five dollars of any fine assessed, or forfeiture or penalty recovered.

Powers conferred in trustees.

Sec. 3. The said president and trustees are also authorized to adopt such laws for the security of wagons and other cariages which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses or other animals fastened to such wagons or carriages running with the same, as they may deem necessary; also, to provide for the punishment of persons who may at any time, disturb the peace of the inhabitants of the town, or the deliberations or proceedings of any public meeting of such inhabitants.

To regulate fees, &c.

Sec. 4. The said president and trustees shall also have power to regulate the fees and compensation of all officers of the corporation.

This act shall take effect from and after its passage.

Approved, Jan. 31, 1835.

AN ACT to Incorporate the Colleges therein named. In force Feb. 19, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hubbell Loomis, Benjamin F. Edwards, Stephen Griggs, George Smith, Enoch Long, Cyrus Edwards, and William Manning, and their successors, be, and they are hereby created a body politic and corporate, to be styled and known by the name of "The Trustees of the Alton College of Illinois," and by that style and name to remain and have perpetual succession. The said college shall remain located at or near Upper Alton, in the county of Madison. The number of trustees shall not exceed fifteen, exclusive of the president, principal, or presiding officer of the college, who shall, ex-officio, be a member of the board of trustees; no other instructor shall be a member of the board of trustees. For the present, the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Alton college of Illinois incorporated.

Number of trustees.

SEC. 2. That Samuel D. Lockwood, William C. Posey, John P. Wilkinson, Theron Baldwin, John F. Brooks, Elisha Jenny, William Kirby, Asa Turner, John G. Bergen, John Tillson, jr., and Gideon Blackburn, and their successors, be, and they are hereby created a body corporate and politic, by the name of "The Trustees of Illinois College," and by that style and name to remain and have perpetual succession; the college shall remain permanently located in Morgan county; the number of trustees shall not exceed fifteen, exclusive of the president, principal, or presiding officer of the college, who shall, ex-officio, be a member of the board of trustees; no other instructor shall be a member of the board of trustees. For the present, the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Illinois college incorporated.

Number of trustees.

SEC. 3. That John Dew, Samuel H. Thompson, James Riggin, Nicholas Horner, George Lowe, Robert Moore, Theophilus M. Nichols, Joshua Barnes, Samuel Stites, David L. West, Nathan Horner, Joseph Faulks, Thornton Peoples, John S. Barger, Nathaniel M. M'Curdy, Anthony W. Casad, and Benjamin Hypes, and their successors, be, and they are hereby created a body politic and corporate, to be styled and known by the name of "The Trustees of the M'Kendreean College," and by that style and name to remain and have perpetual succession; the said college shall remain located at or near Lebanon in the county of St. Clair; the number of trustees shall not exceed eighteen, exclusive of the president, principal, or presiding officer of the college, who shall, ex-officio, be a member of the board of trustees; no other instructor shall be a member of the

M'Kendreean college incorporated.

Number of trustees.

board of trustees. For the present, the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Jonesborough college incorporated.

SEC. 4. That B. W. Brooks, Augustus Rixleben, Winstead Davie, John S. Hacker, Daniel Spencer, Willis Willard, John W. M'Guire, Thomas Sams, James P. Edwards, John Baltzell, William C. Whitlock, and Isaac Bizzle, and their successors, be, and they are hereby created a body politic and corporate, to be styled and known by the name of "The Trustees of the Jonesborough College," and by that style and name to remain and have perpetual succession; the said college shall remain located at or near Jonesborough, in the county of Union. The number of trustees shall not exceed fifteen, exclusive of the president, principal, or presiding officer of the college, who shall, ex-officio, be a member of the board of trustees; no other instructor shall be a member of the board of trustees. For the present, the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Number of trustees.

Objects of the foregoing incorporations.

SEC. 5. The object of said corporations shall be the promotion of the general interests of education, and to qualify young men to engage in the several employments and professions of society, and to discharge honorably and usefully the various duties of life.

Nature of corporate powers.

SEC. 6. The corporate powers hereby bestowed, shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, viz: To have perpetual succession, to make contracts, to sue and be sued, implead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase or sell property, real, personal and mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects aforementioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this State, and to confer on such persons as may be considered worthy, such academical or honorary degrees as are usually conferred by similar institutions.

Duties and powers of trustees.

SEC. 7. The trustees of the respective corporations shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said colleges, and in the preparatory departments attached thereto; to fix the rate of tuition, room rent and other college expenses, to appoint instructors and such other officers and

agents as may be needed in managing the concerns of the institution, to define their powers, duties and employments, to fix their compensation, to displace and remove either of the instructors, officers or agents, as said trustees shall deem the interest of the said colleges shall require, to fill all vacancies among said instructors, officers and agents, to erect necessary buildings, to purchase books and chemical and philosophical apparatus, and other suitable means of instruction, to put in operation a system of manual labor, for the purpose of lessening the expense of education and promoting the health of the students; to make rules for the general management of the affairs of the college, and for the regulation of the conduct of the students, and to add, as the ability of the said corporation shall increase and the interest of the community shall require, additional departments for the study of any or all of the liberal professions: *Provided, however*, That nothing herein contained shall authorize the establishment of a theological department in either of said colleges.

Trustee being chosen president, former office vacated.

Sec. 8. If any trustee shall be chosen president of the college, his former place as trustee shall be considered as vacant, and his place filled by the remaining trustees. The trustees, for the time being, shall have power to remove any trustee from his office of trustee for any dishonorable or criminal conduct: *Provided*, That no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity to defend himself before the board, nor unless that two-thirds of the whole number of trustees, for the time being, shall concur in such removal. The trustees, for the time being, in order to have perpetual succession, shall have power, as often as a trustee shall be removed from office, die, resign or remove out of the State, to appoint a resident of this State to fill the vacancy in the board of trustees occasioned by such removal from office, death, resignation or removal from the State. A majority of the trustees, for the time being, shall be a quorum to do business.

College funds how applied.

Sec. 9. The trustees shall faithfully apply all funds by them collected, or hereafter collected, according to their best judgment, in erecting suitable buildings, in supporting the necessary instructors, officers and agents, in procuring books, maps, charts, globes, philosophical, chemical and other apparatus, necessary to aid in the promotion of sound learning in their respective institutions: *Provided*, That in case any donation, devise or bequest shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise or bequest, shall be applied in conformity with the express condition of the donor or devisor: *Pro-*

vided, also, That lands donated or devised as aforesaid, shall be sold or disposed of as required by the twelfth section of this act.

SEC. 10. The treasurers of said colleges always, and all other agents, when required by the trustees, before entering upon the duties of their appointments, shall give bonds for the security of the corporation, in such penal sum and with such secureties as the board of trustees shall approve; and all process against the said corporation, shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer of the college, at least thirty days before the return day thereof.

Open to all denominations of christians.

SEC. 11. The said colleges and their preparatory departments, shall be open to all denominations of christians, and the profession of any particular religious faith, shall not be required of those who become students; all persons, however, may be suspended or expelled from said institutions whose habits are idle or vicious, or whose moral character is bad.

Amount of real estate.

SEC. 12. The lands, tenements and hereditaments, to be held in perpetuity, in virtue of this act, by either of said corporations, shall not exceed six hundred and forty acres: *Provided, however,* That if donations, grants, or devises in land shall, from time to time, be made to either of said corporations over and above said six hundred and forty acres, which may be held in perpetuity as aforesaid, the same may be received and held by such corporation for the period of three years from the date of every such donation, grant or devise; at the end of which time, if the said lands over and above the said six hundred and forty acres, shall not have been sold by the said corporation, then, and in that case, the said lands so donated, granted or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

APPROVED, Feb. 9, 1835.

In force Feb. 12, 1835.

AN ACT to amend an act, entitled "An act to Incorporate the Rushville and Beardstown Turnpike Road Company."

Company may alter route of said road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said company be authorized to construct such road or roads as are mentioned in said act, upon the most convenient route from Rushville to the Illinois river, at or near the town called Lagrange, and for that purpose the said company are

invested with all powers, privileges and immunities conferred by the said act, and that the time for completing such road, be five years from the passage of this act: *Provided, however*, That nothing herein contained shall deprive the said company from constructing the road contemplated by said act from Rushville to Beardstown.

APPROVED, Feb. 12, 1835.

AN ACT supplemental to an act to Incorporate such persons as may associate for the purposes of procuring and erecting Public Libraries in this State, approved, January 31, 1833.

In force Jan. 31, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That from and after the passage of this act, it shall be lawful for any number of persons, not less than ten, in any part of this State, who shall associate themselves together, and form a constitution and by-laws for the regulation of such society, for the purpose of debating or other literary pursuits, to apply, and obtain from under the seal of the county commissioners' court of the proper county, a certificate of incorporation, agreeable to the provisions of the second section of the act to which this is a supplement, and when so incorporated, they and their successors shall have all the rights and privileges of any incorporation formed under the provisions of the above recited act.

Debating societies may become incorporated.

SEC. 2. All and every debating or literary society, formed and incorporated under the provisions of this act, shall, and may form their own constitution and by-laws, and may regulate their own mode of proceedings, without appointing trustees or any other officers, than such as they may think proper; but none of the by-laws formed by any such society, shall be contrary to any law of this State, or of the United States.

May form their own constitutions and by-laws.

APPROVED, Jan. 31, 1835.

AN ACT to Incorporate the Peoria Bridge Company.

In force Feb. 10, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all such persons

Company incorporated.

as shall become subscribers to the stock hereinafter mentioned, shall be, and they are hereby constituted and declared a body corporate and politic, by the name and style of "The Peoria Bridge Company," from and after the passage of this act, and by that name, they, and their successors, shall, and may hereafter have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answer and being answered, in all courts and places whatsoever; and they and their successors, may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by that name and style, shall be, in law, capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation; but the said real estate to be holden, shall be such only as shall be necessary to promote or attain the object of the corporation.

Capital stock.

SEC. 2. That the capital stock of said company, shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each; and Francis Voris, Andrew M. Hunt, Jacob Chrisman, Aquilla Wren, Andrew Gray, Lewis Bigelow, Rodolphus Rouse, Anson N. Deming, William S. Mans, and Charles G. Thomas, are hereby appointed commissioners to receive subscriptions for the said stock, and such subscriptions shall be opened at such time and place as the commissioners, or a majority of them, shall appoint, by notice to be published in the Peoria Champion, a newspaper printed in Peoria, thirty days before the time appointed. If the requisite number of shares shall not be subscribed for at the time and place appointed for such subscription, said commissioners, or a majority of them, shall take such measures for completing such subscription, as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar for each share subscribed.

Commissioners to open books for subscriptions.

Treasurer, directors, &c. to be elected.

SEC. 3. As soon as five hundred shares shall be subscribed, the said commissioners shall give notice thereof, in manner aforesaid, and appoint the time and place in such notice for such subscribers to meet for the purpose of choosing a treasurer, clerk, and seven directors. Every stockholder shall be entitled, at such and all other elections, to one vote for each share to the number of ten, and one vote for every five additional shares; which votes may be given in person or by proxy. At the election to be held as aforesaid, the said commissioners, or such of them as may attend, shall be inspectors, and their certificate of the names of the persons elected, shall be conclusive evidence of such election. The first Monday in the month in which such election shall be held, shall be the anniversary day of all subsequent elections of such officers. A majority of

the directors so chosen, shall be a quorum, and shall be capable of transacting the business of the corporation; and any act of the majority of said directors, shall be binding on said corporation. The said directors, when elected as aforesaid, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, and shall have power to make such by-laws, rules and regulations as shall be deemed expedient and proper for the well ordering of the affairs of the said corporation: *Provided*, the same be not repugnant to the constitution and laws of this State and of the United States.

Objects and powers of the incorporation.

SEC. 4. The said corporation are hereby authorized and empowered to erect a bridge over the Illinois river at or near the out-let of Lake Peoria, which shall be constructed with a convenient *draw* at least thirty feet wide, for the passage of steam boats and other vessels; and shall keep good and sufficient lights on each side of said draw at all proper times, and shall also keep some suitable person or persons at the said bridge, who shall raise said draw when it may be necessary for the passage of any steam boat, or other vessel, passing up or down said river, free from expense to the owners thereof.

May enter upon certain land.

SEC. 5. The said president and directors, or other persons employed by them, may enter upon and take possession of the land on each side of the river, when such bridge shall be erected; and the said corporation, on taking possession of such land, and on receiving a conveyance thereof, shall pay the value of so much of the same as may be necessary for making and erecting said bridge, and establishing a gate, toll house, and other works necessary for said bridge; and in case of a disagreement between the parties as to such value, the same shall and may be ascertained by three disinterested freeholders of the county where such lands lie, who shall be appointed for that purpose by the county commissioners' court of the same county, on the application of either party, and shall be sworn to make a just valuation thereof.

Rates of toll.

SEC. 6. As soon as the said bridge shall be completed, it shall and may be lawful for the said corporation to erect a gate at the end of said bridge, and to demand and receive the same rates of toll for passing the same, as are now established and received for ferriage in low water at the same place.

Persons injuring said bridge.

SEC. 7. If any person or persons shall wilfully or maliciously do or cause to be done, any act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, injured or destroyed, the said person or persons so offending, shall forfeit and pay to the said corpora-

tion treble the amount of damages occasioned thereby, to be recovered by the said corporation with costs of suit, in an action of trespass, in any court having competent jurisdiction thereof.

Corporation to post up rates of toll.

SEC. 8. It shall be the duty of said corporation to affix or post up, in a conspicuous place, over the said gate, a sign-board, with the rates of toll written thereon, in large letters.

Penalty for charging too much toll.

SEC. 9. If any toll-gatherer shall unreasonably delay or hinder any traveler from passing said bridge, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars, with costs of suit, to be sued for and recovered before any justice of the peace of the county where such offence shall be committed, for the use of the person or persons so unlawfully delayed, hindered or defrauded.

Penalty for fast riding over said bridge.

SEC. 10. It shall not be lawful for any person or persons to ride or drive over said bridge faster than on a walk, nor shall it be lawful to drive more than twenty head of cattle on the said bridge at any one time, on penalty of forfeiting for every such offence, the sum of one dollar.

President and directors may call meetings.

SEC. 11. All officers chosen at the annual election aforesaid, shall hold their offices until the next annual election, or until others are elected in their stead, and the president and directors, or a majority of them, shall have power to call a meeting of the corporation whenever they may deem it necessary, by publishing a notice of the time and place for holding the same, thirty days previous to the time of said meeting.

Stock and personal property.

SEC. 12. Shares in said corporation shall be considered as personal property, and transferable as such.

Shall indemnify the proprietors of the ferry at that place.

SEC. 13. That as soon as the said bridge shall be completed and rendered passable, the said corporation shall pay to the proprietors of the ferry now established across the Illinois river at that place, a reasonable compensation or indemnity for the loss or injury occasioned the said proprietors by the erection of the said bridge, taking into consideration all the advantages the said proprietors shall derive from the said bridge, over and above the advantages which other citizens of Peoria shall derive from the same source; and if the parties shall be unable to agree as to the amount of such compensation or indemnity, the same may be submitted to three arbitrators, to be mutually chosen and agreed upon by the parties, whose award shall be final; or in case the parties should not agree upon the compensation to be paid to the proprietors of the ferry, nor upon arbitrators to determine the same, the supreme court, upon the application of either party, shall have power to make such

award in the premises, and render such judgment or decree, as shall be suited to the justice and equity of the case.

SEC. 14. If the said bridge shall not be erected, built and completed within four years after the passage of this act, the said corporation shall be dissolved. When to be completed.

APPROVED, Feb. 10, 1835.

AN ACT supplementary to the act Incorporating the Jacksonville and Meredocia Rail Road Company. In force Feb. 13, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That for the purpose of facilitating the taking the stock of the "Jacksonville and Meredocia Rail Road Company," it shall be lawful for any person who is the rightful owner of any tract or tracts of unincumbered land, in Morgan county, in this State, to mortgage to the president and directors of said company, forty acres of land, as aforesaid, for every share of fifty dollars which he may have subscribed to the stock of said company; which mortgage shall bind the land, so mortgaged, for the payment of the principal and interest of the stock by him subscribed: *Provided*, That the interest shall not exceed the rate of six per cent. per annum, and that the time and place of the payment of the principal and interest, shall be stipulated in said mortgage; and, in no event, shall the lands, so mortgaged, be liable for a greater sum than the principal and interest of the stock for which it may have been originally pledged. Company may take mortgages on real estate for subscription to capital stock. Proviso.

SEC. 2. It shall be lawful for said company to effect a loan or loans, of a sum of money sufficient to pay the stock so subscribed, and execute, as a security therefor, a mortgage or mortgages, on all or any part of the lands which may have been mortgaged to said president and directors, for the security of any stock subscribed as aforesaid; which mortgage shall be good and valid, to all intents and purposes, for the payment of any sum so borrowed by said company: *Provided*, That said mortgage shall not bind any tract of land beyond the amount of the principal and interest of the stock for which it may have been mortgaged to said company. The directors of said company may loan out, at any rate of interest authorized by the laws of this State, any sum of money which they may have in their hands, belonging to said company, either to a bank or to individuals, on such terms and conditions as they may deem best calculated to promote the interest of said stockholders. May take loans. May loan out money.

Shall keep separate account with each stockholder.

SEC. 3. The directors of said company shall cause an account to be kept with each stockholder who has mortgaged land to said company as aforesaid; and it shall be their duty, after retaining a sum sufficient to pay the interest which may be due on the money borrowed, to pay over to them, every six months, any excess which may have been collected from tolls, or may be due and paid for interest on the money loaned by said company; and in the event of the tolls and profits of said road failing to pay the interest which may accrue upon the sum so borrowed by the company, together with an equal amount to other stockholders, then they shall be bound to pay to said directors of said company, after twenty days notice, the amount of interest which may be found deficient, not exceeding the rate of six per cent. per annum; and if they shall fail, for the period of six months after such notice, to pay said interest, the directors may order said stock, by them subscribed, together with all payments by them made, to be forfeited to the company.

May borrow money on a pledge of the work.

SEC. 4. It shall be lawful for the directors of said company, at any time after the sum of fifty thousand dollars shall have been expended in the erecting of said road, to negotiate a loan or loans, on a pledge of the rail road or trackway aforesaid, and the tolls and profits arising therefrom, to aid and assist in the completion of said work.

APPROVED, Feb. 13, 1835.

In force Feb. 7, 1835.

AN ACT to Incorporate the Alton Marine and Fire Insurance Company.

Company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Benjamin Godfrey, Calvin Riley, J. A. Townsend, Winthrop S. Gilman, Simeon Ryder, Jonathan T. Hudson, Mark Pierson, Isaac Negus, Nathaniel Buckmaster, Stephen Griggs, A. C. Hankinson, Hezekiah Hawley, Sherman W. Robbins, Isaac I. Foster, and their associates, successors and assigns, be, and they are hereby incorporated into a body corporate and politic, by the name and style of "The Alton Marine and Fire Insurance Company," to have continuance for and during the term of twenty years from and after the passage of this act, and by such corporate name and style, shall be, for the term aforesaid, able and capable, in law and in equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of

Extent and nature of the incorporation.

suits, actions, pleas, plaints, causes, matters and demands, of whatever kind and nature they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic may or can do; and may have a common seal, which they may alter or revoke at pleasure, and may purchase, hold, and convey any estate, real or personal, for the use of said company: *Provided*, That said corporation shall not, at any one time, hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Capital stock.

Sec. 2. The capital stock of said company, exclusive of premiums, notes, and profits arising from business, shall be twenty-five thousand dollars, and shall be divided into shares of fifty dollars each; fifty per centum of which shall be paid in money within six months after the first meeting of said company, and the residue in money, to be paid, twenty-five per centum thereof in twelve months, and twenty-five per centum in eighteen months from and after said first meeting, under such penalties as the president and directors may, in their discretion, order and appoint.

May be increased.

Sec. 3. The said capital stock may hereafter be increased to an amount not exceeding two hundred thousand dollars, should a majority of the stockholders deem it advisable, and the additional stock be subscribed, and fifty per centum thereof paid in, within twelve months after the said company shall have commenced operations. The said stock shall be deemed personal property, and assignable and transferable, on the books of the corporation; but no stockholder, indebted to the corporation, shall be permitted to make a transfer until such debt be paid, or secured to the satisfaction of the directors.

Deemed personal property.

Commissioners for procuring subscriptions.

Sec. 4. Jonathan T. Hudson, Nathaniel Buckmaster, Calvin Riley, Winthrop S. Gilman, J. A. Townsend, S. C. Pierce, Isaac I. Foster, and Stephen Griggs, are hereby appointed commissioners for procuring subscriptions to said capital stock; and said commissioners, or a majority of them, shall open one or more subscription books for said stock, on such days, and at such places, as they shall deem expedient, and shall give at least thirty days public notice of such times and places, in one or more of the public newspapers published at each of said places; the said subscription books shall be kept open until the whole of the stock shall have been taken, and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners at the time of making such subscription; and as soon as said stock shall be subscribed, or sooner, if required by the board of directors, the said commissioners shall deliver over to said board of directors, said subscription

books, and shall pay over to said board the whole amount of money severally received by them: *Provided, always,* That said board of directors may, at any time that they may desire to do so, appoint other persons as commissioners to obtain subscriptions, to act in conjunction with the commissioners hereby appointed.

Directors may require payments of stock.

SEC. 5. It shall be lawful for the president and directors to require payment of the sums subscribed to the capital stock, at such times, on such conditions, and in such proportions as they shall deem fit, under such forfeitures as they shall prescribe, and they shall give notice of the payments thus required, and of the time and place, when and were the same are to be made, at least ninety days previous to the time specified for such payments, in some newspaper published in this State, and in each of the places where the books of the company may have been opened for subscription to the capital stock.

Objects and powers of the corporation.

SEC. 6. The said company shall have power and authority to make insurance against fire, flood, or other destructive element, on vessels, freight, money, goods and effects, and on any dwelling houses, or other buildings, merchandize, or other property, within the United States, on such terms and conditions as may be agreed upon by the parties, and to fix the premiums and terms of payment, and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned and sealed by the secretary of said company, and shall be binding and obligatory upon said company; and any losses duly arising under any policy so subscribed and sealed, may be adjusted and settled by the president and board of directors, and the same shall be binding on said company.

Directors to be elected.

SEC. 7. The stock, property, affairs and concerns of said company, shall be managed and conducted by nine directors, one of whom shall be president thereof, and who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their election, be citizens of this State, and holders, respectively, of not less than ten shares of the capital stock of said company. All elections for directors for said company, shall be held on the first Monday of August of each and every year, at such time of the day, and in such place in Lower Alton, as a majority of the directors, for the time being, shall appoint; of which election, public notice shall be given by publication, for at least ten days, in the newspaper printed in or nearest to the said town of Alton, and said election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share in the capi-

Elections when held.

tal stock: *Provided*, That no stockholder shall be allowed more than thirty votes, and that absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if, through any unavoidable accident said directors should not be chosen on the first Monday in August as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided; and it shall be the duty of the secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in Alton, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of directors.

Shall choose a president.

SEC. 8. The directors, when chosen, shall meet as soon as may be, after every election, and shall choose, out of their own body, a president, who shall be sworn or affirmed, faithfully to discharge the duties of his said office, and shall preside for one year; and in case of the death, resignation, or inability to serve, of the president, or any director, such vacancy or vacancies, shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

What shall constitute a board.

SEC. 9. The president and four of the directors, or five directors, in the absence of the president, shall be a board competent to the transaction of business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall, also, have power to appoint a secretary, and as many other officers, clerks, and servants, for carrying on said business, as may, to the said board, seem meet, and to fix the salaries and wages of the officers and servants of said company: *Provided, always*, That such by-laws, rules, and regulations, shall not be in violation of the constitution or laws of the United States or of this State.

Power to make by-laws.

Meetings how called.

SEC. 10. Any two or more of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same for two weeks, successively, in the "Alton Spectator," or by written notices, posted up for that length of time, in five of the most public places

in said town, for the purpose of electing their first board of directors, and said directors, when elected, shall choose a president, as herein before provided, and shall continue in office until the first Monday in August, in the year of our Lord then next ensuing, and until others shall be chosen in their stead: *Provided, however*, That this charter shall be void and of no effect, unless put into operation agreeably to its provisions and terms, within eighteen months after the passage of this act: *And provided, also*, That the said company shall not take any risk, nor subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have been actually paid in.

Directors shall make dividends.

Sec. 11. It shall be the duty of the directors of said company, at such times as the by-laws thereof shall prescribe, to make dividends of so much of the interest arising from the capital stock, and the profits of said company, as to them shall appear advisable; but the money received, and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as a part of the profits of said company; and in case of any loss or losses whereby the capital stock of said company shall be lessened before all the instalments are paid in, each proprietor's or stockholder's estate, shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place, and no subsequent dividend shall be made until the sum arising from the profits of the business of the said company, equal to such diminution, shall have been added to the capital; and once in every three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Prohibited from dealing in merchandize.

Capital how invested.

Sec. 12. Said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever; and the capital stock of said company, collected at each instalment, shall, within six months thereafter, be invested either in the stock of the United States Bank, or of any incorporated bank in this State, or in the States of Ohio, Indiana, Kentucky, Mississippi, Louisiana, Pennsylvania, Maryland, New York, or Missouri, or in either or all of them, and in such proportion as may be most for the interest of said company, at the discretion of the president and directors of said company, or of such other person or persons as said company shall, for such purpose, at any meeting appoint: *Provided, however*, That the president and directors of said company shall have power to loan to any citi-

zen of this State, any portion of their capital stock, not exceeding one half, on *respondentia* or *bottomry: Provided, also*, That the sum loaned on any one *bottom*, at one time, including the sum insured in any other way upon the same *bottom*, shall not exceed ten per centum upon the capital stock of said company; nor shall the same be loaned, but with the assent of three-fourths of the directors of said company; and such loan, together with the assent aforesaid, shall be entered at large upon the records of said company, and shall be laid before the stockholders at their next meeting following the loan; and it shall be in the power of the directors of said company, in case they shall deem it more for the interest of the stockholders in said company than any of the investments above described, to loan any portion of their capital stock aforesaid, not exceeding two-thirds of the whole amount, to any person or persons within this State, either on mortgage of real estate, within this State, or on pledges of the public stocks of the United States, or of the bank of the United States, or of any other bank incorporated by authority of this State, or of any of the States above mentioned.

In case of losses greater than the amount of capital.

Sec. 13. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to pay any policy of insurance, their estates jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of the stockholders as aforesaid, shall be liable for any losses equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in, or profits not divided.

Sec. 14. Said insurance company shall be located and kept in the town of Lower Alton.

Directors to publish annually the amount of capital.

Sec. 15. The president and directors of said company shall, previous to subscribing to any policy, and once in every year after, publish in two of the newspapers printed in this State, the amount of their capital stock, against what risk they mean to insure, and the largest sum they mean to take on any one risk.

Shall lay a statement of their affairs before the legislature.

Sec. 16. The president and directors of said company shall, when, and as often as requested by the legislature of this State, lay before them a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

Act declared public.

Sec. 17. This act is hereby declared a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose herein contained. The

said corporation shall not be dissolved, nor this charter forfeited for, or by reason of any errors, omissions or irregularities of the said company or its agents: *Provided, always*, That such errors, omissions, or irregularities, shall not be in violation of any of the provisions of this act: *And provided, also*, that nothing in this act shall be so construed as to invest said company with any banking powers, or to authorize them to make, emit, or utter any bills of credit, bank notes, promissory notes, or other thing to be used as a circulating medium as, and in lieu of money.

APPROVED, Feb. 7, 1835.

In force Jan. 27, 1835.

AN ACT to Incorporate the Jacksonville Female Academy.

Academy incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Elihu Wolcott, Samuel D. Lockwood, Joseph Duncan, Ero Chandler, John P. Wilkinson, Bezaleel Gillett, Dennis Rockwell, David B. Ayres, Julian M. Sturtevant, Benjamin Godfrey, Ebenezer T. Miller, Matthew Stacy, and William Brown, and their successors, be, and they are hereby created a body politic and corporate, to be styled "The Trustees of the Jacksonville Female Academy," and in that name to remain in perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold, and convey property, real and personal, to have and use a common seal, to alter the same at pleasure, to make, and alter from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided*, such by-laws be not inconsistent with the constitution and laws of the United States, or of this State.

Powers of trustees.

SEC. 2. The trustees shall have power to fill such vacancies in their own body as may happen by death, resignation, or otherwise, and shall hold the property of the said institution, solely for the purposes of female education, and not as a stock for the individual benefit of themselves, or of any contributor to the endowment of the same; and no particular religious faith shall be required of those who become trustees or students of the institution.

Location.

SEC. 3. Said institution shall remain located in Jacksonville, in the county of Morgan; and the said trustees shall be competent, in law and in equity, to take to themselves and their successors in office, in their said corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain and sale, conveyance, will, devise, or bequest of

Trustees may hold real estate.

any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of for the use of said institution, in such manner as shall seem to them most beneficial to the institution. Said trustees shall faithfully apply all funds collected, or the proceeds, according to their best judgment, in erecting and completing suitable buildings, supporting the necessary officers, instructors and servants, and procuring books, maps, charts, globes, philosophical and other apparatus, necessary to the success of said institution: *Provided, nevertheless,* That in case any donation, devise, or bequest, shall be made for particular purposes, accordant with the design of this institution, and the corporation shall accept the same, every donation, devise or bequest, shall be applied in conformity with the express conditions of the donor or devisor.

Treasurer required to give bond.

Sec. 4. The treasurer of the institution always, and all other agents, when required, before entering on the duties of their appointment, shall give bonds for the security of the corporation, in such penal sums, and with such securities as the board of trustees shall approve, and all process against the corporation, shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least thirty days before the return thereof.

Trustees to appoint a principal and other instructors.

Sec. 5. The trustees shall have power to employ and appoint a principal for said institution, and all such instructors and instructresses, and also such servants as may be necessary, and shall have power to displace any or either of them, as they may deem the interest of the institution to require, to fill vacancies which may happen by death, resignation, or otherwise, among said officers and servants, and to prescribe and direct the course of study to be pursued in said institution.

Land held by said trustees.

Sec. 6. The lands within the bounds of this State, held in perpetuity by this charter, shall not exceed twelve acres, held at one time; and if donations in land shall be made at any time to said corporation, the same may be received and held in trust by said board of trustees, and shall be sold within three years from the date of such donation, for the benefit of said institution; in failure whereof, the lands so given, shall revert to the donor or grantor of the same, and the said board of trustees shall, in no case, lease or rent out, any lands so held in trust as last aforesaid.

Act when vacated.

Sec. 7. If, at any time, the corporation shall act contrary to the provisions of this act, or shall, in any manner, abuse the powers herein granted, it shall be the duty of the Attorney General to file an information in the nature of a *quo warranto,* for the purpose of vacating and annulling

this act and the powers herein granted: *Provided, nevertheless,* That all the real and personal property of each of the trustees shall be bound for the payment of all contracts which they shall enter into for said institution.

APPROVED, Jan. 27, 1835.

In force Jan. 24, 1835.

AN ACT to Incorporate the Mount Carbon Coal Company.

Mount Carbon Coal Company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hall Neilson and his associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Mount Carbon Coal Company," for the more convenient ownership and mining of coal and metals and minerals contiguous thereto, in the county of Jackson, and the transaction of the usual business of companies engaged in the mining, transporting and selling of coal and the other products of coal mines; and the said corporation, by the said name, is declared and hereby made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this State, and generally to do and execute whatever, by law, shall appertain to such bodies politic: *Provided,* That nothing herein contained shall be considered as conferring on the said corporation any banking privileges; but they shall be exclusively confined to the operations directly necessary for carrying on the mining, coking, and transportation of coal, and the construction of the necessary buildings, wharfs, and boats; and each and every stockholder shall be, in his individual capacity, liable for the debts and performance of all contracts entered into by said corporation, to the amount of the balance unpaid on the stock of such stockholders.

Nature and objects of the incorporation.

SEC. 2. The said corporation shall have the right to hold, possess and enjoy, not exceeding two thousand acres of land; and the whole amount of the capital stock shall not exceed, in value, the sum of two hundred thousand dollars, and shall be divided into four thousand shares, which capital shall be employed in purchasing and holding the lands aforesaid, and in constructing or employing buildings, vessels, boats, arks, and such other improvements and machinery, necessary or useful for the mining, coking and transporting of coal. Every member of the said company

shall have a certificate, under the seal of the corporation, and made and attested in such manner and form, as the by-laws shall direct, certifying his property in the share or shares owned by him, and the stock of said company shall, in the nature of personal property, be assignable and transferable according to such rules as the board of directors shall establish, and no stockholder, indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or security given for the same to the satisfaction of the directors.

Directors to be elected.

Sec. 3. For the managing of the affairs of the said corporation, there shall be chosen, from the stockholders, five directors, who shall hold their offices for one year, or until superseded by others. Thirty days previous notice, by publication, once a week for one month, in the newspaper in or nearest to the town of Brownsville, shall be given of the first election of directors, and there shall be annually thereafter a like election at the town of Brownsville. In all such elections for directors, each proprietor of shares shall be entitled to one vote for every five shares held by him, which vote may be given by himself, or proxy duly authorized under seal, and a majority of the shares shall be necessary to a choice of directors, or the transaction of any business which may concern the company and come before the stockholders.

Duties and powers of the directors.

Sec. 4. A majority of the directors shall form a quorum to transact business; and they shall meet within thirty days from the time they shall have been chosen at Brownsville, and choose, by ballot, one of their number for president, who shall serve for one year, or until superseded by a new election; and there shall be annually after the said election, a like election in Brownsville, by the directors for the time being, of a president for said corporation. The said directors shall also have power to choose and appoint such other officers and agents, to conduct and prosecute the business of the said corporation, as they shall deem necessary and proper; and they shall also have the power, for good cause, to be spread at large, together with the proof in support thereof upon their minutes, to remove the president of said company from office. The said directors shall cause to be kept, duly recorded in books to be provided and kept for the purpose, minutes of all their proceedings, and regular accounts of their transactions, as also minutes of the proceedings of the stockholders at each of their meetings; which books may, at any time, be inspected by any of the stockholders. The said directors shall have power to supply any vacancy which may occur in the office of president, or in their own body; and the pre-

sident or director thus appointed, shall hold his office until the next succeeding annual election for such officers.

Directors to require payment of stock.

SEC. 5. The directors may, from time to time, at any meeting, assess and require payment of such sum of money, not exceeding twenty per cent. upon each share of stock, as shall be judged necessary for the purposes of the corporation, to be paid at Brownsville, to such person as the said directors may designate and authorize to receive the same; and if, after publication of notice, once a week, for two months, in the newspaper at or nearest to Brownsville, of the time of payment, and of the person appointed to receive the same, of any proportion or instalment of said capital stock, any stockholder shall fail to pay his instalment at the time specified in said notice, the amount paid by such delinquent stockholder previously, shall be forfeited to the company, and his stock may be sold to any person, for such price as may be agreed upon between the said company and the purchaser.

Shall make dividends of profits.

SEC. 6. Dividends of the nett profits of the said company, shall be made at such times as shall be determined by the stockholders, in general meeting, which dividends shall be paid to the persons entitled to the same, on demand made ten days after making and declaring the said dividends. The declaring of said dividends, and their amount, shall be published for three successive weeks, in the same manner as other notices are herein before directed to be published. Whenever said dividends shall exceed twelve and a half per cent. per annum, the said company shall pay a tax into the county treasury of Jackson county, to be assessed by the county commissioners' court of that county.

Stock declared personal property.

SEC. 7. The stock of said company shall be deemed personal estate, and pass as such to the representatives of each stockholder: *Provided*, That the real estate which may be held by said corporation, shall be sold and conveyed whenever they may deem proper so to dispose of it, according to the forms and in the manner prescribed by law, the president of said company making the acknowledgment required by law for and on behalf of the company.

Service of process.

SEC. 8. Service of process on the president of said company, shall be deemed and taken as sufficient service on the corporation, in any suit which may be instituted against it; and for any violation of the provisions of this act, the said corporation shall be held to answer, by *scire facias*, in the Jackson county circuit court; and if, upon the trial thereof, it shall appear that such violations have been committed, and it shall be so found, the said court may and shall give judgment, revoking this charter. Any such proceedings, by *scire facias*, for such violations, shall be insti-

tuted and prosecuted in the name of the people of the State of Illinois against the said corporation.

Sec. 9. This act to take effect from its passage, and to continue in force thirty years thereafter: *Provided*, the said Hall Neilson and Thomas Neilson, their assigns, successors and associates, under "An act to Incorporate the Illinois Manufacturing, Mining and Exporting Company," approved, January 28, 1833, file in the office of the Secretary of State a written relinquishment, under seal, of their privileges granted by said act; a certificate whereof shall be issued by said Secretary to the corporation hereby created, without which, this act shall not take effect. The said relinquishment shall be so filed, on or before the first day of August next.

Extent of corporation.

Proviso.

Approved, Jan. 24, 1835.

AN ACT to Incorporate the Jacksonville and Meredocia Railroad Company.

In force Feb 5, 1835.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Thomas T. January, Matthew Stacy, Newton Forsythe, Alexander Brother, Porter Clay, A. H. Buckner, J. P. Wilkinson, Joseph Duncan, and Ira Davenport, and all such persons as shall become stockholders, agreeably to the provisions of this act, shall be, and they are hereby constituted a body corporate, by the name of "The Jacksonville and Meredocia Railroad Company," and shall continue for the term of fifty years from and after the passage of this act.

Company incorporated.

Sec. 2. The corporation shall have the right and power to construct, and during its existance, to maintain and continue a single or double railroad or way, or a single or double trackway, with such appendages and appurtenances as may be necessary for the convenient use of the same, from Jacksonville, in the county of Morgan, and running thence to such point in the town of Meredocia, on the Illinois river, as the directors of said company shall direct, to transport, take, and carry persons and property on the same, by the power and force of steam, of animals, or any mechanical or other power, or by a combination of them, as said company shall choose to employ, and by their name aforesaid, they are vested with the right and privilege of erecting, building and making a single or double railroad or way, or single or double trackway, for the purpose afore-

Nature, objects and extent of the incorporation.

said, and the right of using the same, in the manner hereinafter provided, for and during the term of fifty years.

Road not commenced within four years, corporation dissolved.

SEC. 3. If the said corporation hereby created, shall not, within four years from the passage of this act, commence the construction of said road or way, and expend at least the sum of ten thousand dollars thereon, and shall not, within eight years from the passage of this act, construct, finish and put in operation the said single or double railroad, or way, or trackway, then the said corporation shall forever cease, and this act shall be null and void.

Amount of capital stock.

SEC. 4. The capital stock of said corporation hereby created, shall be one hundred thousand dollars, with liberty for said company, if they shall deem it necessary, to increase the same to two hundred thousand dollars, which shall be divided into shares of fifty dollars each, and which shall be transferable in such manner as said corporation may direct, and the same shall be deemed personal property.

Commissioners appointed to receive subscription thereto.

Their duties.

SEC. 5. Thomas T. January, Matthew Stacy, Aylett H. Buckner, Alexander Brother, P. Clay, Newton Forsythe, Joseph Duncan, Ira Davenport, and John P. Wilkinson, shall be commissioners; the duty of whom, or a majority of whom, it shall be, within one year from the passage of this act, at the towns of Jacksonville and Meredocia, to open books and receive subscriptions to the capital stock of said corporation, and twenty days public notice of the time and place of opening such books, shall be previously given in the newspaper printed in Jacksonville; and the said commissioners shall, at the time of subscription, by any person or persons, for the capital stock of said corporation, require the payment, to them, by the person or persons subscribing, of five dollars towards and upon every share of fifty dollars so subscribed, and unless the same shall be paid, the subscription shall be invalid. And in case a greater amount of capital stock shall be subscribed for than one hundred thousand dollars, the said commissioners may either retain the subscriptions as an enlargement of the capital stock, (*provided* said subscriptions do not exceed two hundred thousand dollars,) or shall distribute the stock in such manner as a majority of them shall deem most advantageous to the interests of said corporation. But in case the capital stock shall not be subscribed for, then the said commissioners shall be authorized to re-open said books for the subscription of stock, at such times and places, and in such manner, and after such notice as they or a majority of them shall direct.

When twenty-five thousand dollars are sub-

SEC. 6. Whenever said capital stock shall have been subscribed, and distribution made thereof, as aforesaid, or as soon as twenty-five thousand dollars of said stock shall be

taken, it shall be the duty of said commissioners to give twenty days public notice in some newspaper printed in Jacksonville, for a meeting of the stockholders of said company to meet in Jacksonville to choose nine directors, and such election shall then and there be made by such of the stockholders as shall attend, either in person or by lawful proxy; each share of the capital stock, owned ten days previous to the day on which any election for directors shall take place, shall entitle the owner and holder to one vote, either personally or by proxy; said commissioners shall be inspectors of the first election of directors of said company, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription money, books, and papers, to said directors; and the time of holding the first meeting of the directors shall be fixed by the said commissioners.

scribed, a general meeting of the stockholders to be called for the election of president and directors.

Sec. 7. The said directors shall cause such examinations and surveys, for the said railroad or trackway, to be made as may be necessary to the selection, by them, of the most advantageous line, course or way, for the said railroad or trackway, on the route set forth in the second section of this act, and shall, after such examinations and surveys shall be made, select, and by certificates, under their hands and seals, designate the line, course or way, which they or a majority of them, shall deem most suitable and advantageous for said railroad or trackway; one report, survey, courses and distances, with a certificate of the directors annexed thereto, shall be filed in the office of the recorder of Morgan county, and by him recorded and preserved, which line, course or way, so selected, certified, filed and recorded, shall be deemed the line, course or way, on which the corporation shall construct, erect, build, or make the railroad or trackway above described.

Duties of directors.

Sec. 8. The first directors to be chosen, shall hold their offices until the first Monday in June in the year next succeeding their election, and until others shall be chosen, and every election of directors thereafter, shall be held annually at Jacksonville, on the first Monday of June in each and every year, notice of the same being first given twenty days previous thereto, in a public newspaper printed in Jacksonville. Every election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be held by ballot, and a plurality of votes given, shall constitute a choice. No stockholder shall be eligible to the office of director, unless he shall own stock to the amount of at least one hundred dollars. In case an equal number of votes should be given for any two or more,

Elections for directors to be held annually by ballot.

for directors, the remainder of the directors shall, by ballot, determine who shall be entitled to a seat at the board.

When an election shall not take place at the proper time.

SEC. 9. In case it should at any time happen, that an election of directors shall not be made, on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved; but such election may be held at any other time, directed by the by-laws of the corporation, within sixty days after the day on which it should have been held; and the directors shall continue to act until a new board is elected.

Authorized to hold real estate.

SEC. 10. The corporation is hereby empowered to purchase, receive, and hold such real estate as may be necessary and convenient for the accomplishing the objects for which this act of incorporation is granted, and may, by their agents, surveyors and engineers, enter upon and take possession of, and use all such lands and real estate and materials as may be indispensable for the construction and maintenance of their railroad or trackway, and the accommodations and appurtenances required and appertaining thereto; and may, also, receive, hold, and take all such voluntary grants and donations of land and real estate and materials, for the purposes of said road, as shall be made to the said corporation, by the General or State Government, or by any corporation, company, individual or individuals, to aid in the construction, maintenance, and accommodation of the said railroad, or trackway, completely vesting in said company and corporation, absolutely in fee simple, the same; but all lands and real estate thus entered upon for materials or otherwise, which are not donations, or owned by the company, shall be purchased by the said corporation of the owner or owners thereof, at a price to be agreed on, mutually, by the company, and the owner or owners. In case of a disagreement as to price, and before the taking any materials, or making any part of said road on said land in controversy, it shall be lawful for the commissioner, superintendent, or other authorized person or persons of said company, to apply to some justice of the peace of the county of Morgan, who shall cause five freeholders to be summoned, who, after being sworn faithfully and impartially to examine the materials or ground to be pointed out to them by the commissioner, superintendent, or other authorized person or persons; and reasonable notice having been given to the owner of the property, said freeholders shall assess the damages which they shall believe such owner or owners will sustain over and above the additional value which such land will derive from the construction of such road, and make a report, signed by at least a majority of them, one of which they shall deliver to the commissioner, superintendent, or other authorized

Voluntary grants and donations.

Lands and materials entered upon, and not the property of the company, shall be purchased of the owner.

Mode of ascertaining the damages where the parties cannot agree.

person or persons, requiring said view and assessment, and the other to the justice of the peace, and the amount of damages and costs being paid to the owner or owners, which shall have been assessed, or deposited with the justice of the peace, the road may be constructed, located, and materials taken. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken in twenty days to the circuit court of Morgan county, by petition, setting forth the facts of the case, describing the land and premises, and the necessity of such land for making said railroad or trackway, and the attempt and failure to purchase the same, with the name and residence of the owner of the same, and the reasons why the purchase cannot be made; and the circuit court aforesaid, acting and sitting as a court of chancery, shall direct such notice to the owner and parties as shall be deemed reasonable, of the time of hearing the parties, (*provided*, that in case the appellee shall have had seven days previous notice of the taking of the appeal, no further notice shall be necessary, but said court shall proceed to hear and determine said case as speedily as practicable,) and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties, (which may be taken orally or by deposition,) it shall make such order and decree in the premises as to it may seem proper and equitable, and may either increase or diminish the amount of damages assessed, or reject said petition altogether; and shall also make such order for the payment of costs as may be just and proper. It shall also order a conveyance of the land in controversy, to be made when the decree shall be complied with on the part of the corporation. Whenever said order and decree shall be fully complied with on the part and behalf of said corporation, it shall be possessed of the land in controversy, and may enter upon and take possession of, and use the same for the purposes of said road; where a difficulty shall arise as to the value of materials which may be needed to construct said work, or the amount of damages done to land by the agents of the company passing through said land in collecting materials aforesaid, there shall be no appeal to the circuit court; but in case the parties, or either of them, shall be dissatisfied, and it shall appear to the justice, that it is right and necessary to justice, he may set aside the first valuation, (*provided*, the same shall be done in three days after said valuation,) and appoint five other commissioners to appraise and value the materials or damages last aforesaid, whose award in the premises shall be final, and who shall apportion the costs as may appear just on one or both of the parties.

And upon payment being made of the damages assessed, shall be authorized to use the same.

In case either party should be dissatisfied, an appeal may be taken to the circuit court.

Circuit court shall direct notice to the parties.

Sec. 11. In case any married woman, infant, idiot, or in-

Any married

woman, infant, idiot, not appearing on such notice, court may appoint a person to appear for them.

sane person, or non-resident of the State, who shall not appear after such notice, shall be interested in any such land or real estate, the circuit court, or justice of the peace, shall appoint some competent and suitable person to appear before said commissioners, or said circuit court, and act for and in behalf of such married woman, infant, insane person, idiot, or non-resident of the State.

Company may regulate the time and mode of transportation and fix the rates of toll.

Sec. 12. The said corporation is hereby authorized and empowered to regulate the time and manner in which goods, passengers, and property shall be transported, taken and carried on said railroad or trackway, and shall have power to erect and maintain toll houses and other buildings necessary for the accommodation of their concerns, and from time to time, fix, regulate, demand and receive the tolls and charges by them to be received for transportation of persons or property, on said single or double railroad or way, or said single or double trackway.

Five directors to form a board and may make by-laws, rules, regulations, &c.

Sec. 13. Five directors of the said corporation shall form a board, and they, or a majority of them, shall be competent to transact all the business of the said corporation, and they shall have full force and power to make and prescribe all such rules, by-laws, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, and estate of the said corporation, the transfer of shares, and touching the dutis and conduct of their officers and agents, and election of directors, and all other matters whatsoever, which may appertain to the concerns of said corporation. It shall also be lawful for said directors to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions as they shall deem fit and right, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time, when and where the same are to be paid, at least twenty days previous to the payment of the same, in some public newspaper printed in Jacksonville.

May require the payment of the stock subscribed.

Previous payment forfeited on failure to such calls.

Penalty for persons injuring said road wilfully.

Sec. 14. If any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby any building, construction, or work of the said corporation, or any engine, machine or structure, or any matter or thing pertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt; and shall likewise be subject to be indicted for injuries and offences

against the property of said corporation, as for injuries or offences done to the property of individuals.

Streams and roads intersected.

Sec. 15. Whenever it shall be necessary for the construction of the railroad or trackway to intersect or cross any stream of water, or water courses, or any road or highway, betwixt the places mentioned in the second section of this act, it shall be lawful for the corporation to construct said railroad or trackway across or upon the same; but the corporation shall restore the stream, or water course, or road, or highway, thus intersected, to its former state, or in a sufficient manner, not to impair its usefulness.

May join with other roads hereafter incorporated.

Sec. 16. It shall be lawful for any railroad company which may hereafter be incorporated, to join and unite with the railroad or trackway hereby created and incorporated, at any point at which the directors of the company, hereafter to be created and incorporated, may think advisable, on such terms as the directors of the two companies may respectively agree upon; and in case of a disagreement between the directors of said companies, then upon such terms as the circuit court of Morgan county, shall, upon a full view and hearing of all the facts connected with the case, determine to be equitable and just between said companies.

Rights conferred upon said corporation.

Sec. 17. The corporation hereby created under the name of "The Jacksonville and Meredocia Railroad Company," shall have the right to sue in any court of law or equity in this State having jurisdiction of the case, and prosecute the same to judgment and recovery, and defend when sued, plead and be impleaded, both at law and in chancery, and shall be entitled to all the privileges and rights which such a corporation, by the common or statute laws governing the case, ought and should of right have, and may have a common seal, which they may alter and change at their pleasure. The whole of the stock of the corporation shall be deemed personal property, and, together with all tools, implements, machinery, and apparatus of every description, used and employed, or on hand and belonging to said company, shall be liable to be seized, executed and sold, after judgment or decree, to make good any contract, agreement, or stipulation made by any agent, superintendent, or other authorized person or persons of said company, and it shall be a sufficient service of process, or notice, in all cases, to leave a copy of the same with the president of the board of directors, or the secretary of the company, or in case of his absence from the county of Morgan, to leave a copy of the same at the office thereof.

Stock deemed personal property.

May construct a lateral railway.

Sec. 18. It shall be lawful for said company, at any time, when, to them it shall seem proper, to construct, erect, and

maintain a lateral railroad or trackway, to such point in the town of Naples, as said directors shall select, and in the erection, construction, maintenance, and management of which, they shall be subject to the same restrictions, and use and enjoy the same privileges as are provided for in the foregoing sections of this act.

APPROVED, Feb. 5, 1835.

In force Feb. 11, 1835.

AN ACT to change the Corporate Powers of the Town of Chicago.

Town incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John H. Kinzie, Gurdon S. Hubbard, Ebenezer Goodrich, John K. Boyer, and John S. C. Hogan, be, and they are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the town of Chicago," and by that name, they, and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, and receive and hold property, real and personal within the said town, and no other, (burial grounds excepted,) and may lease, sell, and dispose of the same for the benefit of the town, and shall have power to lease any of the reserved lands which have been, or may hereafter be appropriated to the use of said town, and may do all other acts, as natural persons; may have a common seal, and break and alter the same at pleasure.

Boundaries defined.

SEC. 2. That all that district of country contained in sections *nine* and sixteen, north and south fractional sections *ten*, and fractional section *fifteen*, in township thirty-nine north, of range fourteen east, of the third principal meridian, is hereby declared to be within the boundaries of the town of Chicago: *Provided*, That the authority of the board of trustees of the said town of Chicago, shall not extend over the south fractional section *ten*, until the same shall cease to be occupied by the United States.

Corporate powers vested in nine trustees.

SEC. 3. That the corporate powers and duties of said town, shall be vested in nine trustees, (after the term of the present incumbent shall have expired, to wit: on the first Monday of June next, and to be chosen and appointed as hereinafter directed,) who shall form a board for the transaction of business.

Sec. 4. The members composing the board of trustees, shall be elected annually, on the first Monday in June, by the persons residing within said town, (qualified to vote for representative to the legislature,) to serve for one year; they shall be at least twenty-one years of age, citizens of the United States, and inhabitants of said town, and shall possess a freehold estate within the limits thereof. Trustees elected annually.

Sec. 5. That the board of trustees shall appoint their president from their own body; shall appoint all other officers of their board, and shall be the judges of the qualifications, elections, and returns of their own members; a majority shall constitute a board to do business, but a smaller number may adjourn from day to day; may compel the attendance of absent members, in such manner and under such penalties as the board may provide; they may determine the rule of proceeding, and make such other rules and regulations for their own government, as to them may seem proper and expedient. Shall appoint their president.

Sec. 6. That the board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding the one half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches; erect lamps in the streets, and lighting the same; to regulate and license ferries within the corporation; to lease the wharfing privilege of said town, giving to the owner or owners, occupant or occupants of the lots fronting the river, the preference of such privilege; to erect and keep in repair bridges; to provide for licensing, taxing and regulating theatrical and other shows, billiard tables and other amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; to build market houses; establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers; to keep the same clean and free from incumbrances; to establish and regulate a fire department, and to provide for the prevention and extinguishment of fires; to regulate the storage of gun powder and other combustible materials; to erect pumps and wells in the streets, for the convenience of the inhabitants; to regulate the police of the town; to regulate the election of the town officers; to fix their compensation; to establish and enforce quarantine laws; and from time to time, to pass such ordinances to carry into effect the ordinances of this act, and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide Powers and duties of trustees.

for the collection thereof: *Provided*, That said trustees shall, in no case, levy a tax upon lots owned by the State.

May levy special tax in certain cases.

Sec. 7. That upon the application of the owners of two-thirds of real estate, on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on the said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the side walks on said street.

Further powers of trustees.

Sec. 8. That the board of trustees shall have power to regulate, grade, pave and improve the streets, avenues, lanes, and alleys within the limits of said town, and to extend, open and widen the same, making the person or persons injured thereby, adequate compensation; to ascertain which, the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who (being first duly sworn for that purpose,) shall inquire into, and take into consideration, as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension, widening of any street, avenue, lane or alley; and shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees, under their hands and seals; and the person or persons who shall be benefited and so assessed, shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury.

Ordinances to be published.

Sec. 9. All ordinances shall, within ten days after they are passed, be published in a newspaper printed in said town, and posted in three of the most public places thereof.

Real estate sold for taxes, subject to redemption.

Sec. 10. That when any real estate, in said town, shall have been sold by the authority of the corporation thereof, for the non-payment of any tax that may have been levied upon the same, the same shall be subject to redemption by the owner or owners thereof, his, her, or their agent or agents, within one year after the same shall have been sold, on paying to the treasurer of the board of trustees of said town, double the amount of the taxes for which the same was sold, together with costs for the selling of the same. But should the said lots, or parts of lots so sold for the non-payment of the taxes aforesaid, not be redeemed within the time specified, then, in that event, it shall be the duty of the president of the board of trustees of the said town, to execute a deed, with a special warranty, signed by the president of said board, and countersigned by the clerk thereof.

Sec. 11. It shall be the duty of the board of trustees to cause to be paid to the purchasers of lots, all moneys which may have been paid to the treasurer, over the costs for selling the same.

Officers of the town.

Sec. 12. The officers of said town (in addition to the trustees) shall consist of one clerk, one street commissioner, one treasurer, one assessor and collector of taxes, one town surveyor, two measurers of wood and coal, two measurers of lumber, two measurers and weighers of grain, and such other other officers as the trustees of said town may deem necessary for the good of said town.

Trustees may form fire companies.

Sec. 13. That the president and trustees of said town shall, whenever they may deem necessary, order the formation of fire engine companies, and fire-hook and ladder companies. The fire engine companies each, to contain from twenty-five to forty able bodied men, of between the ages of eighteen and fifty years, and no more. The fire, hook and ladder companies to contain each from fifteen to twenty-five able bodied men, and no more. Which companies shall be officered and governed by their own by-laws; shall be formed only by voluntary enlistment. Every member of each company shall be exempted from jury and military duty; and whenever a member of such company shall have served twelve years, he shall receive a discharge from the incorporation, signed by the president, and shall, forever thereafter, be exempted from further jury duty, and from further military duty, except in case of invasion.

Town officers to be sworn.

Sec. 14. That the members of the board of trustees, and every officer of said corporation, shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean themselves in said office.

Town divided into three districts.

Sec. 15. That this incorporation shall be divided into three districts, to wit: All that part which lies south of the Chicago river, and east of the South Branch of said river, shall be included in the first district; all that part which lies west of the North and South branches of said river, shall be included in the second district; and all that part which lies north of the Chicago river, and east of the North Branch of said river, shall be included in the third district; and the taxes collected within the said respective districts, shall be expended under the direction of the board of trustees, for improvements within their respective districts; but all elections for trustees, in said town, shall be by general ticket.

Approved, Feb. 11, 1835.

In force Feb. 12, 1835.

AN ACT to Incorporate the Alton Hotel Company.

Company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Benjamin Godfrey, Stephen Griggs, Calvin Riley, William Manning, jr., Winthrop S. Gilman, Simeon Rider, Hezekiah Hawley, Mark Pierson, Thomas G. Hawley, Caleb Stone, Ambrose C. Henkinson, and Jonathan T. Hudson, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the "*Alton Hotel Company*," to be located in the town of Alton, Madison county, and by that name shall have power to contract and be contracted with, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction, and shall be vested with all the powers and privileges necessary to the object of their incorporation, as are hereinafter defined and limited.

Powers and objects of the incorporation.

SEC. 2. The said company shall have power, and be capable of holding, purchasing, improving, selling and conveying any estate, real or personal, for the use of said corporation; second, to improve or erect buildings on the same; third, to rent, lease or occupy any or all such lands belonging to said company, for a term not exceeding the limits of this charter: *Provided*, That the real estate owned by the said company, shall not exceed one quarter section of land, except such as may be held as collateral security for debts due the said company, or may become the property thereof by virtue of such indebtedness.

Capital stock.

SEC. 3. The capital stock of said company shall be twenty thousand dollars, with power to increase the same, at the pleasure of said company, to any sum not exceeding fifty thousand dollars, which capital stock shall be divided into shares of fifty dollars each, and subscribed for and held in manner hereinafter provided.

May give promissory notes, &c.

SEC. 4. The better to enable said corporation to transact and carry on the purposes of their said incorporation, they are hereby authorized and empowered to make, endorse, issue, receive and transfer promissory notes, bills of exchange, conveyances of land, to receive the hypothecation and pledges of the stock of other companies or incorporations, and other instruments in writing necessary to the transaction and safety of their said business: *Provided*, That this act shall not be construed so as to authorize the said company or corporation to make or emit bills of credit, promissory notes, bank notes, or other instruments to be used as a circulating medium.

All evidences of debt binding on said company.

SEC. 5. All contracts or other evidences of indebtedness which may be made or entered into by the said corporation, shall be subscribed by the president, and attested by the

secretary, and being so signed and attested, shall be binding on said corporation; and all conveyances made and entered into by the said corporation, conveying real estate belonging to the said company, when signed and attested as aforesaid, shall, in like manner, be binding on said corporation, according to the tenor, effect, and true intent and meaning of the same.

Directors to be elected annually.

Sec. 6. The concerns of said corporation shall be managed and conducted by five directors, who shall be chosen annually by the stockholders or their proxies, which shall be by ballot; and the five persons receiving the greatest number of votes, shall receive the certificates of the inspectors declaring them duly elected. The directors so chosen, or the major part of them, shall constitute a board, and be competent to the transaction of business; and shall, and may, from time to time, make and prescribe such by-laws, rules and regulations, relative to the concerns of said corporation, the duties of the president and secretary, (each of whom shall be elected by a majority of the directors so chosen,) and shall, also, regulate the duties of their agents, clerks, and all others by them employed; and also, shall appoint a treasurer, who shall give bond in such amount, and in such manner, as the said directors shall prescribe; and the said directors shall have power to appoint such other officers, agents, and clerks, as may be necessary for carrying on the business of said corporation, with such salaries and allowances as to the said directors shall seem proper: *Provided*, That such by-laws and regulations shall not be repugnant to the constitution and laws of the United States or of this State.

Their powers.

Commissioners to open books for subscription.

Sec. 7. That Benjamin Godfrey, Calvin Riley, and Stephen Griggs, shall be commissioners, the duties of whom, or a majority of them, shall be to open books of subscription to the capital stock of said corporation, within one month from and after the passage of this act, in such places and at such times as, in their opinion, is best calculated to have said stock taken up; twenty days notice shall be given, by the said commissioners, of the time and place, and the number of days the subscription books will be kept open for subscriptions, in a public newspaper published in the places, where they intend to open said books for subscriptions of the capital stock of said company. The commissioners shall receive no subscriptions, unless at least one dollar on each share subscribed, be paid at the time of subscription; and as soon as the whole amount of the said capital stock shall be subscribed, the said commissioners shall give a like notice of twenty days for the meeting of the stockholders, for the purpose of choosing five directors, designating the time and place of such election; at which

election, persons holding stock of said company, shall be permitted to vote either in person, or by lawful proxy; the said commissioners shall be inspectors of the first election of directors, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the amount of money received on subscriptions, to the said directors.

Stock declared personal property.

SEC. 8. The stock of said corporation shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder, indebted to the corporation, shall be permitted to make a transfer until such debt be paid or secured, to be paid to the satisfaction of the directors.

Directors shall make dividends.

SEC. 9. The company shall, at all times, keep proper books of accounts, in which shall be registered all the transactions of the corporation, and the same shall, at all times, be subject to the inspection of the stockholders, and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors shall direct, of so much of the profits of the said company, as to them, or a majority of them, shall appear advisable; and the said directors shall, whenever required by a majority of the stockholders, exhibit, at a general meeting, a full and perfect statement of the debts and credits, and all such other matters as may be deemed essential, relating to the affairs of the company.

Stock how issued.

SEC. 10. The stock, not disposed of by the commissioners in the manner hereinbefore named, shall, and may be issued by the directors for the time being, according to the by-laws and regulations that may be adopted by the said company.

When to go into operation.

SEC. 11. As soon as twenty per cent. of the capital stock of said company shall be subscribed and paid in, the said corporation shall be authorized to proceed to business, and not before.

Act declared public.

SEC. 12. This act is hereby declared public, and shall take effect from and after its passage, and be and remain in force for the term of ten years.

APPROVED, Feb. 12, 1835.

In force Jan. 31, 1835.

AN ACT to Incorporate Mount Carmel in Wabash County.

Town incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Mount Carmel, in Wabash

county, are hereby made a body corporate and politic in law, and in fact, by the name and style of "The President and Board of Trustees of the Town of Mount Carmel," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Limits of corporation defined.

Sec. 2. That the boundary of the said corporation be, and the same is hereby declared to extend to the prescribed limits of the town plat, as recorded in Wabash county, and that the jurisdiction of said corporation is hereby declared to be co-extensive with the limits of the town aforesaid, and to extend to the river in front of said town, as far as the jurisdiction of the State extends: *Provided, however*, That in civil cases, no act of said corporation shall impair the individual reserved rights near the bank of the river.

Proviso.

Elections of trustees held annually.

Sec. 3. That the present trustees shall continue in office until the first Monday in May next, and until their successors are duly elected and qualified; and forever thereafter, an election shall be holden on the first Monday of May annually, for seven trustees, to hold their office one year, and until their successors are qualified, and public notice of the time and place of holding said election, shall be given by the president and trustees, by an advertisement published in a newspaper in said town, or posting them up in at least four of the most public places in said town. No person shall be a trustee of said town, who has not arrived at the age of twenty-one years, who has not resided in said town twelve months next preceding his election, and who is not at the time thereof, a *bona fide* freeholder, and moreover, who has not paid a corporation tax; and all free white male inhabitants, over twenty-one years of age, who have resided in said town six months next preceding an election, and who are subject to pay a corporation tax, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, or six months absence from said town, and to appoint a clerk, an assessor, a treasurer, and a town constable, to give bond in such amount as the trustees may require; and the said town constable shall take an oath of office before some justice of the peace, and it shall be his duty to collect all fines, and serve all process at the suit of the corporation, and to do such other matters and things pertaining to the office, as may be required of him by the ordinances and by-laws of said corporation.

May hold real estate.

Sec. 4. That the said corporation is hereby made capa-

ble in law, to take, and hold to themselves and their successors, any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any market-house and other public buildings to promote the interest and public good of the citizens of said town, and the same to sell, grant, and dispose of, if necessary, and to sue and be sued, plead and be impleaded, answer and be answered, in any court whatever; and that all acts, sales or deeds, heretofore made or granted by the board of trustees, by and under the sanctions and provisions of the former acts of incorporation, are hereby confirmed.

Duties and powers of trustees.

Sec. 5. That the trustees aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient, and to ordain and establish, and put into execution, such by-laws, ordinances and regulations, as shall seem necessary for the government of said corporation, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which, to them, may seem necessary to do, and not contrary to the laws and constitution of this State.

Further duties and powers.

Sec. 6. That the said trustees shall have power to levy and collect a tax, not exceeding one per cent. on lots, exclusive of improvements, and personal property in said town, according to valuation; to tax public shows, and houses of public entertainment, taverns, groceries and stores, 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, and the circumstances render proper and expedient; and said trustees may adopt such modes and means for the assessment and collection of taxes, as they may, from time to time, fix upon and determine, and to prescribe the manner of selling property, when the tax levied upon it, is not paid: *Provided, however*, no sale of any town lots or other real property, shall be made, until public notice of the time and place shall be given, by advertisement, in the newspapers, or at four public places, at least fifteen days previous thereto.

Further powers.

Sec. 7. That the trustees of said town, or a majority of them, shall have power to preserve good order and harmony in said town, to punish open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting, and all disorderly houses, and riotous meetings; to remove obstructions in the streets and public ways, and all nuisan-

ces; for which purpose, they may make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this State, and impose fines for the breach thereof; which fines shall be recoverable before any justice of the peace residing in said town; and all suits and judicial proceedings, under this act, shall be brought in the name and style of the president and board of trustees of the town of Mount Carmel.

Certain donations vested in said trustees.

Sec. 8. That all lots of land or parcels of ground in said town, termed or called donation lots, which have been conveyed by the original proprietors thereof, or other persons, to the inhabitants of said town, in their aggregate capacity, or to any person or persons in trust for them, or for their use and benefit; and all funds raised, or to be raised, by the sale of donation lots, or otherwise, whether for the erection of school houses, academies, or places of public worship, are hereby declared to belong to, and to be vested in said corporation, and shall be under the management and direction of the trustees aforesaid, and their successors, and applied in furtherance of the objects intended by the proprietors or donors thereof.

May adjust certain articles of association.

Sec. 9. That the trustees may, by themselves, or an agent to be by them appointed, settle, adjust, transact and finish all business, matters and things growing out of, and pertaining to any articles of association heretofore entered into by and between the original proprietors of said town, or any agent for them, and the inhabitants or purchasers of lots therein, or any person in trust for them, and when thus done and performed, said articles, so far as they effect said corporation, shall altogether cease and be void.

Duties of justices of peace in relation to offenders.

Sec. 10. That it shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, on complaint being made to him on oath of the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable, or any authorized county officer, to apprehend the offender or offenders, and bring him or them forthwith before him, and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be pointed out in such law or ordinance: *Provided*, such fine shall not exceed fifty dollars, and imprisonment not exceeding fifteen days: *Provided, however*, That writs of certiorari and appeals shall be granted from judgments under this act, as in other civil cases; and in all criminal cases, the defendant shall be entitled to an appeal to the circuit court, by entering into bond or recognizance, as the case may require, before the

justice of the peace within twenty days after the rendition of the judgment, with such securities, and in such an amount as the justice may think right and proper.

Lots sold for taxes, subject to redemption.

Sec. 11. That when any town lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed, at any time, within two years from the date of such sale, by the owner of said property, or his, or her agent, executor, or administrator, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of purchase money, with interest, at the rate of twenty-five per cent. per annum, together with the costs accruing thereon.

Sec. 12. That all ordinances of said trustees, shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town, and no ordinance shall be in force until published as aforesaid.

Fees of justices and constables.

Sec. 13. That justices of the peace, and constables, who are required to render services under this act, shall be entitled to the same fees, and collect them in the same manner, as now is, or hereafter may be provided by law.

President may call meeting of the board.

Sec. 14. That the president, or any two of the trustees, shall have power to call a meeting of the board, by giving one day's previous notice thereof, and a majority shall constitute a quorum to do business, but a minority shall have power to adjourn from time to time, and compel the attendance of absent members. And in the event that the notice of an election is not given as required in this act, or from any other cause, that an annual election should not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice, as aforesaid, of the time and place of holding a special election, and the trustees elected at such special election, shall have all the powers conferred by this act. All acts, and parts of acts, coming within the provisions of this act, are hereby repealed.

This act shall take effect from and after its passage.

Approved, Jan. 31, 1835.

In force Feb. 12, 1835.

AN ACT to Incorporate the Town of Lawrenceville.

Boundaries defined.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following is hereby declared to be the boundaries of the town of Lawrenceville, in Lawrence county, that is to say, one square

mile, laid out by lines running due north and south, east and west, and the centre of the public square in said town of Lawrenceville, to be the centre of said square mile; and the inhabitants of said town, and all within said boundaries shall be, and are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the town of Lawrenceville," and by that name, they, and their successors, shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in courts of law and equity, and in all matters and actions whatsoever, may grant, purchase, and receive, and hold property, real and personal, within the said town, and no other, (burial grounds excepted;) and may lease, sell, and dispose of the same for the benefit of the town, and may lease any of the reserved lands which have been appropriated by the original proprietors to the use of said town, and may do all other acts as natural persons, may have a common seal, and break and alter the same at pleasure.

Incorporated.

Sec. 2. The corporate powers and duties of said town, shall be vested in seven trustees, (to be chosen and appointed as hereinafter directed,) who shall form a board for the transaction of business.

Corporate powers vested in seven trustees.

Sec. 3. The members composing the board of trustees, shall be elected by the persons residing within said town and incorporated limits, (qualified to vote for representatives to the legislature,) to serve for one year; they shall be at least twenty-one years of age, citizens of the United States, and inhabitants of said incorporated limits.

Elected annually.

Sec. 4. That the board of trustees shall appoint their president and all other officers of their board, and shall be judges of the qualifications, elections, and returns of their own members; a majority shall constitute a board to do business, but a smaller number may adjourn from day to day, may compel the attendance of absent members, in such manner, and under such penalties as the board may provide; they may determine the rules of proceeding, punish their members for disorderly conduct, and by the concurrence of two-thirds of the whole number elected, expel a member, and make such other rules and regulations for their own government, as to them may seem proper and expedient.

Shall appoint a president.

Sec. 5. That the board of trustees shall have power, by ordinance, to levy and collect taxes upon all real estate within the town and limits of the corporation, not exceeding the one-half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches;

Duties and powers of trustees.

erect lamps in the streets, and lighting the same; to regulate and license ferries within the corporation; to provide for licensing, taxing and regulating merchants; to improve and preserve the navigation of the Embarrass river within the corporation; to regulate auctions, taverns, groceries and pedlars, theatrical and all other shows, and amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; to establish and repair bridges; to establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and to keep the same clean; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets for the convenience of the inhabitants; to regulate the police of the town; to regulate the election of the town officers, and fix their compensation, and from time to time to pass such ordinances as to carry into effect the objects of this act, and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; and that in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, any justice of the peace within said corporation, shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of certiorari allowed from any such decision, in the same manner as now is or hereafter may be provided by law, for appealing from judgments of justices of the peace.

May levy and collect special tax in certain cases.

Sec. 6. That upon the application of the owners of two-thirds of the front of the lots on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the side walks on said street.

Further powers of trustees.

Sec. 7. The board of trustees shall have power to regulate, grade, pave and improve the streets, avenues, lanes and alleys within the limits of said town and corporation, and to extend, open, and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which, the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who (being first duly sworn for that purpose) shall inquire into, and take into consideration, as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension, widening of any street, avenue, lane or alley, and shall, moreover, estimate the amount which other persons will be benefited

thereby, and shall contribute towards compensating the person injured, all of which shall be returned to the board of trustees, under their hands and seals, and the persons who shall be benefited, and so assessed, shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury.

SEC. 8. That the board of trustees shall have power, by ordinance, to regulate, and cause to be cleared off, all the timber, undergrowth, and rubbish on such parts of the town as have been laid off into town lots, at the expense of the owners of said lots, and may cause the same to be sold to defray such expense.

SEC. 9. All ordinances shall, within one month after they are passed, be published in some newspaper printed in or near the place, or be posted up in six of the most public places in said town for two weeks at least before taking effect. All ordinances to be published.

SEC. 10. That when any real estate in said town of Lawrenceville, shall have been sold by the authority of the corporation thereof, the same shall be subject to redemption in the same manner as is provided by the authority of this State. Real estate sold subject to redemption.

SEC. 11. That the members of the board of trustees, and every officer of said corporation, shall, before entering on the duties of his office, take an oath or affirmation, before some judge or justice of the peace, to support the constitution of the United States, and of this State, and faithfully to demean themselves in office. Trustees and other officers to be sworn.

SEC. 12. That a town constable, or constables, shall be appointed as other officers of the corporation, who shall possess the same powers and perform the same duties within said town, as the constables in the different townships possess in their respective townships, and shall be entitled to the same compensation. May appoint town constables.

SEC. 13. That the incorporation shall be divided into two wards, and more, if the trustees deem it necessary; all east of Main street, to compose one, and all west of said street to compose another; and if more be made, the trustees shall make the same matter of record, and publish the bounds thereof, and each ward shall elect at least two trustees, and five trustees shall constitute a board to do and transact business. Divided into two wards.

SEC. 14. That the foregoing provisions of this act, shall take effect as soon as they shall have been accepted by the inhabitants of said town, and not before, in manner following, viz: An election shall be held on the first Monday in May next, to be conducted by the judges of elections of the town, at which all voters qualified as heretofore described, shall be entitled to vote either for or against this charter; When this to take effect.

and if a majority of all the votes given be for the charter, then the said judges shall determine the time and place of the first general election, which shall not be more than one month, nor less than two weeks, after the acceptance of the charter, and shall publish notice thereof for at least ten days before the day appointed for such election; but if the charter shall not be accepted as aforesaid, the said judges of elections may, from time to time, whenever they shall be petitioned to that effect by a majority of the householders residing within the limits of said town and corporation, cause an election to be held as aforesaid, until the charter shall be accepted, giving at least ten days previous notice of such election; and when this charter shall be accepted as aforesaid, they shall then proceed as hereinbefore provided, and the trustees who shall be elected at the first general election, shall continue in office for one year, and until their successors are duly elected and qualified: *Provided*, That the General Assembly may repeal, alter, modify, or amend this act at pleasure.

APPROVED, Feb. 12, 1835.

In force Feb. 6, 1835.

AN ACT to Incorporate the Carmi Bridge Company.

Carmi bridge company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Josiah M'Knight, George R. Logan, Charles J. Wilman, Nathaniel Blackford, Samuel D. Ready, Thomas Kerney, and John Phipps, with their associates, be, and they are hereby created a body politic and corporate, by the name and style of "The Carmi Bridge Company," for the purpose of erecting and constructing, at Carmi, a bridge across the Little Wabash river, and they and their associates and successors shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this State, in all courts of law or equity; to make, have and use a common seal, and the same to break, alter or amend at pleasure; and they and their successors shall have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, abutments, toll houses, and suitable avenues leading to the same; also, to borrow any money, not exceeding the capital stock mentioned in this act, but not to have the privilege of loaning money, or issuing bills or notes upon banking principles; also, the power to ordain and establish

such by-laws, ordinances and regulations as shall be necessary for the well-being and government of said corporation, not incompatible with the laws of this State or of the United States.

Sec. 2. The capital stock of said company shall consist of five thousand dollars, to be divided into shares of ten dollars each, to be subscribed for or sold in the manner hereinafter mentioned: *Provided*, if the amount above stated is insufficient to complete the bridge, it may be increased to a sufficient sum to accomplish that purpose. Capital stock.

Sec. 3. Within six months after the passage of this act, the persons before named, or a majority of them, shall cause books for the subscription of stock of said company to be opened at such places and times as they may direct, which books shall be kept open, under the directions of such persons, or a majority of them, for such length of time as they may order. Books of subscription to be opened within six months.

Sec. 4. When one hundred and fifty shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the stockholders at Carmi, giving at least ten days notice of the time and place of said meeting, and the stockholders shall thereupon proceed to the election of a president and six directors, who shall be shareholders; and such of the before mentioned persons who shall not be shareholders, shall cease to be members of said corporation; and the said shareholders shall also proceed to ordain and adopt such by-laws for the permanent organization and government of said corporation, as they may deem needful, at which meeting each shareholder shall be entitled to one vote for each share, to the number of fifty, and one vote for every three shares above fifty; and at all the subsequent elections, or general meetings of the stockholders, the shares in said company may be voted for by proxies duly recorded. President and directors elected.

Sec. 5. The president and directors, chosen in conformity to the provisions of the foregoing sections, shall hold their office for one year next succeeding such election, and until others are chosen in their places; and the stockholders shall annually meet in the town of Carmi, the Saturday preceding the expiration of the year for which the said president and directors were elected, at some place to be designated by said president and directors, and then proceed to the election of a president and six directors, who shall be shareholders, and hold their offices for one year, and until their successors shall be elected as aforesaid; public notice shall be given of such meetings or elections, by the clerk or secretary of the company, at least fifteen days previous thereto. At the annual meetings a statement of the affairs of the company shall be made out by the presi- Shall be elected annually.

dent and directors, and presented to said meeting, and such dividend of the profits be declared as may be deemed advisable.

President and directors to require payment of stock.

Sec. 6. The concerns of the said corporation shall be under the control, superintendence, and management of said president and directors; and the president and three directors shall constitute a quorum to transact business, or in the absence of the president, any four directors, one of whom shall act as president pro tem. with power to fill any vacancy in the board, occasioned by death, resignation, or otherwise. The president and directors, after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company, as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of stock delinquent, as they may deem proper. They are to open or renew the subscriptions for shares not already subscribed, or sell them; and also, any forfeited shares as they may think best for the company: *Provided*, That no stock shall be sold by them for less than par value thereof.

May appoint treasurer and other officers.

Sec. 7. It shall be the duty of the president and directors, to appoint a clerk, and to cause a record of their proceedings to be kept; they may also appoint a treasurer, and other officers or agents, as they may deem needful for the proposed undertaking, and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary to carry the aforesaid object into immediate effect and execution; and to require, or take such bonds or other surety, in their corporate capacity, from any person or persons, they may so appoint or contract with; and any vacancy filled up by the board of directors, shall continue until the next annual election, by the election of other shareholders.

Bridge how constructed.

Sec. 8. The said permanent bridge shall be erected so as to permit the passage of boats, and rafts of timber of the largest size and heighth, at the highest stage of water in the river, with a space between two of the abutments, of at least thirty feet; and when so erected and completed, the president and directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon with their goods, carriages, wagons, or animals of every kind or description: *Provided*, they shall be allowed to demand or collect no higher toll than the following rates, to wit: For each one horse wagon, sulky, or carriage, twenty-five cents; for each two horse wagon, or carriage, thirty-seven and a half cents; for each wagon or carriage, drawn by three or more horses, oxen or mules, sixty-two

and a half cents; for a man and horse, six and one-fourth cents; for each person crossing on foot, three cents; for cattle, mules, asses, and horses, per head, three cents; for all other animals, such as swine, sheep, or goats, two cents per head.

Sec. 9. If any person or persons shall wilfully or knowingly do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of damages sustained, with costs of suit, recoverable before any court of competent jurisdiction; and any person or persons, who shall pass or attempt to pass said bridge without paying the toll, or tendering it, if there be any person or persons present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this State; and if any person or persons shall wilfully set fire to said bridge, or burn the same, or any part thereof, such offenders, with their aiders and abettors, shall be guilty of arson. Persons injuring said bridge.

Sec. 10. The certificates of stock in said company, shall issue in such form and manner, and be transferable, as may be designated by the by-laws of said company. Certificate of stock.

Sec. 11. This act shall cease to have effect, if stock shall not be taken to the extent of one hundred and fifty shares within one year from the fourth day of July next, and the bridge be completed so far as to be passable within three years from that period. Bridge not completed within 3 years, forfeits the charter.

Sec. 12. It shall be sufficient service of process on the corporation hereby created, to execute a summons on the president or secretary of said company, and process so executed, shall authorize judgment at the first term, as in other cases, if no appearance shall be entered or plea filed. Process how served.

Sec. 13. It shall be the constant duty of said company, from time to time, to remove all drift, or timber of any description, which may lodge against any of the abutments or pillars of said bridge; and if they fail herein, they shall be liable to a fine of ten dollars for every forty-eight hours it is suffered to remain, after allowing reasonable time for the removal of the same, to be recoverable by indictment or presentment in the White circuit court; and shall, moreover, be liable for any injury sustained by any person in consequence thereof.

Sec. 14. The legislature reserves the right to amend this charter, so as to secure the navigation of the Little Wabash free from any injury. Reservation by legislature.

Sec. 15. The county commissioners' court of White county, is hereby authorized and empowered to subscribe for and on County of White may

subscribe for stock.

behalf of the county, such number of shares as it, in its discretion, may deem proper; and shall, in case of actual subscription, pay the same out of any money in the county treasury not otherwise appropriated, and be entitled to all the rights and privileges of other stockholders, authorizing and directing the clerk of said court, by order entered of record, to act for them and on their behalf.

County commissioners of White may purchase said bridge.

Sec. 16. The said president and directors shall keep an exact account of their expenditures in erecting said bridge; and the county commissioners' courts shall have power to purchase said bridge at any time, by paying the full amount of the cost of the same, and in case the bridge shall be purchased by said court, the corporation hereby created, shall, within one year thereafter, be dissolved, and said bridge forever after be and remain a free bridge.

Sec. 17. At all meetings of a quorum of the board of directors, a majority thereof shall have full authority to exercise all or any of the powers conferred by this act upon the board of directors.

Sec. 18. Nothing in this act shall be construed so as to authorize said company to obstruct the ford across the Little Wabash river at Carmi.

This act to be in force from and after its passage.

Approved, Feb. 6, 1835.

AN ACT for the Construction of the Illinois and Michigan Canal.

Governor authorized to negotiate a loan for the construction of said canal.

Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the Governor of this State be, and he is hereby authorized and empowered to negotiate a loan, solely on the pledge of the canal lands and tolls, as hereinafter provided, for the purpose of aiding, in connection with such other means as may be hereafter received from the government of the United States, in the construction of the Illinois and Michigan Canal, a sum of money not exceeding five hundred thousand dollars, which shall be required to be paid at such times, by instalments, as the same may be needed in the progress of the said work, as near as the same can be estimated.

Shall cause certificates of stock to be created.

Sec. 2. The Governor shall cause to be constituted certificates of stock for the said loan, to be called the "Illinois and Michigan Canal Stock," signed by the Auditor and countersigned by the Treasurer, bearing an interest not exceeding five per cent. per annum, payable semi-annually,

at Vandalia, or at some bank in the city of New York, or either, as may be agreed upon, and reimbursable at the pleasure of the State, at any time after the year one thousand eight hundred and sixty.

Sec. 3. The Governor shall take and use all proper means and measures for the transferring of the said stock. Stock transferred.

Sec. 4. It shall be deemed a good execution of the said power to borrow, for the Governor to cause the said certificates of stock, when created, to be sold: *Provided*, That the said stock shall not, in any case, be sold for less than its par value. Certificates of stock to be sold. Proviso.

Sec. 5. It shall be the duty of the Governor to cause the said moneys, from time to time, when paid or advanced, to be deposited in some safe bank or banks, until wanted for use, at the best interest that can be obtained for it, to be drawn out as hereinafter provided, taking therefor the proper securities for the safe keeping of the same. Money when advanced to be deposited in some bank.

Sec. 6. The money thus loaned, the premiums arising from the sale of any stock thus created, the proceeds of the canal lands and town lots, and all of the moneys in any way arising from the contemplated canal, shall constitute the canal fund, and shall be used for canal purposes, and for no other whatever, until the said canal shall have been completed: *Provided*, That nothing herein contained shall be so construed as to prevent appropriations from being made, out of the said fund, for the semi-annual payment of the intrest upon the canal stock herein authorized to be created; and the Governor is hereby authorized to cause the said interest to be paid out of the said fund. What shall constitute the canal fund. Used for canal purposes only. Proviso.

Sec. 7. That the revenue arising from the "Illinois and Michigan Canal," and from the lands granted, or that may hereafter be granted to the State of Illinois by the congress of the United States, for the construction of the said canal, and the nett tolls thereof, are hereby pledged for the payment of the interest accruing on the stock that may be created in pursuance of this act, and for the reimbursement of the principal of the same. Pledges for payment of loan.

Sec. 8. The Governor of the State, by and with the advice and consent of the Senate, shall appoint five practical, skilful persons to constitute a board, to be known under the style and description of "The Board of Commissioners of the Illinois and Michigan Canal," and he shall designate one of such commissioners to be President thereof, one to be Treasurer, and one to be Acting Commissioner; and the Governor shall fill such vacancies as may occur in the board during the recess of the legislature. Governor to appoint a board of canal commissioners.

Sec. 9. The Governor shall have power to remove from office any canal commissioner at his discretion. May remove the same from office.

Sec. 10. The acting commissioner shall be allowed a

Compensation of commissioners.

salary of twelve hundred dollars per annum, and the rest of the board shall each be allowed a compensation of three dollars per day while necessarily employed in the business of the canal.

Declared a body corporate.

SEC. 11. The said board of commissioners is hereby constituted a body politic and corporate, with full power and authority, in their corporate name, to contract and be contracted with, sue and be sued, defend and be defended, plead and be impleaded, in all the matters and things relating to them as canal commissioners; and they shall have and use a common seal of such device as the Governor may direct.

Shall appoint a secretary.

SEC. 12. The board shall appoint a secretary, whose duty it shall be to keep a true record of all of their proceedings. They shall hold quarterly meetings, and special meetings whenever any two of them, or the acting commissioner, may desire it, and any three of them shall constitute a quorum to do business.

Shall be sworn.

SEC. 13. Before entering upon the duties of their office, each of the said commissioners shall make oath or affirmation faithfully, honestly and truly to execute and discharge all the duties and obligations herein imposed upon them, and each of them, as canal commissioners; and they shall severally give bonds to the Governor in the sum of ten thousand dollars, with sufficient sureties, for the faithful discharge of the duties imposed upon them by this act: *Provided*, That the Governor may, at any time, require additional bonds of the said treasurer, whenever he may think that the safety of the funds require it.

And give bonds.

Proviso.

When payments on contracts become due.

SEC. 14. Whenever all or any part of the money upon any contract shall become due, it shall be the duty of the treasurer to draw his warrant or check therefor, in favor of the contractor, upon the bank or banks in which the canal fund shall have been deposited; which warrant or check, shall be countersigned by the acting commissioner, and shall be under the seal of the board.

Cashier of deposite bank to make a quarterly report to the acting commissioner.

SEC. 15. It shall be the duty of the acting commissioner to obtain from the cashier of the bank or banks, in which the said fund shall have been deposited, a quarterly report, exhibiting a true account of all moneys received in deposite on account of the canal fund, and paid out of the said fund during the previous quarter, which report shall be laid before the board of canal commissioners, and within twenty days thereafter, shall be examined by the said board, and compared with the accounts of the treasurer, and an entry shall be made in the books of the said board, that the said examination has been made by them, and that the two amounts correspond, if such be the case, and each commis-

To be compared with the accounts of the treasurer.

sioner present shall sign his name to the record of such examination.

Sec. 16. It shall be the duty of the acting commissioner, 1st: To make, under the direction of the board, all necessary contracts for the supply of materials, and the performance of labor. Duties of the acting commissioner.

2d: To inquire into the official conduct of the agents, clerks, superintendents, and all subordinate officers, and to receive and hear all complaints that may be preferred against them.

3d: To enforce the faithful execution, by all persons concerned, of the duties and obligations imposed upon them by this act.

4th: To examine, frequently and carefully, into the state of the canal, and the progress of the works thereon.

5th: To have the immediate care and superintendence of the canal and all matters relating thereto.

Sec. 17. The said canal shall not be less than forty-five feet wide at the surface, thirty feet at the base, and of sufficient depth to insure a navigation of at least four feet, to be suitable for ordinary canal boat navigation, to be supplied with water from Lake Michigan and such other sources as the canal commissioners may think proper, and to be constructed in the manner best calculated to promote the permanent interest of the country. Dimensions of the canal.

Sec. 18. They shall take efficient and proper measures for the immediate construction of the said canal; shall put such parts of it, as they may deem proper, under contract, as herein provided, and shall have the general care and superintendence thereof. Immediate measures shall be taken for its construction.

Sec. 19. They shall inspect and examine into the accounts, books, state of the treasury, and all of the proceedings of the treasurer, and of the acting commissioner. Commissioners to examine accounts of treasurer and acting commissioner.

Sec. 20. They shall furnish the acting commissioner with all proper means and facilities that may be necessary to enable him to discharge the duties herein imposed upon him.

Sec. 21. They shall have full power and authority, in their good judgment, to do, in relation to the construction and completion of the said canal, all things not otherwise herein expressly provided for.

Sec. 22. It shall be lawful for them to enter upon and use any lands, waters, streams, and materials of any description, necessary for the prosecution of the works contemplated by this act. May enter upon lands, &c.

Sec. 23. They may employ such, and so many agents, engineers, surveyors, draftsmen, and other persons, as they may judge necessary to enable them to discharge their duties as commissioners, and may pay such compensation as they shall judge reasonable to each person so employed. May employ such agents as they may deem necessary.

Notice to be given of time and place of entering into contracts.

SEC. 24. Public notice shall be given of the time and place at which proposals will be received for entering into contracts; which notice shall be previously published, for at least six weeks, in the newspaper printed at Chicago, and in such other papers, either in this State or elsewhere, as may be deemed proper.

Proposals to be sealed.

SEC. 25. Proposals for contracts shall be sealed, and shall be for a sum definite and certain, as to the price to be paid or received, and shall be accompanied with good and sufficient security for the faithful performance of such contract.

Shall take security for the performance of all contracts.

SEC. 26. The commissioners shall not enter into any contract for the supply of materials, or the performance of labor, without previously taking satisfactory security for the faithful performance of such contract, according to its terms.

May retain one half of amount due upon any contract.

SEC. 27. The board may, if they think the interest of the State requires it, retain one half the amount due upon any contract, until the contract shall have been completed, at which time all arrears shall be paid up; and in no case shall more than three-fourths of the amount due upon any contract, be paid, until the work shall have been completed.

Contracts to be made in writing.

SEC. 28. All contracts concerning the contemplated canal, shall be made in writing, under the seal of the board; and of each contract, three copies shall be executed by the parties, one of which shall be retained by the board, and one shall be immediately forwarded to the Auditor of Public Accounts, and by him filed in his office.

Materials procured for said canal, exempt from execution.

SEC. 29. All materials procured, or partially procured, under a contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the money due for such materials, to the judgment creditor of the contractor, under whose execution such materials might have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

In case of the death of a contractor.

SEC. 30. In case of the death of any canal contractor, who shall, at the time of his decease, be indebted to any laborers for work done on the canal, it shall be lawful for the board, if they think proper, to pay such laborers out of any money that may be due to the deceased contractor, and the receipt of such laborers shall be a good voucher in offset to the sum due to the deceased contractor from the board, on the final settlement between them and his executors and administrators: *Provided*, That the said person shall first obtain a judgment against the administrator of such deceased contractor, and produce a certificate from the court that the said judgment was rendered for work done on the canal, or for materials furnished therefor, and for no other cause.

SEC. 31. The board shall, from time to time, make such rules and regulations, not inconsistent with the laws of this State, in respect to the persons employed about the canal, injury done to the said canal or locks, and the management and navigation of the same, and impose such forfeitures of money for the breach of such rules and regulations, as they may judge reasonable; but no forfeiture imposed, shall, for a single offence, exceed the sum of fifty dollars, over and above the amount of actual damage done. May make rules and regulations concerning the works on said canal.

SEC. 32. They shall cause a sufficient number of such rules and regulations to be posted up for public inspection, and shall transmit a copy of them, from time to time, to the Governor, as they may be made in their next quarterly and annual reports. Shall cause them to be posted up.

SEC. 33. All rules, regulations, and forfeitures established by them as aforesaid, shall be filed in the office of the Auditor, and a copy thereof certified by him, under his hand and seal of office, shall be received in all courts of law as due proof that such rules, regulations, and forfeitures, were by them established. Shall file the same in auditor's office.

SEC. 34. The commissioners shall examine the whole canal route, and select such places thereon as may be eligible for town sites, and cause the same to be laid off into town lots, and they shall cause the canal lands, in or near Chicago, suitable therefor, to be laid off into town lots. Commissioners to select town sites on canal route.

SEC. 35. They may, from time to time, proceed to sell such portions of the town lots, on the canal route, as may be necessary to pay the interest that may be due upon the loan herein authorized to be created, deducting therefrom the premiums that may arise upon the sale of canal stock: *Provided*, That none of the said canal lots shall be sold for the next five years, unless the Governor and a majority of "The Board of Canal Commissioners" shall decide that it will be for the interest of the canal to do so; and if they shall determine not to sell, then the Governor shall cause the interest on the said loan, as it becomes due, to be paid out of the canal fund, as required in the sixth section of this act. May sell the same. Proviso.

SEC. 36. Public notice of all sales of canal lots or lands, shall be given in such newspapers, (not less than three in number,) either in this, or in other States, as the board may think best, at least six weeks prior to any sale. Public notice of all such sales to be given.

SEC. 37. All lots shall be appraised prior to the sale thereof, and shall be sold at public auction for cash; but they shall not, in any case, be sold for less than the appraised value thereof. All lots appraised prior to such sale.

SEC. 38. In all sales of canal lots, the secretary and treasurer shall act as register and receiver, and shall be governed by the same rules that now govern the registers and re- Secretary and treasurer to act as register and receiver.

ceivers in the United States land offices in this State, except as is herein provided.

Treasurer to grant certificates of purchase.

SEC. 39. It shall be the duty of the treasurer, upon the payment of the purchase money, to grant to the purchaser or purchasers, a certificate containing a description of the land or lots purchased, and the price for which the same was sold, and shall forward a duplicate of such certificates to the Auditor of the State, who shall record the same; and the persons holding such certificate, shall, upon presenting the same to the Governor, receive a patent for the land described therein, signed by the Governor, and countersigned by the Secretary of State, with the seal of the State affixed thereto.

Governor to grant patent upon presentment of same.

Treasurer to make deposite.

SEC. 40. All moneys paid to the treasurer for the purchase of any canal lands or lots, shall be by him immediately deposited in some bank, under the direction of the Governor, for the payment of the interest on the canal loan.

Commissioners prohibited from purchasing canal lands.

SEC. 41. None of the board of canal commissioners shall be allowed to purchase any of the canal lands or lots herein authorized to be sold, nor shall they, or either of them, in any way, either directly or indirectly, be concerned in any such purchase, or have any manner of interest therein, and all sales in which the said commissioners, or any of them, shall be in any way interested, shall be absolutely null and void, the purchase money shall be forfeited, and the land shall revert to the canal fund. Any commissioner guilty of a violation of the provisions of this section, shall be deemed to have perpetrated a fraud, and upon indictment and conviction thereof, in any court having competent jurisdiction, shall be punished by forfeiture of his office, and fined in a sum not less than one thousand, nor more than five thousand dollars: *Provided*, That a prosecution for such offence shall be commenced within ten years after the commission of the same.

Penalty.

Proviso.

Combinations at any such sale deemed a fraud.

SEC. 42. If any two or more persons shall combine themselves together for the purpose of lessening competition at the sale of any of the canal lands or lots, or if they shall agree or have any understanding among themselves, that they will not bid upon one another at any such sale, for the purpose of obtaining the said canal lands or lots, at a low price, the same shall be deemed a fraud, and any person or persons convicted thereof, in any court having competent jurisdiction, shall be fined in a sum not less than one hundred, nor more than one thousand dollars; one moiety thereof to the use of the person informing, and the other moiety to the canal fund; and any patent issued for any lands or lots purchased as aforesaid, shall be absolutely null and void, the money paid therefor shall be forfeited, and the lands or lots so purchased, shall revert to the canal fund;

Penalty.

and it is hereby declared to be the duty of the State's Attorney to prosecute for all such offences: *Provided*, That all such prosecutions shall be commenced within ten years after the commission of the offence. Proviso.

SEC. 43. The board of commissioners shall, quarterly, viz: On the first Monday of March, June, September, and December, in each year, make a minute and and particular report to the Governor, which report shall set forth, in a plain and intelligible manner, all of their acts and doings in relation to the said canal, and the canal lands and lots, all the money received and expended, the work done, and the price allowed for the various kinds of work, the contracts made, with whom made, and the security given, the number of engineers, draftsmen, clerks, and agents of every description by them employed, and the amount of compensation paid to each, the progress of the canal, their contemplated plans for the next three months, with an estimate of the probable amount of money that will be required to be expended for canal purposes during that time; together with such other matters and things as they may see fit to add; and also, the amount, time, and rate of any loan made by virtue of this act, which report, or the outlines thereof, the Governor shall cause to be published. Commissioners shall make quarterly reports to Governor. Shall be published.

SEC. 44. They shall, annually, on the first Monday of December, make a report to the Governor, setting forth all their acts and doings in relation to the canal, and canal lands and lots, during the previous year, in like manner as is required of them in their quarterly reports, containing such statements and estimates for the year, as their quarterly reports do for the quarter. Shall make annual reports.

APPROVED, Feb. 10, 1835.

AN ACT concerning Estrays.

In force Feb. 9, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That every person who shall take up any estray horse, mare or colt, mule or ass, shall, within ten days, take the same before some justice of the peace of the county where such estray shall be taken up, and make oath before such justice, that the same was taken up at his or her plantation, or place of residence in said county, and that the marks or brands have not been altered since the taking up. The said justice shall then issue his warrant to three disinterested housekeepers in the neighborhood, unless they can otherwise be had, causing them to come before him to appraise said estray, after they Duty of persons taking up estrays.

or any two of them being sworn to appraise such estray, without partiality, favor or affection, which appraisement, together with the marks, brands, stature, color, and age of such horse, mare or colt, mule or ass, shall be entered in a book to be kept by such justice, and certified under his hand, and transmitted to the clerk of the county commissioners' court of such county, within fifteen days after the same is taken up; and any person who shall take up any head of neat cattle, sheep, hog or goat, shall cause the same to be viewed by some housekeeper of the county where the same shall happen, and shall immediately go with such housekeeper before a justice of the county, and make oath before him as is required in taking up an estray horse, mare or colt, mule or ass, and then such justice shall take from such housekeeper, upon oath, a particular description of the marks, brands, color, and age of every such neat cattle, sheep, hog or goat, and said justice shall cause the said estrays to be appraised, in like manner, as is required to be done in case of a horse, mare or colt, mule or ass; which description and valuation shall be entered by such justice in a book to be kept by him as aforesaid, and by such justice transmitted to the clerk of the county commissioners' court of the county, to be by him kept as before directed: *Provided*, That in all cases where the value of such neat cattle, sheep, goat or hog, does not exceed five dollars, said justice shall not be required to make a return to the clerk as aforesaid; but shall enter in his estray book the description and appraisement value of such sheep, hog or goat, and advertise the same in three of the most public places in his neighborhood; and every such clerk shall cause a copy of such description and valuation of every neat cattle, sheep, hog and goat, to be publicly affixed at the court house door of his county, within five days after the same shall be transmitted to him as aforesaid, for which he shall receive the same fee as for entering the same in a book: *Provided*, That if two or more estrays, of the same species, are taken up by the same person, at the same time, they shall be included in one entry and one advertisement, and in such case, such justice and clerk shall receive no more pay than for one of such species: *Provided, also*, That no person shall be allowed hereafter to take up and post any head of neat cattle, sheep, hog or goat, between the month of April and the first day of November, unless the same may be found in the lawful fence or inclosure of the taker up, having broken in the same; and for a reward of taking up, there shall be paid by the owner, one dollar for every horse, mare or colt, mule or ass; and for every head of neat cattle, fifty cents; and for every hog, sheep or goat, twenty-five cents, together with all reasonable charges.

Sec. 2. It shall be the duty of the clerk of the county commissioners' court, when the description and valuation of any estray horse, mare or colt, mule or ass, shall be transmitted to him by the justice as aforesaid, and in ten days thereafter, make out a copy thereof, and transmit the same to the public printer of the State, and endorse thereon, "Estray papers," together with the sum of one dollar, to pay the said printer; which sum the taker up is required to deposite with the clerk prior to the expiration of said ten days. It shall be the duty of the public printer to publish said advertisement, and transmit one copy of each number of his paper to each of the clerks of the county commissioners' court of the several counties of this State, free of charge, which shall be regularly filed by said clerks in their respective offices for the examination of those who may desire it.

Duty of county clerk.

Sec. 3. And if no owner appears and proves his property within one year after such publication, the property shall be vested in the taker up; nevertheless, the former owner may, at any time thereafter, by proving his property, recover the valuation money, upon payment of costs and all reasonable charges.

Owner failing to appear within one year, property vested in taker up.

Sec. 4. And if any person shall trade, sell, or take away any such estray or estrays out of the State, for any purpose whatever, before the expiration of said one year, he or she so offending, shall be liable to indictment in the circuit court of the proper county, and on conviction thereof, shall be fined in a sum double the value of the property, one half to the owner thereof, and the other half to the county treasury; and when the owner of any estray head of neat cattle, sheep, hog or goat, does not prove his property within twelve months after the same has been published at the door of the court house as aforesaid, and when the valuation does not exceed five dollars, the property shall be vested in the taker up; but when the valuation shall exceed five dollars, and no owner appears within the time aforesaid, the property shall also be vested in the taker up; nevertheless, the former owner may, at any time, by proving his property, recover the valuation thereof, upon payment of all reasonable costs and charges; and if the taker up and the owner cannot agree upon the charges, they shall call upon three disinterested householders, whose decision shall be binding on both parties; and it shall not be lawful for any person to take up any estray, (except such as shall be hereinafter excepted,) unless he shall be a freeholder or a housekeeper. Any person finding an estray horse, mare or colt, running at large without any of the settlements of this State, may take up the same, and shall immediately take such estray or estrays before the nearest jus-

Penalty for selling estrays out of the state.

Persons taking up estrays shall be householders.

Unless found without any settlement.

tice of the peace, and make oath that he has not altered the marks or brands of such estray, since taking up; and if such taker up shall be a freeholder or housekeeper within that county, it may, and shall be lawful for him, to post such estray or estrays as hereinbefore directed in this act, as if the same had been taken up on his plantation or place of residence; and when the taker up shall not be qualified as aforesaid, he shall take the oath before required, and deliver such estray or estrays, to the said justice, who shall cause the same to be dealt with as directed by this act; but if no owner appears to prove his property within one year, such estray or estrays shall be sold to the highest bidder, giving public notice of such sale twenty days previous thereto, the purchaser giving a bond and approved security, payable to the county commissioners' court of the county where such estray shall be taken up, and after paying the taker up all reasonable charges, the balance shall be put into the county treasury by the said justice, who shall take a receipt for the same from the county treasurer; nevertheless, the former owner, at any time within two years after taking up, by proving his property before the clerk of the county commissioners' court of said county, or before the justice of the peace before whom the property was taken up, and obtaining a certificate thereof from the clerk of said court or justice of the peace, to the treasurer, shall receive the balance aforesaid.

Shall be sold and

Charges of taker up to be paid out of the proceeds. Balance paid into the county treasury.

Penalty for justice not paying over such balance.

Sec. 5. And when any justice of the peace shall fail to pay any money for any estray or estrays to be sold agreeably to this act, into the county treasury, within three months after selling such estray or estrays, such justice shall forfeit and pay the sum of twenty dollars, with costs, to be recovered by action of debt, before any justice of the peace of the county, or other court having jurisdiction thereof, the one half for the use of the county, and the other half for the use of any person suing for the same; and moreover, be liable to pay the price of such estray or estrays, with interest thereon.

Taker up not liable for escapes.

Penalty for persons taking other than on their own plantation.

How recovered.

Sec. 6. If any estray or estrays, taken up as aforesaid, shall die or get away before the owner shall claim his or her right, the taker up shall not be liable for the same; and if any person shall take up any estray or estrays, at any other place within the inhabited parts of this State than his or her plantation or place of residence, or without being qualified as required by this act, he shall forfeit and pay the sum of ten dollars, with costs, recoverable before any justice of the peace of the county where the offence shall have been committed, and not having property sufficient to pay such fine, he shall be liable to be confined one month in the jail of the county where he may be found, being

found guilty of such offence according to law; and any person taking up any estray or estrays out of the limits of the settlements of this State, and failing to comply with the requisitions of this act, shall be liable to the same penalties; and if any person, taking up any estray or estrays, of any species, fails to comply with the requisitions of this act, he shall, for every such offence, forfeit and pay to the informer, the sum of ten dollars, with costs, recoverable before any justice of the county where such offence shall be committed; one half to the use of the county, and the other half to the use of the person suing for the same.

Duty of takers up of water craft.

Sec. 7. That if any person or persons shall hereafter stop, or take up any keel or flat boat, ferry flat, batteau, perogue, canoe, or other vessel or water craft, or raft of timber, or plank, found adrift on any water course within the limits, or upon the borders of this State, and the same shall be of the value of five dollars or upwards, it shall be the duty of such person or persons, within five days thereafter, (*provided* the same shall not before that time be proven and restored to the owner,) to go before some justice of the peace of the proper county, and make affidavit in writing, setting forth the exact description of such vessel or craft, when and where the same was found, whether any, and if so, what cargo was found on board, and that the same has not been altered or defaced, either in whole or in part, since the taking up, either by him, her or them, or by any other person or persons, to his, her or their knowledge; and the said justice shall thereupon issue his warrant, directed to some constable of his county, commanding him forthwith, to summon three respectable householders of the neighborhood, if they cannot otherwise be had, whose duty it shall be, after being sworn by said justice, to proceed without delay, to examine and appraise such boat or vessel, and cargo, if any, and make report thereof, under their hands and seals, to the justice issuing such warrant, who shall enter such appraisement, together with the affidavit of the taker up, at large in his estray book; and it shall be the further duty of said justice, within ten days after the said proceedings shall have been entered in his estray book as aforesaid, to transmit a certified copy thereof to the clerk of the county commissioners' court of his county, to be by him recorded in his estray book, and filed in his office.

Where the value thereof does not exceed twenty dollars.

Sec. 8. In all cases where the appraisement of such boat or water craft, including her cargo, shall not exceed the sum of twenty dollars, the taker up shall advertise the same on the door of the court house, and in three of the most public places in the county, within ten days after the justice's said certificate shall have been entered on the records of the county commissioners' court, and if no person

shall appear to prove and claim such boat or water craft, within six months from the time of taking up as aforesaid, the property in the same shall vest in the taker up; but if the value thereof shall exceed the sum of twenty dollars, it shall be the duty of the clerk of the county commissioners' court, within twenty days from the time of the reception of the justice's said certificate at his office, to cause an advertisement to be set up on the door of the court house, and also a notice thereof to be sent to the public printer as aforesaid, who shall publish the same as aforesaid; and if the said vessel be not claimed and proven within six months from said advertisement, the same shall be vested in the taker up; nevertheless, the former owner may, at any time thereafter, recover the valuation money by proving his property, allowing to the taker up a reasonable compensation for his trouble, and costs and charges.

Where it does exceed twenty dollars.

Fees of the different officers in estray cases.

Sec. 9. In all cases where services shall be performed by any officers or other person or persons under this act, the following fees or compensation shall be allowed, to wit: To the justice of the peace for administering oath to the taker up or finder, making an entry thereof, with the report of the appraisers, and making and transmitting a certificate thereof to the clerk of the county commissioners' court, fifty cents; to the clerk or justice for taking proof of the ownership of, and granting a certificate of the same, twenty-five cents; for registering each certificate transmitted to him by any justice as aforesaid, twelve and a half cents; for advertisements, including the newspaper publications, fifty cents in addition to the cost of such publication; to the constable for each warrant so served on appraisers, twenty-five cents; and to each appraiser the sum of twenty-five cents; which said fees shall be paid by the taker up to the person entitled thereto, whenever said services shall be rendered. All which costs and charges shall be reimbursed to the taker up or finder, in all cases where restitution of the property shall be made to the owner, in addition to the reward to which such person may be entitled for taking up as aforesaid.

Sec. 10. If any person shall act contrary to the duties enjoined by this act, for which no penalty is herein before pointed out, the person so offending shall, on conviction thereof, forfeit and pay for every such offence, not less than five nor more than one hundred dollars, to be sued for in the name of the proper county, before any justice of the peace or other court having cognizance thereof.

Acts repealed.

Sec. 11. The following acts, viz: "An act concerning water crafts found adrift, lost goods, and estray animals," approved, January 31st, 1827; and "An act to amend an act concerning water crafts found adrift, lost goods, and estray animals," approved, January 22d, 1829; and also,

"An act to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals," approved, February 14, 1831, be, and the same are hereby repealed; but rights acquired and liabilities incurred under the acts hereby repealed, are not affected or impaired by this act.

Approved, Feb. 9, 1835.

REPORTS

OF THE

TREASURER AND AUDITOR,

TO THE

GENERAL ASSEMBLY,

DECEMBER, 1834.

TREASURER'S REPORT.

TREASURER'S OFFICE,
Vandalia, 4*th December*, 1834.

SIR—

In conformity with the law requiring a biennial Report from the Treasurer, I have the honor to submit to the General Assembly, the accompanying statement of the transactions of this Office, from 1st December, 1832, to 30th November, 1834, inclusive; which presents the monthly receipts and disbursements, and an account current, showing on what account the receipts and payments were made, and the balance remaining in the Treasury on the last mentioned day.

All of which is respectfully submitted.

JOHN DEMENT, *Treasurer*.

The Honorable,
The Speaker of the Senate.

Report of Receipts and Payments at the Treasury of the State of Illinois, from 1st December, 1832, to 30th November, 1834, inclusive.

RECEIPTS.				PAYMENTS.			
1832	December	10,235 83		1832	December	6,876 60	
1833	January	14,580 03		1833	January	16,940 03	
"	February	36,906 74		"	February	10,228 60	
"	March	1,489 05		"	March	27,133 09	
"	April	964 98		"	April	2,771 05	
"	May	258 51		"	May	1,054 60	
"	June	1,053 75		"	June	2,832 40	
"	July	2,193 21		"	July	7,935 58	
"	August	14,566 54		"	August	3,222 33	
"	September	6,428 00		"	September	3,757 98	
"	October	542 49		"	October	4,299 50	
"	November	240 33		"	November	1,241 88	
			89,459 46				88,293 64
"	December	2,958 08		"	December	2,194 44	
1834	January	14,341 96		1834	January	17,524 12	
"	February	973 22		"	February	1,432 10	
"	March	17,963 06		"	March	6,533 64	
"	April	1,791 27		"	April	4,152 37	
"	May	572 51		"	May	1,403 94	
"	June	469 50		"	June	2,895 00	
"	July	3,105 53		"	July	6,389 21	
"	August	7,135 07		"	August	3,033 78	
"	September	81 70		"	September	4,428 39	
"	October	1,569 90		"	October	1,401 59	
"	November	328 11		"	November	7,095 59	
			51,289 91				58,484 17
							146,777 81
Am't rec'd in Treasury on 30th November, 1832,			5,447 14				
Am't of redemption money received in Treasury, 1st December, 1834,			877 96				
			147,074 47				
			146,777 81				
			296 66				

JOHN DEMENT, *Treasurer.*

John Dement, State Treasurer, in account with the State of Illinois.

RECEIPTS.

To amount of balance in the Treasury on 30th November, 1832,	5,447 14	
" amount of taxes paid into Treasury from 30th November, 1832, to 30th November, 1834, inclusive,	42,208 41	
" amount received from the sales of Vandalia lots during the same time,	230 81	
" amount received from sheriffs during the same time,	21,496 81	
" amount received of school fund during same time,	32,087 81	
" amount received from State paper funded during same time,	3,790 18	
" amount received for debts due the State Bank and Branches during same time,	6,893 79	
" amount received from sale of Vermilion saline lands during same time,	11,686 71	
" amount received from sale of Gallatin saline lands during same time,	1,983 46	
" amount received from Ohio saline lands during same time,	1,163 09	
" amount received from James Hall, late Treasurer,	571 84	
" amount received from sale of canal lands during same time,	312 30	
" amount received from sale of Seminary lands during same time,	3,215 24	
" amount received from County Commissioners' Clerks,	13,158 72	
" amount received from James B. Campbell, Treasurer of Canal Commissioners,	1,950 00	
		146,196 51
To this amount, add Redemption money remaining in Treasury on 1st December, 1834, as charged in Redemption account below,		877 96
		147,074 47

JOHN DEMENT, *Treasurer.*

PAYMENTS.

By amount of Auditor's Warrants paid from 30th November, 1832, to 30th Novembe, 1834, inclusive,	106,270 61	
" amount of taxes refunded on lands redeemed, during same time,	1,854 46	
" amount of interest on State paper and refund during same time,	746 58	
" amount of interest on State paper when funded during same time,	171 08	
" amount of funded Stock redeemed during same time,	16,362 33	
" amount of interest on funded Stock, redeemed during same time,	44 43	
" amount of interest on State paper paid into Treasury on account of State Bank during same time,	166 82	
" amount of interest on Loan of $100,000, during same time,	15,090 00	
" amount of State paper burned during same time,	5,897 50	
" amount paid Wm. H. Brown, Levi Davis and James Whitlock, for services in settling accounts of James M. Duncan, late Cashier of State Bank,	174 00	
	146,777 81	
Balance in the Treasury on 1st December, 1834,	296 66	
		147,074 47

REDEMPTION ACCOUNT.

To balance of Redemption money in Treasury on 30th November, 1832,	50 06	
" amount of Redemption money received from James Hall, late Treasurer,	878 64	
" amount of Redemption money received from 30th November, 1832, to 30th November, 1834, inclusive,	6,160 92	
	7,089 62	
From the same, deduct the amount of Redemption money paid out from 30th November, 1832, to 30th November, 1834, inclusive,	6,211 66	
	877 96	

JOHN DEMENT, *Treasurer.*

AUDITOR'S REPORT.

STATE OF ILLINOIS, AUDITOR'S OFFICE,
Vandalia, 4th December, 1834.

The Honorable Speaker
of the House of Representatives:

SIR—

In pursuance of the law requiring a biennial Report of the Auditor of Public Accounts, I have the honor of submitting the enclosed Statements, numbered 1 and 2, showing the Receipts and Expenditures, at the Treasury, during the two preceding years, ending with the last day of November, 1834.

I am, very respectfully,
JAMES T. B. STAPP, *Auditor.*

NO. 1.

Total amount of Receipts and Expenditures at the Treasury, from the 30th day of November, 1832, *to the 1st day of December*, 1834.

ON WHAT ACCOUNT RECEIVED.	AMOUNT.	AMOUNT.
Amount remaining in the Treasury on the 30th day of November, 1832,	$5,447 14	
Amount received from non-residents from the 30th of November, 1832, to the 1st day of December, 1834,	42,208 41	
Amount received from Sheriffs during the same time,	21,496 81	
Amount received from the sales of Vandalia Lots,	230 81	
Amount received from the sales of Vermilion Saline Lands,	11,686 71	
Amount received from the sales of Gallatin Saline Lands,	1,983 46	
Amount received from the Agent of the Ohio Saline,	1,163 09	
Amount received into the Treasury for debts due the State Bank and Branches,	6,893 79	
Amount received from the sales of Canal Lands,	312 50	
Amount received from the sales of Seminary Lands,	3,215 24	
Amount received from the Revenue Clerks,	13,158 72	
Amount received of the School Fund Commissioners,	32,087 81	

Amount received of James Hall, late Treasurer,	571 84	
Amount received of James B. Campbell, late Treasurer of the Canal Commissioners,	1,950 00	
Amount of State paper funded at the Treasury, including interest allowed on the same,	3,790 18	
		146,196 51
To this sum, add the amount of Redemption money in the Treasury on the 1st day of December, 1834,		877 96
Total amount,		$147,074 47
From the above sum, deduct the following payments out of the Treasury, viz:		
Amount of Audited Warrants paid at the Treasury from the 30th Nov. 1832, to the 1st Dec. 1834,	106,270 61	
Amount of funded stock redeemed,	16,362 33	
Amount of interest paid on State paper and money refunded,	746 58	
Amount of interest paid on funded stock redeemed at the Treasury,	44 43	
Amount of interest allowed on paper funded at the Treasury,	171 08	
Amount of taxes refunded on lands sold for taxes and redeemed.	1,854 46	
Amount of State paper burned from the 30th November, 1832, to the 1st of December, 1834,	5,897 50	
Amount of interest paid on the loan of $100,000, to the 1st day of January, 1835,	15,090 50	
Amount of interest allowed on State paper, paid into the Treasury on account of the State Bank,	166 82	
Amount paid William H. Brown, Levi Davis and James Whitlock, for their services in settling the accounts of James M. Duncan, late Cashier of the State Bank,	174 00	
		146,777 81
Leaving a balance in the Treasury on the 1st day of December, 1834, of		$296 66

REDEMPTION ACCOUNT.

Amount of Redemption money remaining in the Treasury on the 30th November, 1832,	$50 06	
Amount received of James Hall, late Treasurer,	878 64	
Amount of redemption money received from the 30th Nov. 1832, to the 1st of December, 1834,	6,160 92	
		7,089 62
From this sum, deduct the amount of redemption money paid out during same time,		6,211 66
Leaving Redemption money in the Treasury on 1st December, 1834,		$877 96

Amount of Audited Warrants drawn upon the Treasury from the 30th November, 1832, to the 1st day of December, 1834, for the Current Expenses of the State, and charged to the following accounts, viz:

ON WHAT ACCOUNT DRAWN.	AMOUNT.	AMOUNT.
The General Assembly Session 1832 & 1833,	$27,790 03	
The Judiciary,	9,893 70	
The Governor,	2,128 76	
The Secretary of State,	1,829 72	
The Auditor and Clerks,	3,485 00	
The Treasurer and Clerks,	3,255 58	
The Attorney General,	616 08	
Circuit Attorneys,	1,749 44	
Special Appropriations,	18,753 31	
The Penitentiary,	6,161 00	
The Militia,	530 00	
Appropriations for Bridges,	300 00	
Appropriations for Roads,	2,296 64	
Incidental Expenses,	1,625 82	
State House,	575 17	
Contingent Fund,	8,297 88	
Agent of the Ohio Saline,	350 00	
Postage,	868 50	
Warden of the Penitentiary,	715 05	
Contingent Fund for the Penitentiary,	800 00	
Interest on Funded Stock,	2,054 87	
Appropriation for the Wabash River,	5,000 00	
The Penitentiary Inspectors,	364 00	
The Counties on the Military Tract,	8,950 00	
		$108,390 55
Amount of outstanding Warrants against the Treasury, on the 1st of December, 1834,	$2,741 60	
To which add the amount of the School Fund Warrant against the Treasury,	28,283 80	
		31,025 40
From this sum, deduct the amount of money remaining in the Treasury on the 1st December, 1834,		296 66
Leaving a balance against the Treasury on the 1st day of December, 1834, of		$30,728 74
The following are the sums due to the State:		
From Sheriffs, which become due on the first Monday in March next,	23,302 82	
From Clerks, which become due on the first Monday in April next,	12,502 34	
Total,	$35,805 16	

THE STATE OF ILLINOIS, AUDITOR'S OFFICE,
Vandalia, 4th December, 1834.

JAMES T. B. STAPP, *Auditor Pub. Ac'ts.*

NO. 2.

A Statement of the amount drawn from the Treasury on account of the Contingent Fund, from the 30th November, 1832, to the 1st December, 1834.

To Warrants to Messrs. Whiteside and Snyder for conveying Indian prisoners to Ottawa,	$153 16
" to Messrs. Whiteside, Moore and Reynolds, for services in taking an account of, and ascertaining the extent of the Indian disturbances,	50 00
" to Messrs. Hopkins, Brown and Moore, for conveying Indian prisoners to Ottawa,	104 00
" to M. Wood for bearing express during the late Indian war,	2 50
" to H. Evans for mending press for State Seal,	10 00
" to S. and J. Francis for printing notices, &c., for raising troops in the late Indian war,	11 00
" to John Messinger in part for his services in surveying and establishing Northern boundary line of this State,	200 00
" to Messrs. Greiner and Sherman for printing proclamations for Governor,	16 37
" to John Dickerson for repairs of Secretary's office,	2 50
" to Robert Peeples for transportation of public arms from Shawneetown to Danville,	45 20
" to John Marshall for drayage and storage of public arms,	12 76
" to William Porter for an abstract of lands entered at Springfield, furnished the Auditor,	7 65
" to James Whitlock for recording for State,	3 18
" to Quarter-Master General for cleaning public arms,	29 00
" to John Y. Sawyer for printing,	8 25
" to A. M. Brailey for services in establishing Northern boundary of this State,	400 00
" to S. C. Christy for storage of public arms,	50 00
" to Robert Goudy for binding laws of Congress,	141 00
" to John Messenger for services in establishing Northern boundary line of this State,	347 10
" to Thos. Reynolds for services in collecting State arms,	90 00
" to James B. Campbell for storage and taking care of public arms,	50 00
" to John Hewit for carrying a message to Governor of Missouri demanding a fugitive from justice,	20 00
" to E. Breath for advertising notice in relation to State arms, and proclamation offering a reward for the apprehension of Payne, and Adjutant-General's notice for return of appraisement rolls, &c.,	7 00
" to Greiner and Sherman for printing 1000 copies of journals General Assembly, session 1832 and 1833,	1,417 10
" to Robert Goudy for binding journals of Congress and laws of New York,	29 40
" to Thomas Reynolds for services in collecting State arms,	138 00
" to William Mitchell for transporting State arms from Springfield to Alton,	21 00
" to R. K. Fleming for printing Governor's proclamation for apprehension of N. Payne,	7 50

"	to John Y. Sawyer for printing the Governor's address in relation to cholera,	10 00
"	to James Clark for transporting State arms from Macomb to Beardstown,	16 00
"	to Wm. H. Brown and John Tillson for money paid into the Treasury to pay the interest on loan,	2,448 00
"	to S. Beaird for services as a messenger to the Governor of Missouri, to demand fugitive from justice,	75 00
"	to Wm. G. Brown, Wm. Mitchell and John McLemore for transporting State arms to Alton,	108 00
"	to John Ewing for services in collecting State arms,	63 60
"	to Sam'l C. Pierce for cleaning and repairing State arms,	64 13
"	to J. S. Berry for services in going to the Governor of Kentucky to demand fugitive from justice,	200 00
"	to Thomas Philips for transporting arms from Ottawa to Alton,	30 00
"	to Greiner and Sherman for blank sheets furnished for binding laws,	10 00
"	to Martin W. Dorriss for services in going to Governor of Missouri to demand fugitives from justice, and expenses in transporting said fugitives to Quincy,	200 00
"	to S. Beaird in full for services in going to the Governor of Missouri to demand certain fugitives from justice,	25,00
"	to John Y. Sawyer for printing general order in relation to arms, &c.,	3 00
"	to Doolittle and Munson for seal for Auditor's office,	48 25
"	to Wm. Thomas for postage paid on school land patents,	4 00
"	S. C. Sherman and John Y. Sawyer for printing an Act of the legislature of Indiana, in relation to the improvement of the Great Wabash river,	52 00
"	S. P. Gorin for freight and charges on a map of N. Carolina, sent to the Governor,	4 75
"	to T. C. Kirkman for recording the Plat of the town of Vandalia,	20 00
"	to R. Goudy for binding journals and laws of different States,	73 62
"	to A. P. Field for expenses in sending a draft to St. Louis in favor of commissioners of school fund, and for stationery for Secretary's office,	23 00
"	to C. Jones & Co., for publishing Governor's proclamation for apprehension of N. Payne,	4 50
"	to Jacob Judy, Geo. W. Waters and Levi Davis, in part, for services in selecting Seminary lands,	150 00
"	to R. K. Fleming for printing Governor's proclamation for an election for Congressman in the 1st Congressional District,	5 00
"	to John Y. Sawyer for do.	20 00
"	to S. C. Pierce for articles furnished for repairing and cleaning State arms,	30 15
"	to Levi Davis, Geo. W. Waters and Jacob Judy, for services as commissioners in selecting Seminary lands,	327 00
"	to E. Capps for transporting two muskets from Springfield to Vandalia,	50
"	to R. Blackwell, Harvey Lee, William Linn, John Hall, Archibald Henry, James Black, James E. Howell, and Wm. J. Henry, for materials furnished and work done on the State-house,	501 31

" to W. B. Scates for legal services in three cases against Jas. M. Duncan, late Cashier,	50 00
" to J. H. McLemore for transporting State arms from Vandalia to Alton,	36 00
" to Wm. G. Brown for transporting State arms from Vermilion county to Alton,	160 00
" to Buxton and Wolford for publishing Governor's proclamation for an election for member of Congress in 3d district,	3 00
" to J. Bradley for services and expenses in collecting State arms,	150 00
" to James M. Morse for repairing Treasurer's and Secretary's offices,	9 00
Total,	$8,297 88

AUDITOR'S OFFICE, ILLINOIS,
4th December, 1834.

JAMES. T. B. STAPP, *Auditor.*

INDEX.

STATE OF ILLINOIS,
Office of Secretary of State.

I, Alexander P. Field, *Secretary of State*, of the State of Illinois, do hereby certify that the foregoing printed sheets, are true and perfect copies of the Enrolled Laws deposited in this office.

In testimony whereof, I have hereunto signed my name, at Vandalia, the 16th July, 1835.

A. P. FIELD, *Secretary of State.*