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L A W S

OF THE

STATE OF ILLINOIS,

PASSED BY

THE TENTH GENERAL ASSEMBLY,

AT THEIR SPECIAL SESSION

COMMENCING JULY 10, AND ENDING JULY 22, 1837.

PUBLISHED IN PURSUANCE OF LAW.

~~W. M. A. POTTS,~~

Attorney at Law,

PEMBROKE, ILL.

VANDALIA, ILL.:

WILLIAM WALTERS, PUBLIC PRINTER.

1837.

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L A W S .

AN ACT supplementary to an act making Appropriations for the years 1837 and 1838. In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sums allowed to the members and officers of the General Assembly, by the act to which this is a supplement, be and the same is hereby allowed to the several members and officers of the General Assembly as their per diem pay and travelling fees for the present session of the General Assembly. Said compensation, when due, shall be certified and paid agreeably to said act. The Clerk of the House of Representatives and Secretary of the Senate shall receive the sum of fifty dollars each for furnishing the printer with a copy of the Journals of the present session of this General Assembly.

Members and officers
Clerk of H. R.
Secretary of the Senate

SEC. 2. The Auditor of Public Accounts shall issue his warrants on the Treasury in favor of the different persons hereinafter named, for the several sums annexed to their respective names; viz:

Duty of Auditor

To James Black, the sum of five dollars fifty-six and a fourth cents, for crape furnished the members of the present General Assembly on the occasion of the death of the Hon. George Galbreath.

James Black

To Flack and Hogue, the sum of six dollars and seventy-five cents, for articles furnished for the use of the State.

Flack & Hogue

To Charles Prentice, the sum of three hundred and twenty-one dollars, for articles furnished for the use of the State.

Chas. Prentice

To Henry Snyder, the sum of thirty-five dollars, for clearing the State House and public square of rubbish, &c. by order of the Secretary of State.

Henry Snyder

To A. McPhail, the sum of the three dollars, for qualifying the new members of the Senate and House of Representatives.

A. McPhail

To Ferris Foreman, the sum of four dollars per day for

Ferris Foreman

APPROPRIATIONS.

- assisting the engrossing and enrolling clerk of the House of Representatives, the number of days necessarily employed, to be certified by the engrossing and enrolling clerk.
- Willis & Maddox** To Willis and Maddox, the sum of twenty-eight dollars and sixteen cents, for articles furnished for the use of the State.
- Chas. Prentice** To Chas. Prentice, the sum of eleven dollars and sixty-eight cents, for articles furnished at the last session of the General Assembly.
- Moses Phillips** To Moses Phillips, the sum of ten dollars, for articles furnished for the use of the State.
- J. F. Owings** To James F. Owings, the sum of ten dollars for two months rent for a room for the use of the clerk of the supreme court.
- Officers of the General Assembly** To the principal clerk *pro tem.* of the House of Representatives, engrossing and enrolling clerk, late secretary to the senate, sergeant-at-arms, and door-keeper, the sum of four dollars, for every twenty miles necessary travel in going to and returning from the seat of government.
- J. M. Morse** To James M. Morse, the sum of four dollars and fifty cents, for covering nine tables for the use of the Senate, House, and Secretary of State's Office.
- Blackwell and Eccles** To Blackwell and Eccles, eighteen dollars and fifty cents, for articles furnished for the use of the State.
- Abner Johnston** To Abner Johnston, ten dollars and fifty cents, for work done for use of the secretary's office.
- S. T. Sawyer** To Seth T. Sawyer, the sum of four dollars per day, for assisting the clerk of the House [of] Representatives, the number of days to be certified by the clerk of [the] House of Representatives.
- Jarvis Forehand** To Jarvis Forehand, the sum of two dollars per day for attendance on the Council of Revision, and other services rendered during the present session of the General Assembly.
- Canal agents** That the agents of the state on canal lands be allowed one dollar per day in addition to the compensation now allowed for services rendered, and hereafter rendered, while actually employed, to be adjudged and allowed by order of the board of canal commissioners, and be paid out of the canal funds.
- Levi Davis, for clerk hire** To Levi Davis, Auditor of Public Accounts, the sum of four hundred dollars per annum, for clerk hire in addition to his present compensation; to take effect from the last day of March last.
- Wm. Hodge** To William Hodge, one dollar, for qualifying members of the General Assembly.
- Secretary of State** To the Secretary of State, the sum of two hundred dollars, for copying laws, making marginal notes, reading

proof sheets, and making index to the laws of the present session.

The Auditor and Treasurer are authorized to cause the cupola on the state house to be weather-boarded and covered, to secure the building from injury, the cost of which shall be paid out of the thousand dollars appropriated at the last session of the General Assembly to the finishing of the lower rooms of the state house.

Auditor and Treasurer to enclose cupola on State House

WHEREAS, The Auditor of Public Accounts has refused to issue his warrant in favor of William Walters, public printer, for the sum of \$600, in consequence of his failing to have the laws and journals bound, of last session, according to law: *Therefore, Be it enacted, That* the Secretary of State, the Auditor, and Treasurer, be and they are hereby empowered to investigate the claim of said Walters, and should they be satisfied that said claim or any part thereof is just, the same shall be allowed, and the Auditor is hereby authorized to issue his warrant on the treasury for the amount so awarded.

Secretary, Auditor, & Treasurer to investigate the claim of W. Walters

APPROVED 21st July, 1837.

AN ACT supplementary to an act to increase the Capital Stock of Certain Banks, and to furnish means to pay the interest on a loan authorized by an act entitled "An act to establish and maintain a General System of Internal Improvements, approved March 4th, 1837."

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* the stock authorized to be subscribed to certain banks, by the act to which this is a supplement, shall not be alienated before the complete redemption of the bonds or certificates of stock authorized to be sold by said act: *Provided, That* if upon the falling due of any of the principal of said bonds or certificates, that it shall be lawful for the State to sell a sufficient portion of said stock for the payment of said bonds or certificates.

Stock of banks pledged to redeem any loan made for Internal Improvements.

Proviso.

State may sell stock to pay bonds when the same becomes due.

APPROVED 21st July, 1837.

In force 21st
July, 1837.

AN ACT to suspend, for a limited time, Certain Laws in relation to the Banks in this State.

SEC. I. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That every provision of law, requiring or authorizing proceedings against any bank in in this State, with a view to forfeit its charter, or wind up its concerns, or which requires said bank to suspend its operations and proceedings, in consequence of its refusal to pay its notes or evidences of debt in specie, is hereby suspended until the end of the next general or special session of the General Assembly, unless the banks shall have generally resumed specie payment at an earlier date, in which case the Governor shall give notice thereof by proclamation, and the said bank shall, within twenty days thereafter, also, resume specie payments: Provided, however, That to secure the benefit of the foregoing provision, said bank shall agree to conform to, and comply with, the following conditions, restrictions and limitations, viz:*

Force of law in regard to banks suspended a limited time.

Duty of Governor.
Duty of bank to resume specie payment.
Conditions, restrictions, limitations.

First.

First—That it will not, either directly or indirectly, divide or pay among its stockholders, or to any person for them, any dividends, interest, or profits whatever, until it shall bona fide resume the payment of its notes and evidences of debt in specie; which dividends shall be retained in bank as an additional security to the holders of its notes.

Second

Second—That it will not, directly or indirectly, during the suspension of specie payment, sell, dispose of, or part with any of its specie, or gold or silver bullion, except for the purposes of change to the amount of five dollars, or under the sum of five dollars.

Third.

Third—That it will furnish monthly, upon the oath of its president or cashier, to the Executive of the State, a full and complete statement of the condition and financial operations of said bank and branches, which shall be published in the newspaper of the State printer.

Fourth.

Fourth—That it will not, directly or indirectly, issue or put into circulation, during the period of its suspension of specie payments, any bank bill or note, or any evidence of debt by which the amount of its circulation shall be increased beyond the amount of capital stock actually paid in by the stockholders.

Fifth.

Fifth—That it will receive upon deposit any funds belonging to the State, which may be required to be so deposited, and pay the same out upon the order of the proper officer, or agent of the State, in kind, free from charge; and also all funds heretofore deposited by the State.

Sixth.

Sixth—That until the banks shall resume specie payments, citizens and residents of this State, who are indebted

ed to them upon notes heretofore discounted, shall be allowed to pay their debts in instalments, at the rate of ten per cent, upon each and every renewal of the amount originally due, upon condition that such debtors shall execute new notes, with satisfactory security, and pay the aforesaid per cent. and the interest in advance, according to the usage and custom of banking. *Provided*, That this section shall not apply to notes or bonds assigned or endorsed to the bank. Proviso.

Seventh—That any violation of the provisions of this act, or any failure to comply with and conform to the same, shall subject the bank in default to a forfeiture of its charter. Seventh

SEC. 2. Whenever any bank shall accept the provisions of this act, and the president thereof shall furnish the Governor with a certificate of the fact of such acceptance, under their corporate seal, the Governor shall issue a proclamation, stating the fact of such acceptance; and from and after the date of such proclamation such bank shall be considered as being entitled to all the benefits hereby conferred, and bound by all the conditions, restrictions and limitations herein contained. Duty of President of Bank to furnish Governor with certificate. Governor shall issue proclamation.

SEC. 3. This act shall not be construed so as to impair any rights required by individuals, or to exonerate the bank from any liability to the holders of its notes, for the nonpayment of the same; and the provisions of this section shall apply as well to notes heretofore issued as to notes which may hereafter be issued. Rights of individuals not impaired by this act.

APPROVED 21st July, 1837.

AN ACT to amend the act incorporating the Kaskaskia Bridge Company. In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the above recited act as authorizes the county commissioners court of Randolph county, to regulate the tolls of said company, be, and the same is hereby repealed, and the said company shall be allowed to charge and receive the same rates of toll as was allowed to the ferry across the Kaskaskia River, at Kaskaskia, by the county commissioners' court of said county for the year one thousand eight hundred and thirty seven; and so much of said act as authorizes the the county of Randolph to purchase the said bridge at the end of five years, is hereby repealed. Part of act repealed.

SEC. 2. Nothing contained in the act aforesaid shall be so construed as to prohibit the said company from receiving donation, or in payment of stock subscribed, or any town lot or lot of land which any person may be disposed to Act repealed.

grant or convey, to aid the said company in erecting and keeping in repair their said bridge.

APPROVED, 20th July, 1837.

In force 20th July, 1837. AN ACT to authorize John Green and William Stadden, to build a Toll Bridge across Fox River.

Green & Stadden, authorized to build a toll bridge.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Green and William Stadden, their heirs and assigns, be and they are hereby authorized to build a toll bridge across Fox River; in township number thirty-four, north of range number four east, on section number twenty-nine at the town of Dayton, in La Salle county, State of Illinois.

Commence building within two years and complete in five years.

SEC. 2. The said John Green and William Stadden, their heirs or assigns shall commence the building of said bridge within two years, and complete said bridge within five years from and after the passage of this act; said bridge shall be built in a good and workmanlike manner, so as to give a safe and easy passage to all persons and their property wishing to cross said bridge.

How built.

Toll gate.

SEC. 3. After said bridge shall be completed, the said John Green and William Stadden, their heirs or assigns, are hereby authorized to place a toll gate on either end of said bridge or elsewhere, where they may ask and receive of all and every person passing said bridge such toll as the county commissioners' court shall fix from time to time.

Tolls.

County commissioners fix rates of toll.

Liability of charter to be forfeited. Proviso.

SEC. 4. If said bridge shall be out of repair for more than six months at any one time, said charter shall be forfeited; *Provided,* That destruction of said bridge by fire, high water, other casualty shall not work a forfeiture of the privileges hereby granted, but said Green and Stadden, their heirs or assigns, shall proceed immediately to repair the same.

If persons shall injure, shall forfeit.

SEC. 5. If any person or persons shall wilfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the said Green and Stadden, their heirs or assigns, double the amount of such injury or damages, to be recovered before any court having jurisdiction of the same.

May purchase and hold estate.

SEC. 6. The said Green and Stadden, their heirs or assigns, shall be entitled to purchase, hold and convey, so much real estate as may be necessary to construct the aforesaid bridge, and erect a toll house or whatever many be necessary for the use and purposes of said bridge.

SEC. 7. This act to be in force from and after its passage.

APPROVED, 20th July, 1837.

AN ACT for the relief of James H. Weisner.

In force 21st
July, 1837.

WHEREAS, James H. Weisner purchased of the school commissioners of Greene county, on the 7th day of February A. D., 1834, the east half of the southeast quarter of section sixteen, in township number ten north, of range ten west, of the third principal meridian, and received a patent for the said tract of land on the 26th day of May, 1834, as appears of record in the office of the Auditor of Public Accounts; AND WHEREAS, the said Weisner has lost said patent, and has no legal evidence of title if the same should be disputed; Therefore:—

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 issue to said James H. Weisner, a new patent to the said tract of land, viz: to the east half of the south east quarter of section sixteen, in township number ten north, of range number ten west, of the third principal meridian; which new patent, when issued as aforesaid, shall be deemed and taken to be of the same force and validity in law as evidence of title, as the first patent would have been if it were in existence.

Duty of Audi-
tor.

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

APPROVED, 21st July, 1837.

AN ACT for the relief of Purchasers of Canal Lands and Lots.

In force 21st
July, 1837.

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 construction of the Illinois and Michigan canal," approved on the ninth of January, one thousand eight hundred and thirty-six, as declares lands and lots sold, to be forfeited to the state in default of the purchasers, making payments as required by said act, is hereby repealed in respect to purchasers who comply with the following conditions, viz: That they will on the first day of October next, pay all the interest then due upon said debts, according to the terms of sale; and on the first day of October, 1838, and first day of October, 1839, pay the interest and ten per cent. of the principal, which may be due; and on the first day of October, in each and every year thereafter, pay the interest and twenty per cent. upon the principal in advance, until the whole sum

Act repealed
in respect to
purchasers, on
conditions.Time of pay-
ment.

due shall be paid. And payments made at the times and in the manner herein provided, shall be accepted by the canal commissioners, as a compliance on the part of the purchasers with the conditions of sale, as prescribed by the above recited act, but nothing herein contained shall be construed to impair or in any wise affect the lien of the state upon the property sold for the payment of the purchase money or any part thereof, or any interest due or which may become due upon the same. And it is hereby declared that a failure on the part of any purchaser to comply with the conditions herein contained, shall work a forfeiture of the lot or land purchased, together with all previous payments; and the provisions of the thirty fifth section of the above recited act, shall be deemed and considered applicable to such lot or land, and purchaser, and shall be enforced by the canal commissioners.

Failure to
work forfeiture.

What bills to
be received by
canal commis-
sioners in pay-
ment of debts.

SEC. 2. The canal commissioners are authorized and required to receive in payment for canal lots and lands sold, the bills and notes of the State Bank of Illinois, and Bank of Illinois, and bills and notes of any other banks which the bank in which the canal funds are or may be deposited, will receive and credit as cash to the canal fund.

What contrac-
tors entitled to
monthly pay-
ments.

SEC. 3. The contractors upon the canal, with whom contracts were made previous to the year one thousand eight hundred and thirty seven, shall be entitled to monthly payments, upon the terms and in the manner provided for making payments upon contracts made subsequent to the first day of January, one thousand eight hundred and thirty seven.

Right of legis-
lature.

SEC. 4. That all relief extended to purchasers of canal property under the provisions of this act, is to be claimed under the express understanding and condition, that the legislature reserves the right to amend, modify, or repeal this act at any time after the first Monday in December, eighteen hundred and thirty eight; and said right to amend, modify, or repeal the same, after the time aforesaid, is hereby reserved.

APPROVED, 21st July, 1837.

In force July
21st, 1837.

AN ACT to provide for the Sale of certain Canal Lands, and for other purposes.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if the commissioners of the Illinois and Michigan Canal, shall be of opinion that a sale of parts of the canal lands, during the

next year, will advance the interests of the state, by affording facilities to contractors in procuring supplies and places for boarding for hands employed upon the canal, or otherwise, they are authorized to select lots or tracts of land at convenient points along the line, and sell the same for the purpose aforesaid, and subdivide the said lots or tracts into lots of not less than forty nor more than eighty acres, the division to be made to correspond with similar divisions of lands sold by the United States; and the selection to be made, so that no lot shall lie within less than one half mile of the line of the canal, and the quantity not to exceed in value four hundred thousand dollars; and the lands so selected shall be valued, advertised, and sold in the manner required for selling lots in Chicago and Ottawa, but the valuation shall not be made until within twenty days of the sale, and shall be made as well with reference to the terms of sale as all other considerations affecting the market value thereof. The place of sale shall be fixed by the commissioners. The terms of sale shall be, one-tenth of the purchase money to be paid at the time of sale, and the balance payable in ten equal annual instalments, bearing an interest of six per cent. per annum from the date of sale, payable annually in advance, subject to the same conditions and provisions prescribed in reference to the sale of lots in Chicago and Ottawa.

Power given to canal commissioners to sell lands.

SEC. 2. No two quarter sections of land shall be sold under the provisions of this act, which shall adjoin each other.

No two sections to be sold together.

SEC. 3 The terms of the sales authorized to be made by the act which was approved on the second day of March, in the year one thousand eight hundred and thirty seven, shall be the same as those prescribed in this act; and the sales under that act shall be limited to the actual wants of the canal funds.

Terms of sale.

SEC. 4. In negotiating loans which have been or may be authorized for the construction of the canal, the governor, shall, if practicable, contract to receive the money borrowed, in sums of one hundred thousand dollars, or less, at such times as the same may be wanting for use upon the canal.

SEC. 5. In the construction of the navigable feeder and lateral canal at Ottawa, the canal commissioners may so alter the plan heretofore prescribed, as to connect the said feeder or lateral canal with Fox river, instead of the Illinois river, or make any other change which in their judgment may be best calculated to enhance the value of state property, and the usefulness of the canal.

Navigable feeder

SEC. 6. The canal commissioners are authorized to make a resurvey of those parts or additions to the town of

Resurvey to be made.

Ottawa, wherein lots are authorized to be sold, and change the lines of the lots and streets, so as to make those lines correspond with the lines of that part of the town wherein the lots have heretofore been sold; or they may make the said lines in such manner as they may deem best for the interest of the State.

SEC. 7. The canal commissioners are authorized to enlarge the natural bason at the confluence of the north and south branches of the Chicago river, so as to render the same as useful and convenient as possible; and block number seven, of the canal lots in the city of Chicago, shall be reserved from sale for the purpose of exchanging the same for block number fourteen, which will be required to be removed in the enlargement of the said bason; and the said commissioners are hereby required to cause the aforesaid block number fourteen to be appropriated for the purpose aforesaid, and to proceed to obtain the title to the same, in the manner provided by law for obtaining lands or materials for the use of the canal.

SEC. 8. When the board of appraisement shall appraise the said block fourteen, they shall also appraise the aforesaid block seven, and if the owners of block fourteen will take in exchange for the same, block number seven, at the appraisement thereof, the canal commissioners are authorized to make the exchange, taking from the said owner a sufficient conveyance for said block to the state, and giving to such owner a certificate of purchase for block seven, stating therein the facts of the transaction; and if block seven shall be appraised to more than block fourteen, the said owner shall be required to pay the difference in a reasonable time, to be fixed by the canal commissioners; and upon such payment being made, the said owner shall be entitled to a patent for the same; but if said block shall be valued to less than block fourteen, or the same sum, he shall be entitled to a patent, upon executing the conveyance aforesaid. If the difference in value shall be in favor of the said owner, the canal commissioners shall pay the same out of the canal fund; but if no such agreement is made, as herein contemplated, the aforesaid block fourteen shall, nevertheless, be obtained and appropriated, as herein provided, and block number seven shall be subject to sale as other lots in Chicago now are.

SEC. 9. The treasurer of the board of canal commissioners shall not hereafter be required to perform any other duties than those pertaining to the office of treasurer alone, nor shall he hereafter be considered as one of the board of canal commissioners. The said board shall hereafter be composed of the president and acting commissioner, who shall perform all the duties required of the canal commissioners,

except such as relate to the duties of treasurer; nevertheless, it is hereby declared and enacted, that whenever the board as organized by this section, shall disagree in opinion upon any question, matter or thing, in relation to the canal, the powers or duties of the board, or of any agent or any other matter whatever, touching their duties as canal commissioners, the treasurer is hereby constituted and appointed the umpire to give the casting vote upon every such difference, and in giving such vote, he shall be considered as bound for the consequences thereof, as a canal commissioner; and the board of commissioners shall act upon all decisions made by the umpire as aforesaid, as though the three making the decision were all canal commissioners.

SEC. 10. In the event that the funds provided by existing laws, shall prove insufficient to meet the expenditures upon the canal for the years 1837 and 1838, the Governor is authorized to negotiate a loan upon the faith and credit of the state, not exceeding in amount three hundred thousand dollars, to meet any deficit which may occur; said loan shall be negotiated in the manner and upon the terms, and the state assumes the responsibilities, as provided for in relation to the loan authorized by the "act entitled an act for the construction of the Illinois and Michigan canal," approved on the 9th of January, 1836; *Provided*, That said loan shall not be made until the whole of the means available under existing laws, shall have been exhausted.

Governor authorized to negotiate loan.

APPROVED, 21st July, 1837.

AN ACT concerning the Recording of Conveyances.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the recording of any deed, grant, bargain, sale, lease, release, mortgage, defeasance, conveyance, bond, contract or agreement of and concerning any lands, tenements, or hereditaments, or whereby the same may be effected in law or equity, whether executed within or without the state, by the recorder of the county in which the lands, tenements or hereditaments, intended to be effected and situated, shall be deemed and taken to be notice to subsequent purchasers, and creditors from the date of such recording, whether the said writing shall have been acknowledged or proven in conformity with the laws of the State or not; *provided*, That no such writing not acknowledged or proven in conformity with

Proviso.

the laws of the state, to entitle the same to be recorded, shall be admitted as evidence in any court, unless execution thereof be proven in the manner required by the rules of evidence applicable to such writings; and the provisions of this act shall apply as well to writings heretofore, as those hereafter admitted to record.

APPROVED, 21st July, 1837.

AN ACT concerning Conveyances.

In force 21st
July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every estate in lands which shall hereafter be granted, conveyed or devised to one, although other words heretofore necessary to transfer an estate of inheritance be not added, shall be deemed a fee simple estate of inheritance if a less estate be not limited by express words, or do not appear to have been granted, conveyed, or devised by construction or operation of law.

Where estate
is limited.

SEC. 2. When an estate hath been, or shall be, by any conveyance limited in remainder to the son or daughter or to the use of the son or daughter of any person to be begotten, such son or daughter, born after the decease of his or her father, shall take the estate in same manner as if he or she had been born in lifetime of the father, although no estate shall have been conveyed to support the contingent remainder after his death.

APPROVED, July 21, 1837.

In force 21st
July, 1837.

AN ACT to relocate the county seat of Calhoun County.

Petition.

Seat of justice.
Duty of county
commissioners
court.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at any regular or special term of the county commissioners court of the county of Calhoun, which may be held within nine months from the passage of this act, at which a petition signed by one hundred legal votes of said county shall be presented, praying that an election may be held in said county for the purpose of removing and relocating the seat of justice thereof, it shall be the duty of the county commissioners court to order an election to be held in accordance to the wishes of the said petitioners, within thirty days after the expiration

of the term of the court to which such petition may have been presented.

Said election shall be held at the same places, and be conducted as near as may be in the same manner as the general elections are. Election how held.

SEC. 2. The judges and clerks of said election shall make a column in their books at the several precincts, at the head of which shall be written the name of the place voted for by the several voters, and the place receiving the highest number of votes, provided that number shall be a majority of the whole number given, shall be and remain the seat of justice for said county from that time forward, or soon thereafter as suitable buildings can be prepared, but if no one place voted for shall have received a majority of the votes polled, then and in that case it shall be the duty of the clerk of the county court of said county to give notice in the several precincts that no one of the places voted for did receive a majority of the votes, and that another election will be held four weeks from the day on which the first election was held; in which notices the said clerk shall state the number of votes given at the former election for the several places, and at the time of holding the second election the voters shall vote for one or the other of the two places which received the highest number of votes at the first election; and the place receiving the highest number of votes at the second election shall be the county seat. If no place is elected another election shall be held.

SEC. 3. The act entitled "an act to relocate the county seat of Calhoun county," approved the fourth day of March, 1837, be, and the same is hereby repealed. Act repealed.

And all lands and building lots conveyed by the proprietors of the town of Guilford to the county commissioners, for the use of the said county, agreeably to the requisitions of said act, shall be reconveyed to the proprietors of said town within two months from the passage of this act, otherwise this act shall be null and void. All lands and lots to be reconveyed within 2 months.

APPROVED, 21st July, 1837.

AN ACT in relation to the Municipal Court of Chicago, and for other purposes. In force 21st July, 1837

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the judge of the municipal court of the city of Chicago shall possess all and singular the powers, and he is hereby required to

perform all the judicial duties appertaining to the office of judge of the circuit courts of this state, and to issue all such writs and process as is or may hereafter, by statutory provisions, be made issuable from the circuit courts of this state.

APPROVED 21st July, 1837.

In force 21st
July, 1837

AN ACT to increase the Compensation of County Commissioners.

Commissioners
allowed \$2 50
per day for ser-
vices

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall hereafter be allowed to each county commissioner, in full for his services for each day's attendance in holding courts, the sum of two dollars and fifty cents, to be paid on the certificate of the clerk, out of any moneys in the treasury of the county, not otherwise appropriated; so much of the act regulating the salaries, fees, and compensation of the several officers therein mentioned, approved February 19th, 1827, as fixes the compensation of county commissioners at one dollar and fifty cents per day, is hereby repealed.

APPROVED 21st July, 1837.

In force 21st
July, 1837

AN ACT to encourage Education in Township five South, Range six East, of third principal Meridian.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of township five south, range six east, of the third principal meridian, upon being incorporated as required by law for school purposes, be and they are hereby authorized to use the sum of two hundred dollars, of the interest arising from said township fund, to the erection of a frame or brick school house in the town of McLeansboro' in said township.

Duty of trustees
of township

SEC. 2. That it shall be the further duty of the trustees of said township to cause to [be] kept in said school house, a school at least three months in each calender year, for at least five succeeding years.

If school is not
kept 3 months
in the year

SEC. 3. If a school should not be kept in said school house, as provided for in the second section of this act, then the incorporation of said township shall be bound to pay

back to the township fund the amount of money used by them under the provisions of the first section of this act.

SEC. 4. It shall be the duty of the judges and clerks of the election to be held in the township for or against the township's being incorporated under the provisions of the fourth section of the act to amend the several acts in relation to common schools, to open polls for and against the reception of the provisions of this act, and the same majority shall be required in favor of the reception of the provisions of this act, as is required for the township to be incorporated; and if said majority shall not be obtained this act shall be void.

This act shall be in force from and after its passage:
 APPROVED 21st July, 1837.

AN ACT to incorporate the city of Alton.

In force 21st July, 1837

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants residing within the following limits and boundaries; to wit: Beginning at the northeast corner of section twelve, in township five north, in range ten, west of the third principal meridian, in the county of Madison and State of Illinois, and running thence west on the north boundary lines of sections 12, 11, and 10, to the middle of the Mississippi River, thence due south to the main channel of the said river, thence down the main channel of the said river to a point due south of the southeast corner of fractional section thirteen, in township No. five north; thence due north to the southeast corner of the aforesaid fractional section 13, and thence north on the east boundary lines of the aforesaid fractional section 13 and section 12, to the place of beginning, shall be incorporated and known as a corporation, by the name of the "City of Alton;" and the said corporation, by their name aforesaid, shall have perpetual succession; may sue and be sued, complain and defend in any and all places and courts whatsoever; may have and use a common seal, and alter it at pleasure; may take and hold real and personal estate by gift, grant, purchase, or otherwise, as the purposes of the city may require; may borrow money, and pledge the revenue and faith of the corporation, and issue scrip or bonds for the payment of the same.

Boundaries of city

Corporate name
 To have succession
 Further powers

May borrow money
 To issue scrip or bonds

SEC. 2. The territory contained within the boundaries of the said "City of Alton," shall be divided into four

City to be divided into four wards

wards as follows, to wit: All of that part of the said city, which lies west of the line run in the same direction with Market street, to the north boundary of the corporation, shall constitute and form the first ward; all that part of the said city which lies east of the first ward, and west of Langdon street, as now platted, and west of a line run in the same direction with the said Langdon street, to the north boundary of the said corporation, shall constitute the second ward; all that part of the said city which lies east of the second ward, and south of the half section line running east and west through section twelve, shall constitute the third ward; and all that part of the said city which lies east of the second ward, and north of the third ward, shall constitute the fourth ward. The mayor and aldermen of said city shall have power, from time to time, to cause a correct division of the said city to be made into as many wards as they may deem necessary and for the good of the inhabitants of said city: *Provided however,* That no division of the said city shall be legal unless it be made at least three months preceding the city election next ensuing. Each ward shall have three Representatives or aldermen, who shall be elected from the residents of such ward as they may respectively inhabit.

Mayor and Aldermen elected annually
Other officers
All to be citizens of the United States
Age
Six months residence required
Election of officers

SEC. 3. For the municipal government of the said city there shall be elected annually, one mayor, twelve aldermen, one register, one treasurer, one collector, three assessors, one street commissioner, and one constable, who shall, at the time of their election, be citizens of the United States, twenty-one years of age, and shall have resided in the said city at least six months, next preceding the day of their election.

SEC. 4. There shall be an election held in the said city, under this act, at such time or place as the president and board of trustees of the town of Alton may designate and appoint, for the election of the several officers named in the third section of this act, who shall, within ten days after their election, qualify and enter upon the duties of their respective offices. And after the first election, held as aforesaid, an election shall be held annually in each of the wards of said city, for the said officers, in such manner, and under such regulations and rules as the mayor and aldermen of said city may by ordinance prescribe; at which election the polls shall be kept open one day, from eight o'clock, A. M., until seven o'clock, P. M. And any vacancy in the aforesaid offices which may happen between the annual elections, shall be filled by an order from the mayor, directed to the inspectors of election, to hold a special election to fill such vacancy, who shall give at

Boundary of First ward

Second ward

Third ward

Fourth ward

Mayor and Aldermen may divide city into wards what deemed necessary

Each ward shall have three Aldermen

Shall qualify and enter on duties

Annual election

Vacancy, how filled

least six days notice in some newspaper in said city, or in hand bills, put up at least two in each ward, in the most public places in said city, of all special and annual elections to fill the aforesaid offices.

Notice of special election

SEC. 5. All elections of said city shall be by ballot, until otherwise ordered by the mayor and aldermen. And all persons qualified to vote for members of the General Assembly of this state, for the time being, who shall have resided sixty days next preceding such election, within the corporate boundaries of said city, shall be entitled to vote for any of the officers named in the third section of this act. If any person offering to vote shall be required by any qualified voter to make oath of his qualifications to vote, the inspectors of such election shall require him to swear as follows, to wit:

Elections to be by ballot

Who are qualified voters

“You do swear that you have resided in the State of Illinois six months next preceding this election; that you are twenty one years of age; that you have resided in the city of Alton sixty days next preceding this election; and that you have not voted at this election.”

Oath to be taken by voter, when required or challenged

Any person in making the said oath, who shall swear falsely, shall be subject to all the penalties for perjury under the laws of this State.

Penalty for perjury

SEC. 6. The three persons in each ward who shall receive the highest number of votes for Aldermen in their respective wards, shall be declared duly elected; and the persons who shall receive the highest number of all the votes given in the said city, for mayor, register, treasurer, collector, street commissioner, assessors, and constable, shall, in like manner, be declared duly elected, who shall hold their offices for one year, and until their successors shall be elected and qualified. And the said officers, so elected, shall, within twenty days from the day of their election, qualify and enter upon the duties of their said offices; and any officer neglecting or refusing, within the said twenty days, to qualify and enter upon the duties of his office, the office of the person so neglecting or refusing shall be deemed vacant, and another election ordered to fill such vacancy. Every person elected to fill any of the above offices shall, before he enters on the duties of the same, take and subscribe an oath, before any person authorized to administer oaths in this State—That he will support the Constitution of the United States, and of this State; and that he will, in all things, faithfully, and to the best of his ability, discharge the duties of his office; which oath shall be filed with the register of the city.

Officers elected

Term of office

Shall enter on duties in twenty days

In case of refusal, office deemed vacant

All officers to take oath

Oath to be filed

SEC. 7. The mayor of said city shall have all the ordinances passed by the common council faithfully executed; and to aid him in the discharge of his duty, he is

Duty of Mayor

hereby authorized to call on every male inhabitant of said city over the age of eighteen years, and in cases of riot, to call out the militia to aid him in carrying the same into effect; and any person who shall not obey the call of the mayor or his agent, shall forfeit to the corporation a fine not exceeding five dollars. The mayor shall have power to call special meetings of the aldermen, when in his opinion the public good may require it. He shall have power whenever he may deem it necessary, to require of any of the officers of said city, an exhibit of his books and papers; and he shall, from time to time, make such communications to the board of aldermen as he may consider necessary and proper; and in general he shall have power to do all other acts and things that may be required of him, by any ordinance made in pursuance of this act. He shall be, ex-officio, a justice of the peace in the said city; and as such he shall have power to administer oaths, issue writs and process, under the seal of said city; and he or any justice of the peace may try and determine all causes of action arising under this act or any of the ordinances of the city, for fines, penalties or otherwise. He shall have concurrent jurisdiction with justices of the peace, in all civil and criminal cases within the limits of the corporation, and shall receive the same fees and compensation for his services. He shall have power to take the acknowledgement of deeds, mortgages, and all other instruments, and certify the same under the seal of the city, all of which shall be valid in law.

SEC. 8. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall from time to time direct, or whenever they shall be required to do so by the mayor. The mayor when present, shall preside at all meetings of the common council, and shall only have a casting vote in case the aldermen shall be equally divided. In his absence, any one of the aldermen may be chosen to preside, and seven twelfths (7-12) of the aldermen shall be a quorum to do business, but a less number may adjourn from time to time, and may compel the attendance of members in such manner as the common council may provide; and the mayor and aldermen shall be the judges of the qualifications, elections, and returns of their own members, and other officers of said city; shall have power to appoint such officers and agents, and prescribe their duties; and may require bonds with such penalties as may be deemed proper from the treasurer, register, and such other officers and agents as to the common council may seem proper; and in general, to fix, regulate or alter, the salaries, fees and compensation, of any

In case of riot, to call out militia

Fine for disobedience

Special meetings of Aldermen

Mayor to be ex-justice of the peace To administer oaths

Jurisdiction

Fees

Common council.

Mayor to preside and have casting vote

Quorum

Power to appoint officers and agents

such officers or agents, and to make such by-laws, rules and regulations for their own government, and for the public good, as to them may seem meet and proper.

SEC. 9. The common council of said city shall have power, by ordinance, to levy and collect taxes upon real and personal property within the limits of said city, not exceeding one-half of one per centum, upon the assessed value thereof, in lieu of the county tax; to make regulations to promote and secure the general health of said city; to prevent and remove nuisances; to establish night watches; erect lamps in the streets, and lighting the same; to improve and preserve the navigation of the Mississippi river within the corporate limits of said city; to erect and repair and regulate public wharves and docks; to regulate the rates of wharfage; to provide for licensing, regulating and taxing merchants, taverns, auctioneers, grocers, retailers, and venders of spirituous liquors and wines, theatrical and other shows and performances; to restrain and prohibit gaming [and] gaming houses; to establish and repair bridges; to establish and regulate markets; to open, widen and keep in repair, streets, avenues, lanes, alleys, drains and sewers, and to keep the same clear; to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and other combustible materials; to erect pumps and keep them in repair; to regulate the police of the town, and in general to provide such ordinances as to carry into effect the objects of this act, the powers hereby granted, and as the good of said city may require. The common council shall provide for, and take care of all paupers within the limits of said city; and to accomplish this object, they shall have the exclusive right, power and authority to license and tax all ferries, taverns, merchants, auctioneers, pedlers, grocers, venders of spirituous liquors and wines, other public houses of entertainment, theatrical and other shows and performances, within the limits of said city; shall regulate and establish inspectors of beef, pork, wood, coal, lumber, lard, flour, and all other articles which they may deem proper for the public good, and appoint the inspectors, and regulate and establish their fees; to provide for the safe keeping of a standard of weights and measures, as fixed by the United States or this state, and for the regulating thereby all the weights and measures in the said city; to regulate party walls and fences in the said city; to regulate, license and tax pawnbrokers, exchange brokers, and forwarding merchants; to establish, appoint and regulate gaugers, measurers, and weigh masters, and prescribe their fees; to regulate, license and tax hackney coaches, and all other carriages and vehicles kept for hire, also drays, waggons,

To make by-laws

To levy and collect tax

Health of city

Night watches

Improvement and preservation of the Mississippi river.

Wharves and docks

May license

Bridges

Markets

Streets, &c.

Fires

Gunpowder
Combustibles

Paupers, how provided for

Exclusive rights

Inspectors of beef and pork

Weights and measures

Walls & fences

Brokers,
Cargers, &c.

Coaches, drays
waggons, &c

carts, porters and watermen within the limits of said city, and to direct, in future, in what part of the city buildings of wood shall not be erected.

Wooden build-
ings

Shall keep all
roads and brid-
ges in good re-
pair.

Three days la-
bor to be requi-
red of males on
public roads, or
pay 1 dollar for
each day

May be sued

SEC. 10. That the common council of the city of Alton shall hereafter be required to keep all public roads and bridges in good order and repair, within the city of Alton, and for that purpose the common council shall have the exclusive right to call on every male person in said city, over the age of twenty one years, and under the age of fifty years, being residents of said city, to perform three days labor on said roads and bridges annually, or to pay into the city treasury the sum of one dollar for each and every day the said residents shall refuse to labor as aforesaid; and in case of non-payment or refusal to labor, the city council shall have power to sue for and collect the same, in the manner as is now provided under the provisions of the general road law; and that after due performance of the labor aforesaid, or payment of the penalty aforesaid, said residents shall be exempt from any other taxation under the power and authority of the county commissioners of Madison county, by virtue of the provisions of the general road law of the state of Illinois.

Special tax to
grade and pave
side walks

SEC. 11. That upon the application of the owners of two-thirds of the front of the lots, on any street or part of a street in said city, it shall be lawful for the common council to levy and collect a special tax on the owners of the lots on said streets, or parts of streets, according to their respective fronts, for the purpose of grading and paving the side walks on said streets.

Schools

May buy lots &
build school
houses

Proviso

Number of in-
habitants

Schools to be
visited

SEC. 12. The common council of said city, are hereby empowered and authorized to establish elementary or common schools, wherein reading, writing, arithmetic, geography, grammar, and other useful branches of English education may be taught; and for this purpose, the common council are authorized and empowered to purchase lots, erect school houses or buildings, and suitably to furnish the same, in such parts of the city as may by them be deemed the most convenient and beneficial to the citizens thereof: *Provided*, That not more than one house shall be erected for every seven hundred and fifty inhabitants, and to procure suitable teachers for the same; and said common council, or persons appointed by them, shall visit said schools quarterly, and report to the common council, at their annual meeting to be held for that purpose, the state of the morals, discipline, and progress in learning, in said schools; and the said common council are hereby empowered to assess upon the real estate of said city, the sum necessary to purchase lots and erect the buildings necessary for such purpose; and to assess a tax upon personal property, suffi-

cient to raise the necessary sum of money for the support of said schools, which assessment shall not exceed one quarter per cent. and constitute a fund exclusively for the support of common schools. The common council of said city are hereby empowered, by ordinance, to direct whatever may be necessary to be done, for successfully carrying into operation the provisions of this section.

SEC. 13. The common council of the said city are empowered to regulate, grade, pave and improve the streets, avenues, lanes, and alleys, within said city, and to extend, widen, and open the same, making the person or persons injured thereby, adequate compensation; to ascertain which, the common council shall cause to be summoned six good and lawful men, free holders and citizens of said city, not directly interested in the case, who being first duly sworn for that purpose, shall enquire into and take into consideration the benefits as well as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, and widening, of any street, lane or alley, which damages they shall then apportion and assess, upon any and all the real estate in said city, which they may believe will be benefitted by the opening, extending, or widening, any street, lane, or alley, in the said city; all of which they shall return to the common council of said city, under their hands and seals; and the assessment so made, shall be collected as other taxes on real estate, and paid over to the person or persons whose property has been taken for the purpose of opening, widening, or extending, any street, lane, or alley, in the said city; and upon the payment of the same, the person or persons whose property has been so taken, shall deed to the public forever, all such property as shall be taken for the purpose of opening, widening, or extending, any street, lane, or alley, as aforesaid.

Streets, alleys,
&c. may be
graded

SEC. 14. That any person or persons appointed to collect the tax on personal property, imposed by virtue of the powers granted by this act, shall have power and authority to collect the same by distress and sale of the goods and chattles of the person or persons chargeable therewith, but, no sale shall be made unless twenty days previous notice shall be given in some newspaper published in said city, or by putting up written or printed notices at two or more public places in said city; and when any tax on real estate within the city of Alton, is not paid according to the ordinances of the said city, the said real estate shall be sold for said tax, and shall be redeemable as may be provided by ordinance.

Taxes may be
collected by dis-
tress and sale.

Notice to be
given.

SEC. 15. That all elective officers who shall be guilty of any palpable omission of official duty, or who shall wil-

Officers liable to indictment. fully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of his official duty, shall be liable to indictment before the municipal court of the city, and on conviction thereof he shall be fined in a sum not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that said officer, so convicted, shall be removed from office.

Fine.

May be removed.

All fines to be received in name of city.

SEC. 16. All fines, penalties, and forfeitures imposed by the ordinances of the common council of the city of Alton, or by this act, if not exceeding one hundred dollars, shall be recovered in the name of the city of Alton, before any justice of the peace residing in the said city; and if any such fine, penalty or forfeiture, shall exceed one hundred dollars, it shall be recovered in the name of the city of Alton, in any court having competent jurisdiction of the same, and where the amount of the fine penalty or forfeiture is not specifically defined by ordinance, or by this act, the court trying the case shall say what the amount shall be, and execution shall issue forthwith, and be levied on the goods or chattles of the person or persons convicted to be found in the county of Madison; and if no goods and chattles be found upon which to levy, a *ca. sa.* may be issued against the body of any offender or offenders, who shall be imprisoned in the city jail, forty-eight hours, for the first ten dollars of fine that may be issued against him, her, or them, and twenty-four hours for each additional ten dollars of fine as aforesaid.

Execution.

Ca. sa. may be issued.

Ordinances may be passed by city authority—binding.

SEC. 17. The common council of the city of Alton shall have power to pass any ordinance for the government of the said city, not repugnant to the laws of the state; and all ordinances and acts passed by the common council aforesaid shall be obligatory upon, and cognizable by the several courts of this state, and justices of the peace, sheriffs, and constables, in the county of Madison, and all other persons within the limits of said city, to all intents and purposes, as the acts of the General Assembly of the State of Illinois.

Taxes and fines to be paid to city treasury.

SEC. 18. All taxes, fines, forfeitures, and moneys, arising from any source mentioned in this act, shall be paid into the city treasury, unless otherwise directed by this act or the ordinances of the city, to be expended for the benefit of the said city under the direction of the common council.

If Upper Alton or any inhabitants wish to be connected with city of Alton.

SEC. 19. Whenever a majority of the inhabitants of Upper Alton, qualified to vote for Governor of this state, or whenever the inhabitants of any quarter section, half section, or section of land, adjoining the present limits of the city of Alton, shall vote in favor of becoming a part of said

city, any three of them may make affidavit before a justice of the peace, who shall certify the same to the common council of said city, said common council may by ordinance receive them as a part of said city; from thenceforth the quarter section, half section, or section of land so received shall be a part of the said city; and the inhabitants thereof shall be entitled to all the rights and privileges, and bound by all the acts and the ordinances made in conformity thereto.

May be received.

SEC. 20. All ordinances passed by the common council of the city of Alton, shall be published in some newspaper within the city, or posted up in two of the most public places in said city, at least ten days before said ordinances shall take effect.

Ordinances to be published.

SEC. 21. There shall be established in said city of Alton, a municipal court, which shall have concurrent or equal jurisdiction with the circuit court in Madison county, in all civil matters arising within said Madison county, and exclusive jurisdiction of all criminal matters arising within the corporate bounds of said city, except such matters as are cognisable before justices of the peace; *Provided*, That the said court shall be held in said city in such place as may be provided by the common council thereof.

Court established in city.

SEC. 22. Said court shall be held by one judge, who shall be appointed by joint ballot of both branches of the General Assembly, and commissioned by the Governor, and shall during his continuance in office, reside within the limits of said city, and shall receive a salary of one thousand dollars annually, payable quarter yearly by the common council of said city, which salary shall not be diminished but may be increased by said common council; *Provided, always* That the said judge may and shall be removed from office for the same causes and in the same manner that the constitution of this state provides for the removal of other judges.

Court to be held by one judge.

Judge shall reside in city.

Salary of judge

Provided.

Judge may be removed.

SEC. 23. That the docket fees now authorized and required by law to be paid to the clerk of the circuit court, shall be paid in all suits arising in the said municipal court, to the clerk thereof, and shall by him be paid into the city treasury; out of which fees, together with the other revenues of said city, the salary of the judge and the other expenses of said court shall be paid.

Fees to be paid to clerk of municipal court & by him to city treasury.

SEC. 24. That the grand and petit jurors of said municipal court shall be selected from the qualified inhabitants of said city, by the common council thereof, in the same manner as other jurors are selected by the county commissioners' courts of this state; which jurors shall possess the same qualifications, and [shall be] liable to the same punishments and penalties, and have the benefits of [the] same ex-

Jurors.

Duties and liabilities.

cuses and exemptions, as are imposed upon and allowed by the laws of this state to other jurors; and they shall take the same oath, possess the same powers, and be governed in all their proceedings as is prescribed in the cases of other jurors, by the laws of this state; *Provided*, That the inhabitants of said city shall not be required to act as grand or petit jurors in the circuit court of said Madison county.

Proviso.

Jurors, how summoned

SEC. 25. The said jurors shall be summoned by the sheriff of Madison county in the same manner as other juries are summoned by the sheriffs of this State; and the said juries shall be empanelled by the officers of the said municipal court, in the same manner as juries of circuit courts; and the judge of said municipal court shall have all the powers concerning jurors as are given by the laws of this State to the judges of the circuit courts.

Compensation of jurors

SEC. 26. The juries of said municipal court shall receive out of the city treasury the same compensation for their services as is allowed to the juries of the circuits courts, to be paid upon the certificate of the clerk of the said municipal court, which certificate the treasurer shall file as his voucher.

Treasurer shall file certificate of clerk

4 terms of court each year

SEC. 27. The judge of said municipal court shall hold four terms of said court in each year, for the transaction of civil and criminal business, and shall continue each term until the business before it shall be disposed of.

Time of courts

The said terms shall respectively commence on the first Monday of January, April, July, and October: *Provided always*, The common council of said city shall have power to increase the number of terms of said court, or to alter the same by giving at least four weeks notice thereof in some newspaper printed in said city: *Provided, also*, That the common council shall so order and arrange the terms of the said courts, that said municipal court shall not be held during any sitting of the Madison circuit court.

Terms may be increased

Proviso

Judge to appoint clerk

SEC. 28. That the clerk of said court shall be appointed by the judge thereof, and enter into bonds as clerks of the circuit courts are now required to do, and shall receive the same emoluments as the clerk of the circuit court for similar services; which fee shall be collected in the same manner as provided by the laws of this State.

Fees of clerk

Appeals granted from municipal court

SEC. 29. That the rules and proceedings, not herein otherwise provided for, shall conform as near as may be to the rules and proceedings of the circuit courts of this State, and appeals from the municipal court shall be taken and conducted in the same manner as provided by the laws of this State for the taking of appeals or writs of error from the circuit court. All judgments rendered in said municipal court shall have the same lean

on real and personal estate, and shall be enforced and collected in the same manner as judgments rendered in the circuit courts of this State; and all appeals from judgments rendered by the mayor of said city, or any justice of the peace within the limits of said city, may be taken to the next circuit or municipal court, whose term shall first happen, at the option of [the] appellant. Appeals from justice peace

Sec. 30. The judge of said municipal court, together with the advice and consent of the common council, shall have power, from time to time, to establish, alter, and regulate the fees which shall be charged in all suits brought in and adjudicated by said court, and shall have power to order and direct the amount of fees and costs that shall be taxed against the successful or unsuccessful party in all such suits, which fees shall be taxed by the clerk of said court, and recovered and collected in the same manner as fees are recovered and collected in the circuit courts of this State; and that all docket or jurors' fees accruing or arising in said municipal court shall be paid into the city treasury; and that the grand and petit jurors shall be paid out of the city treasury the same compensation as is now allowed to grand or petit jurors by the laws of the State: ~~Provided~~, The aforesaid section shall not be construed to allow said judge or common council to levy a higher fee upon any resident plaintiff or defendant who may reside within the limits of said city, than is now imposed by the laws of this State; and said section shall only apply to parties plaintiff, or plaintiffs who may sue in said court, and who shall not reside within said city of Alton. Judge may regulate fees

Sec. 31. The common council shall have power to appoint a prosecuting attorney for said municipal court, who shall conduct all suits brought by said city of Alton against natural or artificial persons, either before the mayor of said city, before any justice of the peace, or in the municipal court of said city, and who shall defend all cases in which the said city shall be made defendant, and who shall perform all the duties before said municipal court, as are or may be required of the several circuit attorneys, in their respective circuits in this state, and who shall be entitled to the same fees as said circuit attorneys are allowed for similar services in this state; and the said attorney shall be allowed such annual salary as the common council shall order and direct. Prosecuting attorney Attorney shall be allowed salary

Sec. 32. The said municipal court shall be a court of record, and have a seal to be provided by the common council, and all writs and process of said court shall be tested in the name of the judge of said court, and signed by the clerk, under the seal of said court, and Municipal court a court of record May have a seal Process tested in name of

Judge and signed by clerk

Fees of sheriff

Deputies in city

Shall give additional bond

Register's office.

Duty of register

Fees of register

Common council to appoint scribe who shall have access to all records

Office of register to be in city

shall be directed in the same manner as other writs emanating from circuit courts of this state; and the sheriff or other officer, serving said writs and process, shall receive the same fees as are allowed to sheriffs for similar services by the laws of this state. And the sheriff of Madison county shall be required to appoint one or more deputies, who shall reside within the corporate limits of said city. And the said sheriff of Madison county shall be required to give an additional bond, with the same penalty and same conditions as are required of sheriffs in the several counties of this state.

SEC. 33. There shall be established in said city, a register's office with a common seal to be provided by the common council, in which all deeds, mortgages, and other instruments in writing, conveying, or relating to lands lying in said city, shall be recorded; and it shall be the duty of the register of said city to record all such deeds, mortgages, and other instruments in writing aforesaid, in proper and well bound books, to be provided by the common council for that purpose; and all such deeds, mortgages, and other instruments in writing, so recorded in the register's office, shall have the same force and effect as if the same had been filed, recorded in the recorder's office of Madison county; and the said register shall be entitled to receive the same fees as are allowed to recorders of deeds in this state, and who shall perform all the duties within the said city, and be subject to the same liabilities as are required of county recorders in this state.

SEC. 34. The common council shall have power and authority to transcribe, into books suitable for that purpose, all deeds, mortgages, and other instruments in writing, relating to, or conveying lands, lying within the corporate limits of said city, noting at the end of each deed, mortgage, or other instrument in writing, the book and page in which said instrument is recorded in the recorder's office of said county. And the said common council shall have power to appoint, for the purpose of transcribing said instruments in writing, some proper person or persons, who shall have free access to the records of Madison county, for the purpose of transcribing such instruments in writing as aforesaid, and who shall receive such compensation for such services as the common council shall agree upon, to be paid out of said city treasury.

SEC. 35. The register of the said city shall keep his office within the boundaries thereof, in a safe and convenient place, to be provided for that purpose by the common council; and from and after this act shall take effect, the said register's office shall be and remain, to all intents and purposes, the place in which to record deeds, mortgages,

and title papers, and other instruments in writing, relating to lands within the limits of said city; and all copies of such deeds, mortgages, and other instruments in writing, from the records of said office, duly certified under the seal of said office, shall have the same force and effect as certified copies made by other recorders.

SEC. 36. That from and after the officers of said city are elected at the first election under this act, and qualified for office according to the previous sections of this act, all the powers of the trustees, and other officers of the town of Alton, shall be void; and the common council so elected and qualified, shall be deemed in law successors to the trustees to the town of Alton, to all intents and purposes; and all obligations and contracts entered into by the trustees of Alton, shall be carried into full effect by the common council of said city of Alton.

After election under this act all powers of trustees to be void.

SEC. 37. That all copies of the ordinances or other proceedings of the common council of the city of Alton, certified by the clerk of said city, under the seal thereof, shall be read in evidence in any court of this state.

Copies of ordinances may be read as evidence.

SEC. 38. This act to be in force and effect from and after its passage.

SEC. 39. Nothing in this act contained shall authorize the corporation to levy, assess, or collect, any tax or imposition of any kind whatever, upon property owned by the state.

Property of state exempt from taxation.

APPROVED, 21st July, 1837.

AN ACT to incorporate the Centreville Steam Mill Company.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall hereafter become subscribers to the stock hereinafter described, shall be, and they are hereby constituted and declared a body corporate and politic, by the name and style of the Centreville Steam Mill Company, from and after the passage of this act, and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and being pleaded in all courts and places whatsoever, may have a common seal, and alter the same at pleasure; and they and their successors may also by that name and style be capable in law of purchasing, holding and conveying away real and personal estate for the uses and purposes of said incorporation; which real estate shall not exceed one hundred and sixty

Body corporate and politic.

Powers.

May hold and sell estate.

acres of land, whereon to erect the necessary enclosures for carrying on the business of the company.

Further powers

SEC. 2. The said company hereby incorporated shall have power to erect a steam mill in the county of Fulton, and are hereby authorized to carry on the manufacturing of the various kinds of grain, wool, hemp, and other manufactures; to export the same and other products of the country, and to use all such powers and privileges as may be necessary to carry on the said manufactory according to the objects of this act as herein expressed.

Capital stock may be increased.

SEC. 3. The capital stock of said company shall consist of five thousand dollars, with the privilege of increasing the same to twenty thousand dollars, to be divided into shares of fifty dollars each.

Corporation to obtain subscriptions to stock.

SEC. 4. For the purposes of carrying into effect the object of this corporation, N. C. Thompson, Joel Solomon, D. W. Vittum, Harvey Crosthwait, and David Markley, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners or a majority of them after giving general notice thereof in some newspaper printed in this state, may open books for the subscription of said stock, at such times and places as they may direct, and keep the same open till at least one hundred shares have been subscribed. Every subscriber, at the time of subscribing, shall pay to said commissioners one dollar for each share subscribed; and when such subscription is complete, as aforesaid, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stock holders at Centreville, by a printed notice in some newspaper of general circulation in this state.

To open books.

Amount to be paid on subscribing.

Notice to be given of meeting.

Election of directors.

SEC. 5. At said meeting the stockholders of said company shall proceed to elect five directors, who shall manage, direct, and govern, the affairs of said company one year from the period of said election, and until their successors are elected and qualified; and that at said election, each stockholder shall be entitled to one vote for each share he may hold; and a majority of all the votes given shall be required to make an election.

Who may vote.

Annual election.

The period of election of directors as aforesaid, shall be annually on the first Monday of the month in which the first election shall be held.

Meeting of directors.

SEC. 6. Immediately after the directors are chosen as aforesaid, they shall hold a meeting, at which and at all subsequent meetings of said board, a majority of the directors shall constitute a quorum. That they shall proceed to the election of a president from their own body, a secretary who shall be sworn by a justice of the peace to the faithful discharge of his duty, and who shall record all votes of

President how made.

the corporation in a book by him kept for that purpose; a treasurer, who shall give bond to such amount and in such manner as the said president and directors shall direct; and the board shall appoint all other officers and agents as to them shall seem necessary.

SEC. 7. Said president and directors shall have power to make and establish all such by-laws, rules, and regulations as shall be necessary, and not inconsistent with the laws of this state and the provisions of this act, which may be necessary for the payment or collection of the subscriptions to its stock, and the transfer of the same, and of property, or that in any other way may concern the management and direction of the affairs of said company.

SEC. 8. If it should happen that any election should not be made the day when by the provisions of this act it should be made, the corporation shall not for that reason be dissolved, but such election may be held on any other day within thirty days thereafter, public notice being given by the directors thereof.

SEC. 9. This act shall be deemed a public act and shall be construed favorably for the purposes therein expressed, and declared in all courts and places whatever.

APPROVED, 21st July, 1837.

AN ACT to Incorporate the Town of Caledonia.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Justus Post, E. B. Clemson, H. L. Webb, R. A. Nelson, and Thomas Forker, be, and they are hereby constituted a body politic and corporate, to be known by the name of the President and Trustees of the town of Caledonia; 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 actions and matters whatsoever, may grant, purchase, receive and hold property, real and personal, within said town and no other; and may lease, sell, and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been, or may be, appropriated to the use of said town, and may do all other acts as natural persons; may have a common seal, change and alter the same at pleasure.*

Individuals constituted body politic and corporate

Powers

May hold property, real and personal

May lease lands

SEC. 2. That all those tracts of land, to wit: South half of section 23, sections 26, 27, and 34, in township 15,

Boundaries of town

south, range one, east of the third principal meridian, be, and the same is hereby declared to be within the boundaries of the town of Caledonia.

Powers vested in five trustees SEC. 3. The corporate powers and duties of said town shall be vested in five trustees, after the term of the present incumbents has expired, to wit: on the first Monday of October, who shall form a board for the transaction of business.

Trustees to be elected annually SEC. 4. The members composing the board of trustees shall be elected annually, on the first Monday in September, to serve for one year, and till others shall be legally qualified; they shall be at least twenty-one years of age, citizens of the United States, and shall possess a freehold estate within the limits of the corporation. Those persons only shall be qualified to vote for trustees, or in such town meetings as may be held in conformity to this act, who possess the requisite qualifications to vote for state officers, and have resided within the limits of the corporation six months previous to such elections or town meetings.

Time of

Qualifications

Who to vote for trustees

President how appointed SEC. 5. 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, and shall have power to fill all vacancies in the board occasioned by death, resignation or six months' absence of any member thereof. 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 their rules of proceedings, and make such other rules and regulations for their own government as to them may seem proper and expedient.

Power to fill vacancies

Quorum

To make rules and regulations

May levy and collect tax SEC. 6. The board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding one per cent. upon the assessed value thereof, except as may be hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain cattle, horses, sheep, swine, and dogs from running at large; to establish night watches, erect lamps in the streets, and lighting of the same; to erect and keep in repair, bridges; to license and tax merchants; to regulate auctions, taverns, groceries, and pedlers, theatrical and other shows, billiard tables, and other amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; to prevent the shooting of fire arms within the limits of the corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes, alleys, drains, and sewers, to keep the same free

Health of town

Remove nuisances

Night watches

To license merchants, &c.

To prohibit gaming &c.

Markets

from incumbrances; to establish and regulate a fire department; to provide for the prevention and extinguishing of fires; to regulate the police of the town; to regulate the election of town officers, to fix their compensations; 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 impose and appropriate fines and forfeitures for the breach of any ordinance; and to provide for the collection thereof; and that in 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 decisions in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace

Fire department
Police
Officers
Pass ordinances
Justice of peace to have jurisdiction
Appeal may be taken
Writ of certiorari

SEC. 7. The board of trustees shall have power to levy a tax for the erection of school houses, and the support of common schools within said corporation, and to raise money by loan on the credit of the town for commencing and prosecuting works of public improvements: *Provided, however,* That the same shall be submitted to the vote of the citizens of the town, and approved by a majority thereof.

May levy tax for support of schools
May loan money

SEC. 8. That, upon the application of the owners of two-thirds of the real estate upon any 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, according to their respective fronts, for the purpose of grading and paving the side walks of said streets.

Special tax may be levied

SEC. 9. 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, and to set aside and appropriate sufficient ground for a square, for a market, and other public purposes, making the person or persons impaired 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 enquire 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 opening, widening, or extension of any street, avenue, lane, or alley, or setting aside and appropriating ground for a market square, and other public purposes, and shall, moreover, estimate the amount which

Power to grade, pave, &c. streets
May extend & widen Public square
In what case free holders to be summoned
To estimate & assess damages and benefit

other persons will be benefitted 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 benefitted and so assessed, shall pay the same in such manner as shall be provided, and the residue of any shall be paid out of the town treasury.

Estimate to be returned to trustees

May survey & plat town, and record same

Proviso. Individuals' right to be kept inviolate

Neglect or refusal to pay tax

Lots may be sold

Ordinances to be published

Lots sold, how and when redeemed

Officers of town

Fire companies

SEC. 10. That the trustees shall have power to survey and plat the grounds within the corporation limits, and record the same, which, when thus surveyed, platted, and recorded, shall be a governing plat for town uses and purposes: *Provided, however,* That this shall not be so construed as to give the trustees power, so to vary from any established plat as thereby to affect the rights of private individuals.

SEC. 11. That whenever the owners of any lot or piece of ground included within said incorporation shall neglect or refuse to pay the tax or taxes levied on the same, when they may become due, it shall be the duty of the trustees to advertise the same for non-payment, either in a newspaper printed in said town or by posting in three of the most public places in said town for the space of sixty days, and on further failure of payment thereof, to sell at public sale said lot or piece of ground to pay said taxes and defray the expenses of collection.

SEC. 12. All ordinances shall, within ten days after their passage, be posted in three of the most public places in said town.

SEC. 13. That when any real estate in said town shall be sold by the authority of said corporation for the non-payment of taxes, said lands may be redeemed in the time that other lands are redeemed by virtue of the laws of this state, upon paying the treasurer of the board double the amount of taxes for which the same was sold, together with all the costs accruing on such sale; lands not redeemed under such shall be conveyed by special warranty, under the seal of said corporation.

SEC. 14. The officers of said town in addition to the trustees, shall consist of one clerk, one street commissioner, one treasurer, three assessors, one town constable and collector, one town surveyor, and such other officers as the trustees of said town may deem necessary for the good of said town.

SEC. 15. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire engine companies, and hook and ladder companies: said companies to contain such number of members as said trustees by their ordinances shall direct. The members of said companies shall be exempt

from jury and military duty; and whenever a member of either company shall have served twelve years, he shall receive a discharge from the incorporation, signed by the president, and shall from thereafter be exempt from further jury and military duty, except in cases of invasion.

Members exempt from military duty.

SEC. 16. That all lots of lands or parcels of ground in said town, or which have been conveyed by the original proprietors thereof, or other persons, to the inhabitants of said town in the 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 the proprietors or donors thereof; and the said trustees shall have power to institute suits for the recovery of every or any such lots or parcels of ground, should it be necessary, and to perfect in them and their successors the title thereof, or to make such other adjustment relative thereto, as to them shall seem expedient and proper.

Property of town

SEC. 17. That it shall be the duty of the board of trustees, in such manner as they may hereafter provide, to give notice of all town meetings to be held, whether for the election of trustees or any other purpose, arising under the provisions of this act, by posting the same in three of the most public places in said town, and stating therein the object of such meeting: *Provided, however,* That not less than three days' notice of any such meeting shall in any case be given except in cases of emergency.

Town meetings

Provido:

SEC. 18. 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 discharge the duties of their several offices.

All officers to take oath

SEC. 19. That the trustees may have to divide said town into such number of wards as to them shall seem expedient and proper: *Provided, however,* That no stock, belonging to citizens without the boundaries of said town, shall be hurt by the authority of said corporation.

Wards of town

APPROVED 21st July, 1837.

In force 21st
July, 1837.

AN ACT to incorporate the Caledonia Railroad Company.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William L. D. Ewing, James L. Curtis, Nathaniel P. Tallmadge, Silas M. Stilwell, Henry L. Webb, Ferris Forman, Herman W. Childs, Benjamin W. Brooks, John A. McClernand, Willis Willard, James L. Hodges, James Reed, Michael Craver, and Winsted Davie, and their associates, successors, and assigns, are hereby created a body corporate and politic, under the name and style of the Caledonia Railroad Company, for the term of fifty years; and by that name may be and are hereby made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, in any court or courts of record; to make, have, and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from the town of Caledonia, in Alexander county, to the central railroad at Jonesboro', or some point upon said railroad south of Jonesboro', upon the most eligible and convenient route; and said corporation is hereby authorized to join and connect with the central railroad, and for this purpose the said company are authorized to lay out their said road wide enough for a double or single track through the whole length; and for the purpose of cutting embankments, stone, and gravel, may take as much more land as may be necessary for the proper construction and security of said railroad: *Provided*, All damages that may be occasioned to any person or corporation, by taking such lands or materials for the purposes aforesaid, shall be paid for by the company in the manner hereinafter provided.*

SEC. 2. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their numbers president of the board, who shall also be the president of the company.

Body politic & corporate created

Name & style

Powers

May have seal

All privileges necessary

Commissioners authorized to build railroad to central railroad

May join

Road may be laid out wide enough for double or single trackway

Proviso

Lands, &c. to be paid for

Capital stock Shares

Government vested in five directors

Quorum

SEC. 3. The said corporation is hereby authorized by their agents, surveyors, and engineers, to cause such examinations and surveys of the ground and country to be made between said points as shall be necessary to determine the most advantageous route for the proper line or course whercon to construct their said railroad; and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate as may be necessary to the construction and maintenance of their said railroad, and the accommodations requisite and appertaining to the same; and may, also, hold all such lands as they may purchase or receive in any manner for the necessary purposes of said road: *Provided*, That all lands or real estate entered upon, and taken possession of, and used by said corporation for the purposes and accommodations of the said railroad, or upon which the site for the said railroad shall have been located or determined by the said corporation, shall be paid for by the said corporation in damages, if any be sustained by the owner or owners thereof, by the use of the same, for the purposes of said railroad, which damages shall be ascertained in the same manner that damages are ascertained in the case of public roads running through the lands of individuals, some one of the directors acting in the stead of the supervisor of the general road law.

Power to make surveys, &c.

May take lands, &c. necessary

SEC. 4. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto; or shall damage, break, or destroy any part of said railroad, or implements or buildings, he, she, or they, or any persons assisting, shall forfeit and pay to said company for every such offence treble the amount of damages that shall be proved before any court competent to try the same, to be sued for in the manner and behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction, such offender or offenders shall be liable to a fine not exceeding one thousand dollars, for the use of the county where such indictment may be found.

Penalty for injury done road

Offender deemed guilty of misdemeanor

Fine

SEC. 5. The time of holding the annual meetings of the said company, for the election of directors, shall be fixed and determined by the by-laws of said company, and at all meetings each stockholder shall be entitled to vote, in person or by lawful proxy, one vote for each share he, she, or they may hold in said stock.

Annual meeting

Who may vote

SEC. 6. Nathaniel P. Tallmadge, James L. Curtis, and

Henry L. Webb, are hereby appointed commissioners to open subscription books for the stock of said company; and said commissioners or a majority of them, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days' notice of the times and places when and where such books will be opened, in the state paper printed at Vandalia, and shall keep said books open at least five days, unless the whole amount of capital stock shall be subscribed before the expiration of the said five days; and they shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing; and at the expiration of the said five days, if the whole of the said capital stock shall be subscribed, the said commissioners shall call a meeting of the stockholders by giving ten days' notice in a newspaper printed in Vandalia; and at such meeting it shall be lawful to elect the directors of the said company; and when the directors of said company are chosen the said commissioners shall deliver said subscription books, together with all sums of money received by them as such commissioners, to said directors; *Provided*, That no person shall be a director unless he shall own at least five shares of the capital stock. Said company is hereby authorized to borrow any sum of money not exceeding their capital stock, and to make all such contracts as said corporation may deem necessary to carry into effect the powers and privileges hereby granted.

SEC. 7. That the rights of way and the real estate purchased for the right of way by said company, whether by mutual agreement between the said corporation and the owner or owners of said land or real estate, or which shall become the property of the said company by operation of law as is in this act provided, shall, upon the payment of the amount belonging to the owner or owners of such lands, as a compensation for the same, become the property of said corporation, absolutely and in fee simple.

SEC. 8. The legislature reserves to itself the right to purchase the stock of said company at any time, by paying the amount actually expended thereon, with the interest at the rate of six per cent. per annum; and for the purpose of ascertaining the value thereof, the legislature may appoint two or more commissioners, who, being duly sworn, shall proceed to ascertain by inspection and the oath of witnesses, the actual value of the road, fixtures, apparatus, and cars as aforesaid. The corporation may take and transport on the said railroad any person or persons, merchandize, or other property, by the force and power of steam, or animals, or any combination of them; and may fix and es-

Commissioners to open books of subscription
Notice to be given when books are to be opened, in newspaper printed at Vandalia

Amount paid on subscribing

Books to be given to directors
Proviso

Company may borrow money

Right reserved by State

establish, take and receive such rates of toll for all passengers and property transported upon the same, as the directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules and regulations, by-laws and ordinances, that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided for by the by-laws and ordinances of said corporation.

Tolls

Stock declared personal property

SEC. 9. Said company shall transport the United States mail upon the whole line of said road, whenever required by the Postmaster General; *Provided*, That if the Postmaster General and the company shall be unable to agree upon the compensation to which said company shall be entitled, the Postmaster General may choose one person and said company shall choose another, who, should they be unable to agree upon the compensation to which said company shall be entitled, shall choose a third person, and the compensation fixed by them or a majority of them, shall be binding upon said company.

Shall transport U. States mail when required
Proviso

SEC. 10. If the said company shall not commence the work within two years from the passage of this act and complete within five years, then this act shall thenceforth cease and be void.

If road not made in five years charter to be void

APPROVED 21st July, 1837.

AN ACT to amend "An act to incorporate the Chicago and Fox River Turnpike Road Company," approved March 1st, 1837.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the thirteenth section of the act, entitled "An act to incorporate the Chicago and Fox River Turnpike Road Company," approved March 1st, 1837, be and the same is hereby repealed.

Thirteenth section of act repealed

APPROVED 21st July, 1837.

In force 21st
July, 1837

AN ACT to increase the Capital Stock of certain Companies.

Capital in-
creased \$200,
000

Powers of pre-
sident and di-
rectors

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the capital stock of the Pittsfield and Mississippi Railroad Company is hereby increased the sum of two hundred thousand dollars; and the capital stock of the Winchester, Lynnville, and Jacksonville Railroad Company, is hereby increased two hundred thousand dollars. The president and directors of said companies shall severally have power to dispose of the stock not subscribed for, upon such terms as they may deem for the interest of the companies.

APPROVED 21st July, 1837.

In force 21st
July, 1837

AN ACT to incorporate the Alton Ferry Company.

Body corporate

Vested with
rights

Capital stock
Shares

Place of meet-
ing

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Enos H. Harrison, John Ligerson, Wallace Ligerson, and Jeremiah A. Townsend, and such other persons as may associate with them for that purpose, be and are hereby constituted a body corporate by the name of the "Alton Ferry Company," for the purpose of transporting, taking, and carrying property and persons across the Mississippi river, from the town of Alton to the opposite shore, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them which the said corporation may choose to employ; and by that name they and their successors shall be and hereby are vested with all the rights and privileges of ferrying across the said river, and may have succession, and shall be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and in all manner of actions; and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

SEC. 2. The capital stock of said company shall consist of twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each.

SEC. 3. That the place of meeting for said company shall be at Alton.

SEC. 4. That for the purpose of carrying into effect the object of this incorporation, Enos H. Harrison, John

Ligerson, and Jeremiah A. Townsend, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, or a majority of them, after giving general notice thereof in some paper printed in this state, may open books for the subscription of said stock, at such times and places as they may direct, and keep the same open till the said capital stock is subscribed. Every subscriber shall at the time of subscribing pay to said commissioners the sum of one dollar for each share subscribed. When such subscription is complete, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders at Alton, by a printed notice in some newspaper of general circulation within this state.

Commissioners to obtain subscriptions to stock

Books to be opened

When subscription is complete

SEC. 5. That at said meeting the stockholders of said company shall proceed to elect five directors, who shall manage, direct, and govern the affairs of said company one year from the period of said election, and until their successors, who shall be vested with the same authority, are elected.

Election of directors

Term of office

SEC. 6. And that at said election each stockholder shall be entitled to one for each share of stock he may hold; and a majority of all the votes given shall be required to make an election.

One vote for each share

SEC. 7. That the period of election shall be annually the first Monday in the month in which the first election was held.

Election to be annually

SEC. 8. That immediately after the directors are chosen as above, they shall hold a meeting, at which, and at all subsequent meetings, a majority shall constitute a quorum, and that they shall proceed to the election of a president from one of their number.

Quorum

SEC. 9. That said president and directors shall have power, from time to time, to make all such by-laws, not inconsistent with the constitution and laws of this state, which may be necessary for the management and direction of the affairs of the said company.

Power to make all by-laws

APPROVED 21st July, 1837.

AN ACT to incorporate the Fairfield Library Company.

In force 2d March, 1837

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Thomas A. Wood, William Borah, C. J. Ridgway, Bigdon B. Slo-*

Body constitu- cumb, Jeffrey Robinson, Caleb Williams, William F. Tur-
ted ney, Joseph Wilson, Thomas Linthicum, Wesley Staten,
 Nicholas N. Smith, Andrew J. Armstrong, James Mays,
 Edward R. Puckett, L. J. S. Turney, and their associates,
 be and they hereby constituted a body politic and corpo-
May have seal ration, to be known by the name [of the] Fairfield Library
 Company; and by that name shall have perpetual suc-
 cession, and a common seal which may be altered at the
 pleasure of the society.

Directors elec- SEC. 2. That the members of the society shall annu-
ted ally, on the first Monday of April, elect five directors,
 (who shall be stockholders,) who shall continue in office one
May make by- year, and until their successors are elected, who shall be
laws empowered to make such by-laws, rules and regulations,
 as they, or majority of them, shall deem best calculated
 to promote the welfare of the society.

Powers SEC. 3. That the directors shall appoint their own
 chairman and secretary for the time being, and hold their
 meetings at such times and places as they may think pro-
 per; and the directors shall be capable in law and equity
 of suing and being sued, pleading and being impleaded,
 answering and being answered unto, defending and being
 defended, in any court or courts, place or places what-
 soever.

To hold estate SEC. 4. That the directors and their successors in of-
 fice shall be in law capable of purchasing, holding, and
 conveying any personal or real estate for the use of said
 corporation, not exceeding their capital stock: *Provided,*
Not more than Said corporation shall not be allowed at any one time to
160 acres own more than one hundred and sixty acres of land.

SEC. 5. That the directors shall have power to de-
 mand and receive all moneys that are already due by sub-
 scription or otherwise, or that may hereafter become due
 by fines, donations, or contributions of what nature soever,
 which, when collected, they shall disburse in the purchase
 of books, maps, or in such manner as a majority of them
 may deem best for the interest of the society; all debts
 already contracted by individuals for the use and benefit
 of the society, being first paid.

Duty of direc- SEC. 6. That it shall be the duty of the directors an-
tors nually to appoint a librarian, whose duty shall be pre-
 scribed by the by-laws of the society.

Vacancies, how SEC. 7. That the directors shall have power to fill such
filled vacancies as may happen in their own body during the
 time being, and to assess such moderate fines for any breach
 of the by-laws, and for the loss or destruction of any book
 or books belonging to the library, as may be reasonable
 and just.

SEC. 8. That the directors shall designate the mode of

admitting persons wishing to become members of the society. The capital stock of said society shall be two thousand dollars, with the the privilege of increasing the same to five thousand dollars. Members, how admitted Capital stock may be increased

SEC. 9. The stock of the company shall be divided into shares of twenty dollars each, which shall be subscribed for and and paid in, as the directors may, from time to time, direct: *Provided*, That they are not allowed to call for more than one-fifth of said capital stock per annum. Shares

SEC. 10. That books shall be opened for the subscribers of stock in said institution at such time and place or places as the directors may prescribe. Books to be opened

SEC. 11. That no member shall withdraw his interest from the institution, but may transfer the same to any person or persons he may think proper, whom the society may admit as a member or members: *Provided*, That the transfer be made in presence of the librarian, and entered on the records of the society.

SEC. 12. That this act shall be in force from and after its passage.

APPROVED, 2d March, 1837.

[This bill, through inadvertency, was left out of the printed incorporation acts of the session of 1836 & '7.]

AN ACT to incorporate the Fayette county Manual Labor Seminary. Created a body corporate and politic.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Harvey Lee, William Walters, James Black, Charles Prentice, Asahel Lee, William Linn, Moses Philips, J. M. Morse, N. M. McCurdy, Robert Blackwell, and Francis B. Hickman, be, and they are hereby created a body corporate and politic, by the name and style of the "Trustees of the Fayette county Manual Labor Seminary," and by that style and name to have perpetual succession. The said seminary shall be located on some eligible situation, in the township in which the town of Vandalia is located. Powers.

SEC. 2. The corporate powers hereby given shall be such as are usually conferred on similar corporate bodies, to wit: to have perpetual succession, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive by its corporate name, and to do all such acts and things as a natural person may; acquire, purchase, or sell property real or personal, and in all lawful ways, to use,

manage and dispose of the same; may have a common seal, and may alter and change the same, and may make by-laws for its regulation, not inconsistent with the constitution and laws of the United States or of the State of Illinois.

Authority.

SEC. 3. The trustees of said seminary shall have authority, from time to time, to prescribe the course of studies to be pursued in said institution; the amount of labor to be required of the students thereof; to fix the rate tuition, and other academic expenses; to appoint instructors, and such other officers and agents as they may consider necessary to the proper managing the concerns of said institution; may define their duties, fix their compensation, and at the pleasure of a majority of the trustees, displace or remove them.

Trustees may fill vacancies.

SEC. 4. The trustees for the time being, that their succession may be perpetual, shall have power to fill any vacancy which may occur in their number from death, resignation or removal, or other cause; a majority of the trustees for the time being, shall be a quorum to do business, and shall have power to increase their number to any amount not exceeding twelve; *Provided*, That two-thirds of the trustees for the time being, shall concur in the appointment of the trustees to be added.

To appoint a treasurer.

SEC. 5. It shall be the duty of said trustees to appoint one of their number treasurer to the board, who shall be required to give bond, with such surety as may be deemed sufficient, conditioned for the faithful performance of such duties as may be required of him by the by-laws.

To be free for all denominations.

SEC. 6. The said institution shall be open to all denominations of Christians, and the profession of any particular religious faith shall not be required of those who may desire to become students in said institution.

What lands may be held.

SEC. 7. The lands and tenements to be held in perpetuity, by virtue of this act, shall not exceed six hundred and forty acres; *Provided however*, That if any donation, grant or devise in land, shall from time to time be made to said corporation, over and above the six hundred and forty acres held in perpetuity, as aforesaid, the same may be received and held by said corporation, for the period of five years from the date of any such donation, grant, or devise; at the expiration of which time, if the said lands be not sold by the said corporation, then the said land so donated, granted, or devised, shall revert to the original donor or grantor, or to the heirs of said devisor of the same.

SEC. 8. This act shall be in force from and after its passage.

[This bill having been laid before the council of revision, and ten days not having intervened before the adjournment

of the General Assembly, and the said bill not having been returned with the objections of the council, on the first day of the present special session of the General Assembly, the same has become a law.

Given under my hand, the 11th day of July, A. D. 1837.

A. P. FIELD.
Secretary of State.

AN ACT further supplemental to an act to establish and maintain a General System of Internal Improvement. In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the commissioners of public works be and they are hereby authorized and required, as soon as practicable, to proceed to the survey, location and construction of the several routes of railroad, and other public improvements, indicated by the act to which this is a supplement, any thing in the fifteenth section of said act to the contrary notwithstanding.

APPROVED 21st July, 1837.

AN ACT concerning Calvin's Slough.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Calvin's Slough, in the county of Greene, is hereby declared a navigable stream and public high way, from its confluence with the Illinois river to the town of Bluffdale.

SEC. 2. That the time of holding elections for a justice of the peace and constable in each of the towns of Greenfield and White Hall, in Greene county, as authorized by "an act to incorporate the towns of Greenfield and White Hall, in Greene county," approved on the fourth day of March last, may be fixed and ordered to take place by the county commissioners court for said county, on any day within nine months from the passage of this act; and such elections hereby authorized to be held shall be as good and valid as if the same had been held at the times contemplated in said act, and shall be conducted as therein required.

Time of election.

May be fixed by county commissioners.

APPROVED, 21st July, 1837.

In force 20th July, 1837. AN ACT forming an additional Justices District in the county of Randolph.

Justices dlstrict created.

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 Columbus, in the county of Randolph, be and the same is hereby constituted into a district for the election of a justice of the peace and constable.

Election to be held.

SEC. 2. The county commissioners court of the county of Randolph, are hereby authorized and required to cause an election to be held on or before the first day of October next, or as soon thereafter as practicable, and at each quadrennial 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 in this state.

APPROVED, 20th July, 1837.

In force 21st July, 1837. AN ACT to amend an act to provide for the Election of Probate Justices of the Peace.

Second section of act amended.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the second section of an act to provide for the election of probate justices of the peace, approved, March 4th, 1837, be so amended as to require the election of the said justices to be held in the several counties at the time and places where the elections for the clerks of the county commissioners courts are held under the provisions of the aforesaid act.

APPROVED, 21st July, 1837.

In force 21st July, 1837. AN ACT to amend an act, entitled An act to amend an act concerning Justices of the Peace and Constables, approved February 13th, 1827, approved January 23rd, 1829.

Power of justice

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases before justices of the peace, where the plaintiff shall wish to prove

his or her demand, by his or her own oath, or the oath of the adverse party according to the provisions of the 5th section of the act to which this is an amendment, it shall be lawful for the justice of the peace before whom the suit is commenced, to issue a summons as follows, to wit:

STATE OF ILLINOIS, }
 COUNTY. } SET.

The people of the State of Illinois, To any Constable of said county, GREETING:

You are hereby commanded to summon C. D. to appear ^{Of summons.} before me, at my office in _____ in said county, on the _____ day of _____ 183____, at the hour of _____ o'clock A. M., to answer the complaint of A. B. for a failure to pay him a certain demand not exceeding one hundred dollars, and hereof make due return as the law directs. The said defendant is hereby also notified that the said plaintiff says that he has no witness by whom to prove his demand, except it be by his own oath, or the oath of the said defendant; and unless the said defendant appear at the trial of said complaint, the plaintiff will be permitted to prove his demand by his own oath, as by law is directed in such cases.

Given under my hand and seal at my office in _____ in said county this _____ day of _____ A. D. 183____
 E. F. J. P. [L. s.]

And if the defendant or defendants shall not appear at the time of trial, after being served with such summons according to law, and no sufficient reason be assigned to the justice why he or she does not appear, then the plaintiff shall be permitted to prove his or her demand by his or her own oath, as is now provided by law, without giving any other or further notice to the defendant or defendants. ^{If defendant does not appear or assign reason} ^{Plaintiff may prove.}

SEC. 2. Nothing here contained shall be construed so as to prevent any plaintiff or defendant, in any suit pending before a justice of the peace, from proceeding as is provided in the 5th section of the act to which this is an amendment. This act to take effect and be in force from and after its passage.

APPROVED, 21st July, 1837.

AN ACT in relation to the Penitentiary.

In force 21st July, 1837.
 Law repealed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the first and second sections of an act passed February 9th, 1837, enti-

tled "an act to amend an act to regulate the penitentiary," approved February 19th, 1833, be and the same are hereby repealed.

Powers of inspectors of Penitentiary. SEC. 2. That all the power and authority hereby conferred on the warden of the penitentiary, is hereby vested in the inspectors thereof; who are authorized and empowered to appoint a superintendent of the penitentiary, to superintend and manage the affairs of the said penitentiary, or to farm out the convicts to some individual or individuals, as they in their judgment may think will best advance the interest of the state.

In case of failure to defray expense. SEC. 3. That the inspectors of the penitentiary, on a failure of realizing from the labor of the convicts confined in the said penitentiary, a sum sufficient to defray the expenses of a superintendent, or in case they farm out the convicts to some individual or individuals at less than sufficient to defray the incidental expenses, and support the convicts, they shall have power to draw on the auditor of public accounts for the sum not exceeding eight hundred dollars.

SEC. 4. This act shall take effect from and after its passage, and be in force till the close of the next session of the General Assembly.

APPROVED, 21st July, 1837.

In force 21st,
July, 1837.

AN ACT in relation to the county of Cass.

Preamble.

Whereas, at an election held in the county of Morgan, according to the provisions of "an act for the formation of the county of Cass," it appears that a majority of the voters of said county, voted for the creation of said county; and whereas, at an election for the county seat of said county, Beardstown received the highest number of votes for the county seat; and whereas, some doubts have been expressed as to the legality of the proceedings of said elections; now, therefore, to remove all doubts on that subject:

County of Cass declared lawful county of this state. SEC. 1. *Re it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county of Cass as designated and bounded in the act for the formation of the county of Cass, approved, March 3rd, 1837, be and the same is hereby declared to be one of the counties of this state.

County seat, where located. SEC. 2. The county seat shall be located at Beardstown, in said county; *Provided however,* That the provisions of this act, above referred to, shall be complied with by the citizens, or corporation of Beardstown, in relation to

the raising the sum of ten thousand dollars, to defray the expenses of erecting public buildings for said county.

SEC. 3. The corporation of Beardstown shall be allowed the period of one, two, and three years, for the payment of ten thousand dollars aforesaid, to be calculated from the passage of the law aforesaid; which sum shall be paid in three equal payments. The county commissioners court of said county shall make their contracts for erecting the public buildings in said county, so as to make their payments thereon, when said instalments aforesaid shall become due and payable.

Buildings to be contributed for.

SEC. 4. The court house of said county shall be erected on the plat of ground known as the public square in said town of Beardstown.

Court house, where erected.

SEC. 5. Returns of the elections for the county officers of said county, to be elected on the first Monday of August next, shall be made in Beardstown, to O. M. Long, and Thomas Paguo, notaries of public in Beardstown, who shall open and examine the poll books of said election in the presence of one or more justices of the peace, in and for said county; and said notaries public, after due inspection and examination of said poll books, according to the laws of this state, shall make out certificates of the election of those persons who shall have received the highest number of votes, which certificates shall be such as those required to be made by the clerks of the county commissioners' court, and shall receive and be entitled to the same effect in law; said notaries public in making the examinations of the poll books aforesaid, and in making out the certificates of said election, shall pursue the same course directed to be pursued by the clerks of the county commissioners' court; and in case of the death or refusal to act, of either of said notaries public, the other shall proceed to act as though both were present, and shall make out all necessary certificates.

Elections returns.

Poll books how opened.

Duty of notaries public.

SEC. 6. The judge of the 1st judicial circuit, is hereby directed to appoint a clerk of the circuit court for said county, immediately.

Judge of 1st circuit to appoint clerk.

SEC. 7. The county school fund of Morgan county shall be divided between the counties of Morgan and Cass, in the following manner: The school commissioners of said counties shall ascertain the number of votes polled in the county of Morgan, in August, 1836, the number of votes which may be polled in the county of Cass, in August next, and deduct the votes given in Cass from the number given in Morgan, at the time aforesaid, and divide the said fund between the two counties in proportion to the number of votes given in the said counties; the proportion due to the county of Cass, shall be paid over in money or notes, to the school commissioners of said county, and the same

Duty of school commissioners

rule shall be applied and observed in the division of interest upon the school, college and seminary fund; until after taking the next census. At the election for county officers in said county, in August next, poll books shall be opened and votes received, at the several precincts situated in said county, heretofore established as election precincts in the county of Morgan; and the persons appointed judges of election at said precincts, shall act as judges of said election; and the said election shall be conducted and returns thereof made to the notaries public herein named, at the time and in the manner provided for in other elections; and in case any judge of election shall fail to attend, or refuse to act, the place shall be supplied as required in other elections. All crimes and misdemeanors committed within the bounds of Cass county, subsequent to the day on which the certificate of the result of the elections held for the creation of said county was admitted to record, by the county commissioners of Morgan county, shall be deemed and considered as having been committed within the county of Cass; and the courts and justices of the peace of Cass county shall have jurisdiction to hear and determine all prosecutions, indictments, and proceedings, in relation to the service. The county treasurers of Cass and Bureau, shall, upon their election, proceed to list the taxable property in their respective counties, subject to taxation for the present year; and to this end, the treasurer of Cass county shall be permitted to copy from the record book of Morgan county the list and description of all lands, subject to taxation in said county of Cass; and the treasurer of Bureau county shall be permitted to make a like copy from the books of Putnam county. The list of taxable property shall be returned by the said treasurers, respectively, on or before the first Monday in October; and the sheriffs of said counties shall proceed to collect the taxes due upon said list, as early as practicable.

Duties of treasurer of Cass and Bureau counties

SEC. [8.]. The county school fund of Putnam county, shall be divided between the counties of Putnam and Bureau, in the following manner and terms: The school commissioners of two counties, shall ascertain the number of votes which may be given in said counties on the first Monday in August next, and divide the fund between the counties, in proportion to the number of votes given; and the interest upon the school, college, and seminary funds, shall hereafter be divided between the counties upon the terms aforesaid, until the next census shall be taken.

APPROVED, 21st July 1837.

AN ACT to legalize Processes in the Circuit Courts of this State.

In force, 20th
July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all writs and processes, of whatever kind or description, issued by any of the clerks of the circuit courts of this state, prior to the passage of this act, and bearing teste in the name of the presiding judge, shall be and the same are hereby declared to be good and valid in law, in respect to such teste; and no writs or processes shall be quashed, set aside, or held to be null and void, for any such cause.

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

APPROVED, 20th July, 1837.

AN ACT to amend an Act concerning Process, Approved February 25, 1837, and for other purposes. In force July 21st, 1837.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all process, of whatever kind or description, issued by any of the clerks of the circuit courts of this state, since the first day of May last, when the above recited act took effect, and bearing teste in the name of the judge of said circuit, be and the same is hereby declared to be good and valid in law, in respect to such teste, in the same manner as though said writs had [borne] teste in the name of the clerks; and no such process shall be quashed or set aside, or held to be null and void for any such cause.

Process issued
by clerks de-
clared good.

Shall not be
quashed.

SEC. 2. The public printer shall immediately insert in his paper, and forward one copy of the above act, to each of the clerks' offices in this state, to be filed by said clerk in his office.

Duty of public
printer.
Clerks to file.

SEC. 3. That when the guardian of the infant heirs of Alexander McAllister, deceased, shall have filed with the probate court of the county of Schuyler, a bond with good and sufficient securities, to be approved of by said court, in such sum as may be deemed sufficient by said court, conditioned for the faithful discharge of the duties enjoined by this act, said guardian shall be, and hereby is empowered to sell and convey by sufficient deeds, all or such number of the lots, belonging to the said Alexander McAllister, deceased, lying in and adjacent to the town of Rushville, in the county of Schuyler, as the court aforesaid may deem most advantageous for the said heirs.

Guardian of
heirs of McAl-
lister, to file
bond.

Power to sell
lots of land.

SEC. 4. The aforesaid probate court, may order said

lots to be sold for cash or on a credit not to exceed ten years, at public or at private sale, as to said court may seem best calculated to secure the interests of the heirs of said Alexander McAllister, deceased.

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

APPROVED, 21st July 1837.

In force 21st July, 1837. AN ACT to change the names of Thomas Jefferson Sanders and Francis Hood.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Jefferson Sanders, of Perry county, in this state, shall hereafter be called and known by the name of Thomas Jefferson McDowell; and [in] the said latter name shall be capable of suing and being sued, pleading and being impleaded, defending and being defended in all courts of law and equity; and by the said name of Thomas Jefferson McDowell, shall be capable of making contracts, and of doing all other legal acts of whatever kind or description: *Provided,* That nothing herein contained shall invalidate any contracts heretofore made, or legal acts done and performed by the said Thomas Jefferson Sanders, known as Thomas Jefferson McDowell, whether such contract or act may have been made and performed in the name of Sanders or McDowell, but the same are hereby legalized.

SEC. 2. *Be it further enacted,* That Francis Hood, of Perry county, of this state, shall hereafter be called and known by the name of Francis Thornsbury, and by the last mentioned name, shall be capable of suing and being sued, defend and being defended, in all courts and places, as fully and in the same manner as other individuals can by their own proper names; and shall be capable of contracting and being contracted with, and of doing and performing all other legal acts and business of whatever kind: *Provided,* That nothing herein contained shall affect or invalidate any contract, or other legal act, heretofore entered into or performed.

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

APPROVED, 21st July, 1837.

AN ACT for the relief of Nathaniel Pope and others.

In force 21st
July, 1837

Preamble.

WHEREAS, from the number of persons, some known, others unknown, some residents, and others non-residents of this state, and from the uncertainty who are interested, arising from the non-recording, in many instances, as it is believed, of the deeds under which some interested claim, a partition of the following described property, situate in Madison county, to wit:

About eighty acres of land in the town of Alton, owned by Nathaniel Pope, John Reynolds, heirs of William B. Whiteside, heir of N. Edwards, and others, lying and being bounded as follows, to wit: Southerly on the Mississippi river and North street, northerly by the north line of said town, and westerly on Market street and Henry street, easterly by part section twelve and thirteen, in town five, north, range ten west, of the third principal meridian; the said tract of land in front of section eleven, same township and range; also, certain lots owned by some of the beforementioned proprietors, lying upon Mechanics' square in said town, as the same was laid out in fractional section eleven, as laid out by Rufus Easton, which said land and lots are in common and undivided among the aforesaid proprietors, is extremely difficult, if not impracticable, under the laws now in force, regulating partition of real estate, THEREFORE,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall and may be lawful, to and for one or more of those interested, jointly, or as tenants in common of said parcels of land, to petition the circuit court of the county of Madison as aforesaid, for, on behalf of themselves and all others interested, jointly or as tenants in common with them generally without naming them, representing the difficulty and impracticability of a division of said parcels of land, and praying for a sale of the same; *Provided, however,* That a notice shall be given of the contemplated petition, by publication, for the space of eight weeks, in some newspaper printed in the county of Madison aforesaid, which notice shall describe the land sought to be sold, and shall call on all those interested aforesaid, to appear at the presentation of said petition, and show cause, if any they have, why a sale should not be had.

Persons interested in lands may petition court for sale of land

SEC. 2. If no good sufficient cause be shewn, the court, on due proof of the publication of the notice as aforesaid, and it appearing that a partition of said lands is extremely difficult, if not impracticable for the causes aforesaid, shall order a sale of said lands, and shall appoint three disinterested householders resident in said county of Madison,

Who may sell to make sale of (the) same, who, or a majority of them are hereby authorized to sell the same.

Terms of sale and payment

SEC. 3 The terms of said sale shall be: One fourth of the purchase money cash, one fourth in six months, and the residuc in twelve months, from the day of sale, the purchasers giving notes with approved endorsers for the payment of the instalments payable in future. The sale shall be had on the premises, and before the term of court next succeeding the order of sale, notice shall be given by the commissioners, by advertisement published for four weeks in a newspaper printed in the county of Madison as aforesaid, of the time, terms, and place of sale.

Four weeks' notice to be given of sale

Streets and lots to be laid out

SEC. 4. It shall be the duty of said commissioners to subdivide the eighty acre tract of land, laying out the same into streets and lots, corresponding as near as may be with the plan of Alton, as now recorded in the recorder's office of the county of Madison aforesaid, agreeably to which subdivision the sale shall be made of the lots so laid out; and the streets shall be, and forever remain free public and common highways and streets.

Shall report to court at next meeting

SEC. 5. The commissioners shall report their proceedings to the said circuit court, at the term thereof next succeeding said sale, with the names of the purchasers, the sums bid by them, and all other particulars of sale, which if approved by said court shall be valid and effectual; and it shall be the duty of the said commissioners or a majority of them, on full payment being made of the purchase money, to execute to the purchasers respectively, or their assigns, a deed or deeds for the lots purchased by them respectively, which deeds so executed shall be valid and effectual, to pass to the purchasers respectively, or their assigns, an estate in fee simple to the premises purchased, discharged of all claim or title, which all or any person may have or have had in and to the same, and who is or was, jointly, or as tenant in common, interested petitioners aforesaid.

To make deeds

Plat to be recorded

SEC. 6. That a plat of said subdivision of the aforesaid tract of land, certified by the commissioners aforesaid, or a majority of them, shall be recorded in the office of recorder of the county of Madison aforesaid, and a copy of the record of same, after having been filed by the keeper of the records, shall be received in all courts as full evidence of the subdivision aforesaid, and have the same effect as the original.

Money to be paid to state treasurer.

SEC. 7. That the money received by the commissioners aforesaid, after deducting all expenses, shall be paid into the treasury of the state, there to remain until paid out as hereinafter provided.

SEC. 8. That any person, or the representative of any

person, can serve as joint tenant or as tenant in common, as aforesaid, in said property, may file his petition in the circuit court of the county of Madison, aforesaid, showing his interest in said property; having previously given a notice by publication for four weeks in some newspaper printed in said county, after intention so to do, which notice shall specify the interest claimed by him, there divided, and on said court being satisfied of his interest whatever it may legally appear to be, the court shall order a certificate under seal of court to issue in favor of the petitioner, which certificate shall order what proportion of the purchase money aforesaid is due to the petitioners; and the said certificate shall entitle the person so found to be interested, or his assigns to the proportion of the money aforesaid expressed in the same, and shall be paid accordingly by the treasurer of the state, out of the moneys so paid in by the commissioners aforesaid.

SEC. 9. If any of the commissioners aforesaid shall die, resign, or refuse to act, before the completion of the duties required of them by this act, it shall be the duty of said court in the term of the judge of same in vacation, on such death, resignation, or refusal being made apparent, to appoint other householder resident of said county, to supply such vacancy, who shall act in the premises, and so on, as often as any vacancy occur, as aforesaid.

In case of death
or resignation.

SEC. 10. The commissioners hereby appointed shall each give bond with security, to be approved of the by said court or the judge in vacation, before entering on the duties of commissioner, for the faithful performance of the duties required of him by this act, and shall receive for their services each, the sum of three dollars per day for every day they shall be necessarily employed in the duties aforesaid, and shall be entitled to retain out of the moneys received by them their compensation, and to pay out of the same all other necessary expenses attending the execution of the duties hereby enjoined, the compensation and expenses being first allowed by the court aforesaid.

Commissioners
to give bond ...

SEC. 11. That in all cases where any person interested as aforesaid, shall become the purchaser of any part of said land, the certificate issued in favor of such person shall be received by the commissioners aforesaid, as so much money; and the certificate, with the receipt of the person entitled endorsed, shall be received by the treasurer of the state as money to the amount of the receipt endorsed.

When persons
interested shall
become pur-
chasers.

Certificates to
be received by
treasurer as
money.

This act to take effect from and after its passage.

APPROVED, 21st July, 1837.

AN ACT for the relief of Samuel A. Smallwood.

In force, 21st
July, 1837.

Duty of county
commissioners
to appoint com-
missioners to
value land.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners of Macon county, be, and they are hereby authorized to appoint at least three disinterested freeholders of said county, remotely situated from the land herein required to be valued, who, after being duly sworn before some justice of the peace of said county, faithfully and honestly to do and perform the duties required of them by this act, shall, after having examined the same, proceed to value, without regard to the improvements, the southeast quarter of Section No. 5, Township No. 19, north, Range 3, east, of the third principal meridian, being the same whereon Samuel A. Smallwood resides, which shall be signed by said commissioners and forwarded to the Auditor of State, to be filed and kept in his office.

Make return to
auditor to be
filed.

SEC. 2. After said valuation, so made and reported, it shall be competent for the said Samuel A. Smallwood, at any time between the advertisement of said land for sale, to pay into the Treasury of State, in gold or silver, the full amount of the valuation of said tract of land, as made by the commissioners aforesaid; *Provided,* That said valuation be not less than \$1.25 per acre; and, *Provided further,* That all expenses of the valuation of said tract of land shall be paid by the said Samuel A. Smallwood.

Expenses, how
paid.

APPROVED, 21st July, 1837.

In force 11th
July, 1837.

AN ACT for the relief of Samuel G. Beckley, Administrator of the Estate of Isaac Cook, deceased.

Powers of ad-
ministrator to
make deed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Samuel G. Beckley, administrator on the estate of Isaac Cook, deceased, of Champaign county, be, and he is hereby authorized and empowered to make and execute a deed to the south half of the west half of the southwest quarter of section five, township nineteen north, of range nine east, to Bijamin Byers, as bought of the said Beckley, administrator aforesaid, on the 17th day of December, 1835.

SEC. 2. *And be it further enacted,* That the aforesaid deed, made and executed in manner and form aforesaid, shall be taken and considered as if made, executed, and delivered on the 17th day of December, 1836, and shall be so considered and regarded both in law and equity.

[This bill having been laid before the council of revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the council on the first day of the present special session of the General Assembly, the same has become a law.

Given under my hand, the 11th day of July, 1837.

A. P. FIELD, Secretary of State.

AN ACT for the benefit of the infant heirs of Wm. B. Collins, deceased. In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Elizabeth W. Collins, guardian of Adeline Collins, Maria C. Collins, William H. Collins, and Elizabeth A. Collins, infant heirs of William B. Collins, deceased, on filing with the judge of probate of Madison county, a bond with good and sufficient securities, to be approved by said judge, conditioned for the true and faithful discharge of the duties enjoined by this act; and that as guardian of said infant heirs, she will well and truly pay over to the judge of probate of said county, all the proceeds arising from the sale of lands herein authorized, shall be and is hereby empowered to sell and convey, by good and sufficient deed or deeds, the following described lands, to wit: Two acres of land with an ox-mill thereon, bounded as follows: beginning at the northeast corner of Elizabeth Collins' land, on the highway, and running with said highway east sixteen rods; thence south twenty rods, at right angles to the first line; thence west sixteen rods, parallel with said sixteen rods on said highway; thence north parallel with said east line twenty rods, to the place of beginning. Also, fifty acres in Collinsville, including the mansion house, lying north of the aforesaid highway, running through the village of Collinsville; and to include fifty acres, running back to the land of Horace Look, either at private or public sale, on giving due notice according to law; and upon such terms and credits as she may deem most conducive to the interest of her said wards.*

SEC. 2. That so soon as the said Elizabeth W. Collins shall have made sale of the real estate, described in the first section of this act, under the provisions therein contained, and after having paid over to the judge of probate of said county, the full amount of the proceeds of such sale, she shall report her proceedings in the premises to

said judge of probate; and it shall be the duty of said judge, after the reception of said report, and the receiving of all the moneys derived from said sale, if he shall be satisfied that such sale was made without frauds or collusion, to set off to said Elizabeth, and pay over to her in notes or money, so much as in his discretion is the true notice of her claim of dower, (if any she have) in said estate, and take her receipt therefor; and it shall further be the duty of said judge, together with the said Elizabeth, to vest the proceeds of said sale, either in real estate, or loan the same on unincumbered real estate, at not exceeding one-half its appraised value, as in their opinion will best advance the interest of said infant heirs.

[This bill having been laid before the council of revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the council, on the first day of the present special session of the General Assembly, the same has become a law.]

Given under my hand, this 11th day of July, A. D. 1837.

A. P. FIELD,
Secretary of State.

In force July
2, 1837.

AN ACT authorizing the Clerks of the County Commissioners' Courts to list certain Lands.

SEC. 1. *Be it enacted by the people of the State of Illinois,* That in all cases where the several clerks of the county commissioners' court of this state, shall come in possession of the fact, that there is land situated in the county in which he is acting as clerk, which land has not been transmitted to said clerk, by the Auditor of State, and which has been actually granted to any person or persons, and which has not been listed by any person, and that taxes are due and owing the state or county, which remains unpaid, said clerk shall proceed to list the same, in the name of the person or persons to whom said lands were granted; and shall proceed to advertise and sell the same for taxes, as other non-resident lands are now sold.

APPROVED, 21st July, 1837.

Lands lying in any county, not returned to any clerk by Auditor, or listed by any person, shall be listed by clerk of said county.

Sold for taxes.

AN ACT concerning the Public Revenue.

In force July
21, 1837.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the several revenue laws of this state, as requires the state treasurer to pay the county commissioners of McDonough county, for the use of said county, any sum or sums of money, in lieu of her resident land tax, be and the same is hereby repealed; and hereafter the sheriff of said county be required to pay to the county treasurer of the aforesaid county, the amount of tax collected by him, on lands lying in said county, at the same time and in the same manner as sheriffs are in the several counties in this state, other than those on the military tract.

Law repealed
Duty of sheriffs

SEC. 2. The provisions of the first section of this act shall extend to the county of Peoria; and the sheriff of the said county of Peoria is hereby required to pay over the resident land tax of said county, in the manner therein provided, any law to the contrary notwithstanding.

Duty of sheriff
Peoria county.

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

APPROVED, 21st July, 1837.

AN ACT relative to the duty of County Treasurers and Sheriffs.

In force July
22, 1837.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter it shall be the duty of the county treasurer, of any county in this state, whenever any county order is presented for payment, to endorse on the back of any such order, the time when the same was presented for payment; and it shall also be the duty of the said treasurer, to set down in a book to be kept by him for that purpose, the amount and date of all such county orders, to whom made payable, and the time when presented to the said treasurer for payment; and all county orders shall be paid according to their original dates; and it shall be the duty of the county treasurer, whenever any money comes to his hands, to set apart the amount of the order presented as aforesaid, which money shall be kept by the treasurer until called for; and the said treasurer, when he goes out of office, shall deliver said book, containing a list of the county orders so presented, to his successor, who shall in all things act as though the entries of orders were made by himself.

Duty of county
treasurer.

SEC. 2. It shall hereafter be the duty of the sheriff of every county in this state, to make out and deliver to the treasurer of his county, on the first Mondays in January and

Duty of sheriff.

March, June and September, in each year, an account of the amount of revenue collected by him for the past year, stating particularly the amount collected in cash, and the amount collected in county orders, which account shall be kept by the said treasurers, subject to the inspection of any voter of the county; and in case any treasurer or sheriff shall fail or refuse to comply with the provisions of this act, he shall be liable to a fine of fifty dollars, to be sued for in the name of the county commissioners' court, by any person or persons, by an action of debt, before any justice of the peace, or the circuit court of the county.

APPROVED, July 22, 1837.

In force 20th July, 1837 AN ACT to change a State Road leading from Rushville to Carthage.

Commissioners appointed SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Briscow, Solomon Pendowis, and David Atkins, be and they are hereby appointed commissioners to review and relocate that part of the state road leading from Rushville, in Schuyler county, to Carthage, in Hancock county, which lies between Roll's mill and the Hancock county line.

Time & place of meeting SEC. 2. Said commissioners, or a majority of them, shall meet on or before the first Monday in October next; and being first duly sworn according to law, 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 Monday in December next, make a report of their proceedings to the county commissioners' court of Schuyler county; and said court shall cause said road to be opened and kept in repair as other state roads are.

Shall make report SEC. 3. Said commissioners shall receive for their services a reasonable compensation, to be paid out of the county treasury by order of said county court. So much of said road as said commissioners shall deem expedient to change is hereby vacated.

Compensation APPROVED 20th July, 1837.

AN ACT concerning Public Roads.

In force 20th
July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases where commissioners were appointed to locate state roads by acts passed during the last session of the General Assembly, and said commissioners have from any cause whatever failed to perform the duties required of them, they are hereby authorized to perform the said duties at any time previous to the twenty-fifth day of December next.

APPROVED 20th July, 1837.

AN ACT to change a part of the State Road running from Vandalia to Jacksonville. In force 21st
July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Bradshaw, Peleg Sweet, and Joseph Waters, of the county of Morgan, be and they hereby appointed commissioners to view, mark, and change a part of the state road leading from Vandalia to Jacksonville. Commissioners

SEC. 2. The said commissioners, or any two of them, shall meet at the house of Matthew Sparks, on the first Monday in October next, or as soon thereafter as practicable, and proceed to locate and change that part of said road, viz: Beginning at the mouth of the lane which divides the lands of said Sparks and George Kirkmans, thence north twenty-five rods, thence a westerly direction until it intersects the old road near John Thorney's bridge. Time and place
of meeting

SEC. 3. It shall be the duty of the commissioners aforesaid to repair to the house of Samuel Woods, in township fourteen north, range nine west, and there proceed to alter a part of the aforesaid road, beginning and running as follows, to wit: Beginning at the mouth of the lane between said Woods' and Ralph McCormick's, thence south thirty-five rods, thence an eastwardly direction until it strikes the old road. Location of
road

SEC. 4. That the commissioners, or a majority of them, after being duly sworn before some justice of the peace faithfully to perform the duties assigned them by this act, shall file a copy of their proceedings with the clerk of the county commissioners' court. Said commissioners shall be allowed one dollar and fifty cents per day for their services, to be paid out of the county treasury. Time & place
of further meeting

Copy to be
filed

Allowance to

jury of Morgan county; and it shall be the duty of the court to issue their order accordingly.

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

APPROVED, 21st July, 1837.

In force 20th
July, 1837.

AN ACT legalizing the location of the State Road from Knoxville to New-Boston.

Preamble

WHEREAS, By an act of the General Assembly of the State of Illinois, passed on the 13th day of February, 1835, appointing commissioners to locate a state road from Knoxville to New-Boston, required said commissioners to be sworn by some justice of peace; and said commissioners having been sworn by the clerk of the county commissioners' court, thereby making it doubtful whether said commissioners were legally authorized to locate said road: THEREFORE,

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 road as now laid out from Knoxville, in Knox county, to New-Boston, in Mercer county, be and the same is hereby declared a state road; and said road shall be opened and kept in repair as other roads are.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED, 20th July, 1837.

In force 20th
July, 1837.

AN ACT to locate a State Road in Vermilion County.

Commissioners
appointed

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Alexander McDonald, Andrew Mahemson, and Owen West, be, and they are hereby appointed commissioners to view, mark, and locate a state road from Danville, in Vermilion county, on the nearest route to the county line between the counties of Vermilion and Champaign, where the county road from Danville to Urbanna, in Champaign county, crosses said line.

Time and place
of meeting

SEC. 2. The commissioners or a majority of them shall meet at Danville, on the first Monday in September next, or within two months thereafter, and, after being first

duly sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to survey, mark, and locate said road, as is provided in the first section of this act, having in view the public good as well as the damages to private property, and shall, as soon as practicable thereafter, cause to be made a plat of said road, certified by them, which shall be filed in the clerk's office of the county commissioners' court of Vermilion county; and when said road is thus laid out it shall be considered a state road, and shall be opened and kept in repair as other state roads are.

Plat to be made

SEC. 3. The county commissioners' court of Vermilion county, shall allow the sum of two dollars per day, each, to said commissioners, for each day necessarily employed in said view and location, together with a reasonable allowance for such necessary hands as they may employ.

Compensation

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

APPROVED, 20th July, 1837.

AN ACT to re-establish a certain Road therein named.

In force 20th
July, 1837

WHEREAS, The record of the survey of that part of the state road leading from Springfield to Decatur (by the way of Dingman's ferry, on the Sangamon river) as lies between Springfield and the east end of Burns' lane (distance about ten miles) has been mislaid or lost; Therefore,

Preamble

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That said road, as now travelled, be, and the same is hereby declared a public highway, and shall be worked and kept in repair as other state roads in said county.

Road declared
highway

SEC. 2. The county commissioners' court of said county shall, at their next regular term, appoint three disinterested householders to review so much of said road as lies between the public square in the town of Springfield and Reed's starch factory, on said road, and survey the remaining part as is now travelled, and make a complete survey and plot of said road and present the same to the clerk of the county commissioners court of Sangamon county, who shall make record of the same, and file the original in his office: said commissioners shall be allowed a reasonable compensation for their services, to be paid out of the county treasury of said county.

Commissioners
how appointedMake plat of
surveyClerk to make
record

Compensation

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

APPROVED, July 20, 1837.

In force 20th
July, 1837.

AN ACT to re-locate a part of a State Road in Edgar County.

Commissioners
appointed

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Beatty, Philip B. Smith, and William Stephens, of the county of Edgar, are hereby appointed commissioners to re-locate a part of the state road leading from Grandview, in Edgar county, to Livingston, in Clark county.

Time and place
of meeting.

To take oath

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Elijah Wells, in said county, on the first Monday in September next, or within thirty days thereafter, and after being duly sworn by some justice of the peace of said county to faithfully and impartially re-locate said road, shall commence at or near the crossing of the creek west of said Wells farm, and re-locate said road along the margin of the creek, upon the most suitable ground, so as to intersect said road again at the most suitable place about a quarter of a mile south of said Wells' farm, and when the said road shall have been thus re-located it shall be deemed a public state road and shall be kept in repair as such.

State road.

Compensation

SEC. 3. Said commissioners shall be entitled to one dollar per day, each, for their services, to be paid out of the county treasury.

APPROVED, 20th July, 1837.

In force 20th
July, 1837.

AN ACT to locate a State Road from the Indiana line, northwest to the state line in a direction for Madison.

Commissioners
appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Smith of Will county, J. M. Warren of Cook county, and Z. Beardsby of McHenry county, be, and they are hereby appointed commissioners to view, survey, and locate, a State Road from the Indiana line, where the old Indiana Sac trail crosses said line, to Lockport, thence to Napiersville, thence to Warrentonville, thence to Dandee, thence to the county seat of McHenry county, thence to the state line in a direction for Madison.

Line of road.

Time & place
of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at Lockport, on the first Monday in October next, or as soon thereafter as convenient, 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, survey, mark, and locate said road, on the best route, having a due regard to the public good, and as

soon thereafter as practicable, 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' courts, 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.

SEC. 3. The county commissioners' courts of the several counties through which said road shall pass, shall allow said commissioners such compensation as to them shall appear reasonable and just, 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 county.

APPROVED, 20th July, 1837.

AN ACT to establish a State Road from Beardstown, in Cass county, to Petersburg, in Sangamon county.

In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois,* represented in the General Assembly, That Henry McHenry, Solomon Penny, and Isham Revis, be, and they are hereby appointed commissioners to view, mark and locate a state road from Beardstown, in Cass county, thence as near as the ground will permit, by way of the town of Richmond; and Robinson's Mill, to Petersburg in Sangamon county.

SEC. 2. Said commissioners, or a majority of them, shall meet at Beardstown, on the first Monday in September next, or on any other day which they may agree upon, within six months from the passage of this act; and after being duly sworn by some justice of the peace, perform the duties herein required; shall proceed to view, mark and locate said road, as above described, avoiding as much as the public interest will permit, the injury of private property.

SEC. 3. Said commissioners shall make out a complete map and report of the location of so much of said road as lies in the county of Cass, and file the same with the clerk of the county commissioners' court of the said county of Cass; and a like map and report of so much as lies in the county of Sangamon, and file the same with the clerk of the county commissioners' court of said county of Sangamon.

SEC. 4. Said road shall be and remain a state road, and

shall be opened and kept in repair as other state roads are.

Compensation. SEC. 5. The county commissioners' courts of the said counties of Cass and Sangamon, shall allow said commissioners such compensation as they may deem reasonable.

APPROVED, July 20th, 1837.

In force 20th July, 1837.

AN ACT to relocate a part of the State Road, leading from Maysville to Shelbyville.

Commissioners

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Doathet, William Manning, and Jacob Elliott, of Shelby county, be and they are hereby appointed commissioners to view, mark, survey and locate that part of the State Road leading from Maysville to Shelbyville, that lies within the county of Shelby.

Time and place of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of John Doathet, on or before the 25th day of December next, or within one month thereafter, and after being first duly sworn before some justice of the peace faithfully to discharge the duties herein required, shall then proceed to discharge the duties enjoined on them by this act; and on or before the first Monday in March next, shall make a report of their proceedings to the county commissioners' court of Shelby county, and said court shall cause said road to be opened and kept in repair as other state roads.

Report.

Power to employ assistants.

SEC. 3. The said commissioners shall have power to employ all necessary surveyors and chain carriers to enable them to perform the duties enjoined on them by this act.

Compensation.

SEC. 4. The said commissioners, appointed under the provisions of this act, together with the chain carriers and surveyors, shall receive out of the county treasury, such reasonable compensation for their services as may be deemed just and equitable by the county commissioners' court; and so much of said road as said commissioners shall deem expedient to change, is hereby vacated.

APPROVED, 20th July, 1837.

AN ACT to locate a State Road from or near George R. Logan's, to Tecumseh, in White county. In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George R. Logan, John Shipley, and Reuben Long, be and they are hereby appointed commissioners, to survey, mark, and locate, a state road, from or near the house of George R. Logan, in White county, to Tecumseh, on the Great Wabash river. Commissioners appointed.

SEC. 2. Said commissioners, after being duly sworn before some justice of the peace, faithfully to discharge the duties herein enjoined, shall, or a majority of them, meet at the house of George R. Logan, on the first Monday in September next, or as soon thereafter as may be convenient, and proceed to mark, survey, and locate said road; and as soon as practicable, said commissioners shall make a report of their proceedings to the county commissioners' court of White county, which report shall be filed with the clerk of said court; 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 as other state roads. To be sworn .
Time and place of meeting.
Shall make report.
Where filed.
Declared a state road.

APPROVED, 20th July, 1837.

AN ACT to locate a State Road from Apanooce, in Hancock county, to the Drowning Fork of Crooked Creek, in McDonough county, and to vacate part of a State Road. In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John R. Atherton and Jalus A. Beebe, of the county of Hancock, and Robert Alexander, of the county of McDonough, be and they are hereby appointed commissioners to view, mark, and locate a state road from Edward White's ferry, in Hancock county, the nearest and best route, to intersect the state road leading from Beardstown to Commerce, where said road crosses the Drowning Fork of Crooked Creek, in McDonough county, having in view the permanency, and a due regard to the public convenience, doing as little private injury as possible. Commissioners appointed

SEC. 2. The said commissioners shall meet on the first Monday in September next, or as soon thereafter as practicable, at the town of Apanooce, in Hancock county, and after being duly sworn by some justice of the peace of said county faithfully to discharge the duties required Time of meeting
Place

Report
State road

of them by this act, shall proceed to locate the said road, designating the same by ploughing or staking in the prairie, and marking the trees in the timber, and as soon as practicable thereafter cause to be made out a report of the same, and return a copy thereof to the clerk of the county commissioners' 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 as other state roads are.

Commissioners may call assistance

SEC. 3. The said commissioners, or a majority of them, shall be authorized to proceed and lay out said road as required by this act, and call to their assistance such other help as may be necessary for the location of the same; and the county commissioners' court of each of said counties shall allow said commissioners, and such other hands as they may necessarily employ to assist them, a reasonable compensation for each day employed in locating said road, to be paid out of each of said county treasuries, in proportion to the distance said road may pass through the same, where said commissioners shall have filed a copy of said report as recited in this act, duly certified and attested by them.

Report filed

Part of road vacated

SEC. 4. That all that part of the state road leading from Beardstown to Commerce, as lies between the Drowning Fork of Crooked Creek, in McDonough county, and Commerce, in Hancock county, be and the same is hereby disannulled and vacated.

APPROVED, 20th July, 1837.

In force 21st July, 1837.

AN ACT to locate a State Road from East Nelson, in Shelby county, to Leroy, in McLean county.

Commissioners appointed

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Seth N. Montague of Shelby county, John Dickey of Macon county, and Oliver Barnett of McLean county, be and they are hereby appointed commissioners to view, mark, and locate a state road from East Nelson, in Shelby county, to Leroy, in McLean county, via Murfreesboro' and Marion, in Macon county.

Time & place of meeting

SEC. 2. The said commissioners, or a majority of them, shall meet at East Nelson on the first Monday in September next, or as soon thereafter as convenient, and after being duly sworn before some justice of the peace,

shall proceed forthwith to view, mark, and locate said road on the nearest and most suitable route from point to point, taking into view its utility and permanency as a public road. They shall mark said road by blazing the trees in the timber, and setting suitable stakes in the prairie, and they shall also cause a survey and map or plat of said road to be made, one copy of which shall be filed in the office of the county clerk in each county through which said road passes.

Sec. 3. The county courts of the respective counties shall cause said roads to be opened and kept in repair as other state roads; and shall pay said commissioners, together with such necessary hands as they may employ, a reasonable compensation for their services, each county paying its proportionate share, according to the time and labor necessary to locate said road within their respective limits.

APPROVED, 21st July, 1837.

AN ACT to change part of a Road therein named.

In force 21st
July, 1837.

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 the west end of Court street, in the town of Paris, in Edgar county, towards Springfield and Grandview, as lies within sixty rods of the west of said street, and which runs on the land of Leander Munsell, may be so altered as to run straight with the said street fifty-five rods west, thence angling so as to intersect the present road: *Provided,* In the opinion of the county commissioners the said alteration will not be detrimental to the public interest; and *Provided, also,* That no expense shall be incurred by the public thereby, nor injury to private property.

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

APPROVED, 21st July, 1837.

In force 21st July, 1837. AN ACT to locate a State Road from Alton to Elias Gwinn's.

- Commissioners appointed** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Josiah Little and Alexander Hart of Madison county, and Moses True of Macoupin county, be and they are hereby appointed commissioners to view, mark, and locate a state road from Alton, by way of Upper Alton, to the ford at Josiah Little's, on the East Fork of Wood River, thence on the shortest and best route to Bunker Hill, in Macoupin county, and from thence the road as now travelled to Elias Gwinn's, on the Dry Fork of Macoupin Creek, shall be and the same is hereby declared a state road; and the review and survey of said road shall continue no further than Bunker Hill.*
- State road**
- Time & place of meeting** SEC. 2. The said commissioners, or any two of them, shall meet at Bunker Hill on the second Monday in August, or within ninety days thereafter, and after having been duly sworn by some justice of the peace for the faithful performance of the duties enjoined upon them by this act, shall proceed to view, mark, and locate said road, by setting stakes in the prairie, and blazing the trees in the timber; and shall make out and return a complete plat of so much of said road as lies in each of said counties through which said road may pass, and return the same to the clerks of the county commissioners' courts of said counties respectively, by the third day of the December term of said courts, to be by them filed and preserved in their offices; and said road, when so laid out, shall be opened four rods wide, and kept in repair as other state roads are.
- How to mark road**
- To make map**
- Where filed**
- Compensation** SEC. 3. The county commissioners' courts of Madison and Macoupin counties shall allow to said commissioners, and all persons necessarily employed in surveying, marking, and locating said road, a reasonable compensation for their services, to be paid out of their county treasuries in proportion to the time employed in each county in locating said road.
- APPROVED, 21st July, 1837.

AN ACT to Relocate a part of the State Road leading from William Crow's in Morgan County, to Musick's Bridge, in Sangamon County. In force 21st Jly, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Reuben Harrison, Dollis Scott, and Elihu Bone, be, and they are hereby, appointed commissioners to view, mark, and relocate so much of the state road leading from William Crow's, in Morgan county, to Musick's bridge, in Sangamon county, as lies between the head of Richmond creek and the Sangamon river. Commissioners appointed

SEC. 2. Said commissioners shall meet at the house of Peter Cartright, on the first Monday in September next, or on any other day agreed on by them within six months from the passage of this act, and after being duly sworn shall proceed to relocate the part of the said road above-mentioned, avoiding the injury of private property as much as the public convenience will permit. Time and place of meeting

SEC. 3. Said commissioners shall make a map and report of said relocation, and file the same with the clerk of the county commissioners' court of Sangamon county; and shall receive out of the treasury of said county such compensation as the county commissioners may deem reasonable. Shall make map Compensation

SEC. 4. The road as now travelled from Springfield to Rochester, both in Sangamon county, be, and the same is hereby declared a state road, and shall be worked and kept in repair as other state roads are. Road from Springfield to Rochester declared a State Road

SEC. 5. That Samuel K. Miller, James Fyffe, and James Lanterman be, and they are hereby appointed commissioners to view and locate a state road leading from Lawrenceville to Russelville, in Lawrence county. Commissioners appointed

SEC. 6. The said commissioners shall meet in Lawrenceville, on or before the second Monday in August next, or as soon thereafter as convenient, and after being sworn by some justice of the peace impartially to locate the same, they shall commence at Lawrenceville, thence by James Nabbs' bridge, across the Embarrass river, to the centre school house in Allison prairie, and from thence to Russelville on the most convenient and practicable ground, doing as little injury to private property as possible. Time and place of meeting Line of Road

SEC. 7. The said commissioners shall, as soon as convenient, cause to be filed with the clerk of the county commissioners' court of Lawrence county, 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; and the county commissioners' court Report to be filed

Inhabitants of Petersburg may be incorporated

of Lawrence county shall allow the said viewers not more than one dollar and fifty cents per day for their services.

SEC. 8. The inhabitants of the town of Petersburg, in Sangamon county, may hereafter be incorporated according to the provisions of the general town incorporation act, notwithstanding said town may not contain one hundred and fifty inhabitants.

APPROVED, 21st July, 1837.

In force 21st July, 1837.

AN ACT concerning a State Road in Edwards County.

Commissioners appointed

Plat to be made

Compensation

How paid

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Archibald Spring, Daniel Ingraham, and Cad W. Jones, of Edwards county, be, and they are hereby appointed commissioners, any two of whom may act, to lay out, survey and mark, a road commencing at Albion, in Edwards county, and running thence to Henry I. Mills' in Edwards county, and make a plat thereof and file the same with the clerk of the county commissioners' court of Edwards county; and the county commissioners' court of said county shall make a just and equitable allowance to each of said commissioners for all time and necessary expense in laying out, surveying and making, and filing a plat of said road, which shall be paid out of the Treasury of said county of Edwards.*

SEC. 2. The commissioners shall proceed to lay out, survey, and mark said road, the nearest way and best ground, having due regard to the interests of individuals through and near which said road may pass.

Damages how assessed

SEC. 3. When said road shall pass through improved lands of private individuals, said commissioners shall also proceed to assess such reasonable damages as each may suffer thereby, which shall be paid by the county commissioners of said county.

Time and place of meeting

SEC. 4. Said commissioners shall meet at the town of Albion on the first Monday in September next, or as soon thereafter as may be convenient, and after having been sworn by some justice of the peace of Edwards county, faithfully to discharge the duties enjoined by this act, shall proceed to the discharge thereof.

APPROVED, July 21st, 1837.

AN ACT to locate a State Road from Salem, in Marion County, to Charleston, in Coles County. In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hugh Eagan, of the county of Marion, John Martin, of the county of Effingham, and Theron E. Balch, of the county of Coles, be, and the same are hereby appointed commissioners to view and locate a state road from Salem, in Marion county, to Ewington, in Effingham county, thence to Charleston, in Coles county, on the nearest and best ground, so as not to interfere with farms, as much as possible. Commissioners appointed to view and locate state road

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Salem, on or before the first Monday in December next, and after having taken an oath or affirmation, before some justice of the peace, faithfully and impartially to perform 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 each county. Time & place of meeting
Return to be made to county commissioners' court

SEC. 3. The county commissioners of the counties of Marion, Effingham, and Coles, may allow out of the county treasuries respectively, a reasonable compensation for their services; and the said county commissioners shall order the same to be opened and kept in repair as other state roads are. Compensation

SEC. 4. This act to be in force from and after its passage.

APPROVED, 21st July, 1837.

AN ACT to relocate certain Roads therein named.

In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Joshua P. Crow, Reddick Horn, and Stephen Lee, are hereby appointed commissioners to review, mark, and relocate that part of the state road leading from Springfield to Beardstown, which lies between Archibald Job's and William Babb's bridge: said commissioners shall meet at A. Jobs any time before the first of January next, and being first sworn by some justice of the peace, shall proceed to perform the duty herein imposed upon them: said commissioners shall make a full report of the location of said road to the county commissioners' court of Cass county; and after the road so relocated by them shall be opened, the former survey of Commissioners appointed to relocate
To be sworn
Make full report

Road vacated the part of said road so relocated shall be vacated. The county commissioners' court of the county of Cass shall allow to said commissioners a reasonable allowance for their services, out of the county treasury;

SEC. 2. That Julius Elmore, of Sangamon county, Thomas Boyce and J. R. Bennett, of Morgan county be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at a mile post south of Petter Cartright's, in Sangamon county, thence to William Crow's, in Morgan county, running as near as practicable to the old road leading from one point to the other, and there intersect the road laid out by the county commissioners' court of Morgan county, leading to Princeton, and then west with said survey as far as Stark Gilliams, thence through the settlement of Henry Keltner's timber, thence to the head timber of Walnut Grove, thence to New Virginia.

When & where to meet SEC. 3. That said commissioners, or any two of them, shall meet at the house of Petter Cartright, in Sangamon county, on the second Monday in August next, or as soon as practicable thereafter, and before entering on the discharge of their duties shall take an oath before some justice of the peace of Sangamon county; faithfully and impartially to observe all the duties enjoined upon them by this act, shall proceed to view, mark, and locate said road, beginning and touching the points as named in section second.

Make map Where filed SEC. 4. Said commissioners shall cause a map or survey to be made of said road, to be filed in the office of the clerks of the county commissioners' courts of Sangamon and Morgan; and the county commissioners' courts of each county through which the road shall pass, shall allow the said commissioners such compensation for their services as shall be just and reasonable in proportion to the services rendered in each county.

Pay of SEC. 5. Said road shall be opened and kept in repair as other state roads are, and shall take effect and be in force from and after the passage of this act.

APPROVED, 21st July, 1837.

In force 21st
July, 1837

AN ACT to locate certain State Roads therein named.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Benjamin Harris, William Munson, and Levi Lee, be and they are hereby appointed commissioners to view, survey, mark, and locate

Commissioners
appointed.

a state road beginning at the town of Munson, in LaSalle county, from thence to Pawpaw Grove, Plum Thicket, Loblolly, mouth of Sycamore, Winnebago, the mouth of Pickatolica, thence north to the state line; and that Benjamin F. Findley, Joseph McCarty, and Rufus Calton, be and they are hereby appointed commissioners to view, survey, mark, and locate a state road, beginning at McCarty's mills on Fox River, in Kane county, from thence to Caltonsville, Lee's mills, mouth of Kishwakce, Bloomingville, to Oregon; and that C. W. Reynolds, Albert Moon, and James Breckenridge, be and they are hereby appointed to view, survey, mark, and locate a state road from Peru, in LaSalle county, to the state line between Illinois and Indiana, in a direction to Lafayette on the Wabash, by Lowel, Webster, Pontiac, to the state line; and that John C. Philips, William Munson, and Alvey Culaey, be and they are hereby appointed commissioners to view, survey, mark, and locate a state road from Juliet to Rock Island, by Georgetown.

Road from
Munson to
state line

Commissioners
appointed to
locate road
from McCarty's
mills to Oregon

Commissioners
appointed to
survey road
from Peru to
the state line
Commissioners
appointed to
mark road from
Juliette to Rock
Island

SEC. 2. Said commissioners, or a majority of them, shall meet at the points of beginning of the aforesaid roads, on the first day of September, or as soon as practicable, and, after being first duly sworn before some justice of the peace, shall proceed to locate said roads on the nearest and best routes, taking into view the public good.

Time of meet-
ing

SEC. 3. The several county commissioners' courts shall pay such reasonable compensation as they may think just and right, in proportion to the length of said road in each county.

Compensation
to be paid by
county courts

SEC. 4. Said commissioners shall, within twenty days after the location of said roads, file a plat of the survey with the clerk of the county commissioners' courts of the several counties through which said roads may pass.

Plat to be filed

SEC. 5. That John W. Lott and Miles Bennett, of Greene County, and Austin S. Wilson, of Macoupin county, be and they are hereby appointed commissioners to view, survey, mark, and locate a state road from Carlinville, in Macoupin county, by way of Jerseyville, to Grafton in Greene county, 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.

Commissioners
to locate state
road from Car-
linville to
Grafton

SEC. 6. That said commissioners, or a majority of them, shall meet on the first day of August next, or within six months thereafter, at Carlinville, 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 survey, 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 copies thereof to the

Time & place
of meeting

Map of survey
to be made and
sent to each
clerk

clerk of the county commissioners' court of each county through which said road may pass, which shall be by them filed in their offices; 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.

Road declared public

Compensation

SEC. 7. Said commissioners shall receive a just and fair compensation for all the necessary time employed in said work, together with a reasonable compensation for one surveyor, two chain carriers, and one marker, which shall be paid by the counties respectively through which said road may pass, in proportion to the distance in each county through which it may pass.

SEC. 8. This act shall not take effect, so far as regards Macoupin county, until it is accepted by the order of the county commissioners' court of said county, on application of the citizens of the county on said route. This act in force from and after its passage.

Act passed last session shall apply to south road

SEC. 9. That so much of an act passed at the last session of the General Assembly, as declares a certain county road which runs from Charleston, in Coles county, to Hitesville, shall apply to the south county road running to and from the abovementioned towns.

APPROVED, 21st July, 1837.

In force July, 1837. AN ACT to locate a State Road from Canton to Knoxville, and for other purposes.

Commissioners appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Emery, and Starling Turner, of Fulton county, and George Newman of Knox county, be and they are hereby appointed commissioners to view, lay out, locate, and survey a state road from Canton, by Middlegrove, to Knoxville.

Time and place of meeting.

SEC. 2. Said commissioners shall meet at Canton on the first Monday in September next, or within three months thereafter, and after being duly sworn before some justice of the peace faithfully to perform the duties required by this act, shall proceed to survey and locate said road as required by this act, having in view the convenience of the inhabitants and the permanency thereof.

Shall make plat of survey.

SEC. 3. As soon as practicable after said road is located, said commissioners shall make or cause to be made a plat of so much of said road as lies within the respective counties, and transmit the same to the clerks of the county commissioners' court of the respective counties through

which the same may pass, which shall be filed and preserved in the office of said courts; and [said] road shall be opened and kept in repair as other state roads are.

File with clerk of county:

SEC. 4. The county Commissioners' courts of the respective counties through which said road shall pass, shall allow said commissioners and all others rendering services, a reasonable compensation, to be paid out of their county treasuries, in proportion to the distance said road shall be located in the same.

Compensation.

SEC. 5. Ahira Sanders, Absalom Maxwell, are appointed commissioners to view and locate a state road, and are required to meet at Lewiston on the the last Monday in September next, or at such time thereafter as a majority of them may agree upon, and after being duly sworn, shall proceed to survey and locate a state road from Lewiston, via Jackson Grove and Fairview, to Knoxville, on the the most suitable ground for a permanent road; doing as little injury to farms as the public good will permit; and if said road shall intersect a state road leading from Canton to Knoxville, the said commissioners are not required to lay out said road further than the point of intersection.

Commissioners appointed.

Time & place of meeting.

To be sworn.

If road intersects state road commissioners not required to lay out road further

SEC. 6. As soon as practicable after said road shall be located, said commissioners shall execute a map or plat of so much of said road as lies within the respective counties, and transmit the same to the clerks of the county commissioners' courts of the respective counties through which the same may pass, which shall be filed in the office of said courts; said road shall be opened and kept in repair as other state roads are.

Map to be made

Where filed.

SEC. 7. The county commissioners' courts of the respective counties through which the said road may pass, shall allow said commissioners and such others rendering necessary service a reasonable compensation, to be paid out of their county treasuries, in proportion to the distance said road may be located in the same.

Compensation to commissioners and others.

SEC. 8. O. W. Kellogg, of Ogle county, and Sanford Journey and John Brown, of Jo Daviess county, be and they are hereby appointed commissioners to view, locate and mark a road from the town of St. Marion, in the county of Ogle, via Elkhorn Grove, to Savannah, in Jo Daviess county.

Commissioners appointed to locate road.

SEC. 9. The commissioners aforesaid, or a majority of them, shall meet at the town of St. Marion, on the first Monday in September next, or within four months thereafter, and before entering on the duties of their appointment, 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 eligibility of the ground

When and where to meet

Shall be sworn before justice of peace.

so as to make the same a permanent road; distinctly marking the same, and to set a post on the right of the road with the miles marked thereon progressively.

Mile posts to be set up. **Map to be made** **SEC. 10.** The said commissioners so soon as they shall have completed the location of said road shall make out a map which together with the filed notes of survey shall be filed with the clerks of the county commissioners' courts through which the same shall pass.

Road deemed highway. **SEC. 11.** Said road, when laid out as aforesaid, shall be deemed a public highway, and shall be opened and kept in repair as such; and the county commissioners' courts of the counties of Ogle and Jo Daviess shall allow to the commissioners engaged in laying out said road, two dollars per day each for the time necessarily engaged in laying out and making returns of the same, together with a reasonable allowance to the surveyor and other hands necessary in laying said road.

Compensation of commissioners **SEC. 12.** That Jabez Warren, of the county of Whiteside, and Howsen K. Teator and Ralph Ware, of the county of Putnam, be and they are hereby appointed commissioners to view, survey, mark and locate a state road, from the West bank of the Illinois river opposite the town of Hennepin, in Putnam county, via Prophetstown and Illinois City in the county of Whiteside, to the City of Fulton.

Commissioners appointed. **SEC. 13.** The commissioners aforesaid, or a majority of them, shall meet at the town of Hennepin, on the first Monday in the month of October next, or within four months 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 the ground, so as to make the same a permanent road; and wherever the said road shall pass through prairie land it shall be the duty of the commissioners to firmly set stakes in the ground at least four feet high, and at the distance of every quarter of a mile, and blaze the trees in passing through the timbered land.

Time & place to meet. **SEC. 14.** When said road shall be located as aforesaid, the commissioners shall cause the plat of the survey and field notes thereof to be filed in the office of the clerks of the county commissioners' courts through which counties, or part of which, said roads shall pass, to be preserved as records thereof.

To be sworn. **SEC. 15.** Said roads when located as aforesaid shall be deemed public highways, shall be opened four poles wide, and kept in repair as other public roads.

Duty of commissioners when road passes through prairie. **SEC. 16.** The county commissioners' courts of the several counties through which, or part of which, said road shall pass, shall allow and pay to each of said commissioners

the sum of two dollars per day for the time necessarily employed in locating said roads in their respective counties, together with a reasonable compensation to the surveyors, chain carriers, and other hands necessarily employed in said surveys.

county commissioners to pay commissioners.

SEC. 17. So much of an act, entitled An act to locate certain state roads therein named, approved February 28, 1837, as makes Sha-ba-nees Grove a point in said location, be, and the same is hereby repealed. This act to take effect and be in force from and after its passage.

Act repealed.

APPROVED, 21st July, 1837.

AN ACT for a State Road from Bowling Green, in Fayette county, via Ewington, in Effingham county, to Newton, in Jasper county, and for other purposes.

In force 21st July, 1837

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Guy Beck, of Fayette county, William Freeman, of Effingham county, and Abbot Lee, of Jasper county, be and they are hereby appointed commissioners to survey, mark, and locate a state road from Bowling Green, in Fayette county, through Ewington, in Effingham county, to Newton, in Jasper county, doing as little injury to private property as the public good will permit.

Commissioners appointed.

Location of road.

SEC. 2. The said commissioners, or a majority of them, shall meet at Bowling Green on the first Monday in September next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace of said county of Fayette, faithfully to view and locate said road, without partiality or affection, and faithfully to discharge the duties required of them by this act. The said commissioners shall place in the prairies through which said road shall pass, stakes of reasonable size and durable timber, and marks on the trees in the timber.

Time & place of meeting.

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, giving the courses and distances from point to point, with such other marks of certainty, as they may deem necessary; and shall transmit a copy of said report and plat to the county commissioners' court of each county through which said road shall pass, which shall be filed in their respective offices; and each county shall bear her proportional part of the expense, according to the distance said road

Shall make report with map or plat.

Expense of location of road how paid.

may pass through the same, to be allowed by the county commissioners' court of each county.

When road is located

SEC. 4. When said road is located, it shall and is hereby declared a public state road, and shall be opened and kept in repair as other state roads are in this state.

Commissioners

SEC. 5. *And be it further enacted,* That Philip Luster, of Fayette county, and Boswell Drake and Robert E. Out-house, of Clinton county, be and they are hereby appointed commissioners to view, mark and locate, a state road from Vandalia, in Fayette county, commencing at or near the bluff east of Vandalia, on the national road, thence to Carlyle, in Clinton county.

Road from Vandalia to Carlyle.

When and where to meet.

SEC. 6. The said commissioners, or a majority of them, shall meet at James Altom's on the first Monday of October next, or within four months thereafter, and after having been sworn by 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, on a direct line from the place of beginning, to Carlyle, on the most eligible ground, keeping in view the interests of the public good.

To be sworn

Map of road to be filed with clerk of county

SEC. 7. Said commissioners, after they shall have done said work, shall make out a plat or map of said road, giving the courses, streams, and notable places, &c.; to be deposited with the clerk of the county commissioners' court, in the several counties through which said road shall pass, of that portion being and lying in each county, which shall be recorded at length in the books of said courts; and said courts shall allow said commissioners a reasonable compensation, to be paid out of their county treasuries.

Compensation

APPROVED, 21st July, 1837.

In force 21st July, 1837.

AN ACT to locate certain Roads therein named.

Commissioners appointed to relocate road

Time & place of meeting

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joshua P. Crow, Reddick Horn, and Stephen Lee, are hereby appointed commissioners to review, mark, and relocate that part of the state road leading from Springfield to Beardstown, which lies between Archibald Job's, and William Babb's bridge: said commissioners shall meet at Job's, at any time before the first of January next, and being first sworn by some justice of the peace, shall proceed to perform the duties herein imposed upon them. Said commis-

sioners shall make a full report of the location of said road, To make report to the county commissioners' court of Cass county; and after the road so relocated by them shall be opened, the former survey of the part of said road so relocated shall be vacated. Road vacated The county commissioners' court of the county of Cass, shall allow to said commissioners a reasonable Compensation compensation for their services out of the county treasury.

SEC. 2. That Julius Elmore, of Sangamon county, Commissioners appointed Thomas Boyce and J. R. Bennett, of Morgan county, be and they are hereby appointed commissioners to view, mark and locate, a state road, commencing at a mile post Place of commencement south of Peter Cartright's in Sangamon county, thence to Willam Crow's in Morgan county, running as near as practicable to the old road leading from one point to the other, and there intersect the road laid out by the county commissioners' court of Morgan county, leading to Princeton, and thence west with said survey as far as Stark Gilliams', thence through the settlement of Henry Keltner's timber, thence to the head timber of Walnut Grove, thence to New Virginia.

SEC. 3. That said commissioners, or any two of them, Time & place of meeting shall meet at the house of Peter Cartright, in Sangamon county, on the second Monday in August next, or as soon as practicable thereafter, and before entering on the discharge of their duties, shall take an oath before some justice of the peace of Sangamon county, faithfully and impartially to observe all the duties enjoined upon them by this act, shall proceed to view, mark, and locate said road, beginning and touching the points as named in section second.

SEC. 4. Said commissioners shall cause a map or survey Make map, & file in clerk's office. to be made of said road, to be filed in the office of the clerks of the county commissioners' courts of Sangamon and Morgan; and the county commissioners' courts of each county through which the road shall pass, shall allow the said commissioners such compensation for their services as shall be just and reasonable, in proportion to the services rendered in each county.

SEC. 5. Said road shall be opened and kept in repair as other state roads are; and shall take effect and be in force from and after the passage of this act.

APPROVED, 21st July, 1837.

In force 21st
July, 1837

AN ACT changing a certain State Road in Pike county.

Commissioners
appointed to al-
ter road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Richard Kerr, Eli Hubbard, [and] William Sapp, of Pike county, be and they are hereby appointed commissioners to view, alter, and re-locate so much of the state road between Carrollton and Atlas as lies between Bay Creek Bridge, and the house of Richard Kerr, making the town of Fairfield a point through which said road shall pass.

Time and
place of meet-
ing.

SEC. 2. Said commissioners shall meet at the town of Fairfield, in said county, at any time after the passage of this act, and before the twentieth of December next, and after being duly sworn by some justice of the peace, to discharge their duties impartially, shall proceed to locate and change so much of said road as they may deem conducive to the public good, making Fairfield a point as aforesaid; and shall mark the same by blazing the trees in the timber, and by driving stakes in the prairie; and further, to make a complete return in writing, under their hands, and cause the same to be filed in the office of the clerk of the county commissioners' court within twenty days thereafter; and all that part of the old road which may be changed and altered by the provisions of this act, shall be discontinued.

Returns shall
be filed.

Compensation.

SEC. 3. The commissioners appointed by this act shall receive a reasonable compensation per day for their services, to be paid out of the county treasury, by order of the county commissioners of Pike county.

APPROVED, 21st July, 1837.

In force 21st
July, 1837.

AN ACT declaring a certain Road in McLean county a State Road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county road as at present located from Waynesville, in McLean county, and passing through Randolph's Grove, to where it intersects the state road leading from Decatur to Bloomington, near Joseph B. Herbert's in said county, is hereby declared a state road, shall be opened sixty feet wide, and kept in repair as other state roads are.

APPROVED, July 21, 1837.

AN ACT in relation to certain Public Roads therein named.

In force 21 st
July, 1837

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Warnick, of Macon county, Ezekiel S. Young, of Sangamon county, and Sylvester J. Durbin, of Montgomery county, be; and they are hereby appointed commissioners to view, mark, and locate a state road from Decatur, in Macon county, via Edinburg, to intersect the road leading from Springfield to Carlinville, at Harris's point in Macoupin county, in lieu of the commissioners appointed for that purpose by an act, entitled "An act to locate a state road from Decatur, in Macon county, to Carlinville, in Macoupin county, via Edinburg, in Sangamon county, approved March 1st, 1837."

Commissioners
appointed

Road commis-
sioners changed

SEC. 2. The said commissioners, or any two of them, shall comply in all respects with the provisions of the above recited act, which is hereby declared in full force and virtue, except in the change of the commissioners abovementioned, and may perform the duties hereby assigned them at any time before the 25th day of December next.

SEC. 3. This act to be in force from and after its passage.
APPROVED 21st July, 1837.

AN ACT relating to certain Roads in Fayette and Shelby Counties.

In force 22d
July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John J. Page, Peter Parker, and Jeremiah Bauling, of the county of Shelby, be, and they are hereby appointed commissioners to view, survey, and locate, so much of the State road leading from Shelbyville, in Shelby county, to Vandalia, in Fayette county, as lies between the center of section 13, town 11 north, range 3 east, and the town of Shelbyville.

Commissioners
appointed
State road

SEC. 2. The said commissioners shall meet in the town of Shelbyville, on or before the 25th day of December next, or as soon thereafter as convenient, and after being duly sworn by some justice of the peace, well and truly to perform the duties above required, shall proceed to survey and locate said road, as required by this act.

Time and
place of meet-
ing
Shall be sworn

SEC. 3. The said road, when laid out as aforesaid, shall be deemed and considered a state road, and the county commissioners' court of said county shall appoint supervi-

Supervisors

sors over the same, and cause it to be opened and kept in repair as other state roads are.

Compensation SEC. 4. The commissioners appointed under the provisions of this act, shall receive a just and fair compensation for the time they are necessarily employed; and they shall employ a surveyor and chain-carriers, who shall receive a fair compensation for their services, to be paid out of said county treasury.

1st section of act amended

SEC. 5. That the first section of an act to locate a road from Vandalia to Springfield, be so amended as to require the commissioners mentioned in said section to meet on the first Monday in October next, or as soon thereafter as practicable, to enter upon the duties required in said act; and that in the survey of the road therein mentioned, said commissioners begin at Vandalia, and proceed thence to Mount Pleasant, via Edinburg and Whitecraft's mill, to Springfield, on the best and most suitable ground, as the act aforesaid requires; *Provided*, That the county of Montgomery shall not be required to pay any part or portion of the expense of viewing, surveying, and locating said road.

Proviso

1st section of act amended

SEC. 6. That the first section of an act to locate a state road from Hardy Foster's, in Marion county, to Shelbyville, in Shelby county, be so amended that Hezekiah Thompson and Robert A. Holmes, of Fayette county, and James W. Vaughn, of Shelby county, be the commissioners to view and survey the road in said act mentioned; and that the time of the meeting of said commissioners be extended to the fifteenth day of September, or as soon thereafter as practicable.

Commissioners

Time of meeting extended

APPROVED, July 22d, 1837.

In force 22d July, 1837.

AN ACT to locate a State Road from Petersburg, in Sangamon county, to Macomb, in McDonough county, and for other purposes.

Commissioners appointed

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Pollard Simons, of Sangamon county, Clayton M. Montgomery, of Schuyler county, and John D. Walker, of McDonough county, Nathan Veach, of Fulton county, be and they are hereby appointed commissioners to view, mark, and locate a state road from Petersburg, in Sangamon county, to Macomb, in McDonough county, crossing the Illinois river at Knight's ferry, thence through the town of Montgomery, in Schuyler county.

SEC. 2. Said commissioners, or a majority of them, shall meet at Petersburg, in Sangamon county, on the first Monday in September next, or within two months thereafter, and having been duly sworn by some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, mark, and locate a state road on the route aforesaid, from point to point, having due regard to the public convenience, and doing as little damage to private property as possible.

Time & place
of meeting

SEC. 3. Said commissioners shall mark the trees through the timber, and plant stakes through the prairies; and shall, as soon as possible, make and file with the clerks of the commissioners' courts of the counties through which said road shall pass, a map of the survey and location of so much of said road as lies in each county respectively, indicating thereon the points, and distances from point to point; and thereafter said road shall be deemed a public highway, and opened and kept in repair as other state roads are.

Map of survey
to be made

SEC. 4. The county commissioners' courts of the several counties through which said road shall pass, shall pay a reasonable compensation to said commissioners and all persons necessarily employed by them, to be paid by said counties in proportion to the distance said road shall run in each of them.

Compensation
to commiss'rs.

SEC. 5. That the county road from Salem, in Marion county, via Master's ferry, on the Kaskaskia river, to Greenville, in Bond county, be and the same is hereby declared a state road.

Road from Sa-
lem to Green-
ville

SEC. 6. James McAdams, James Burnsides, and William Burgiss, or a majority of them, shall meet at Martin's ferry, in Clinton county, on the first Wednesday in August next, or as soon thereafter as possible, and after being duly sworn faithfully to perform the duties required of them, shall proceed to view, mark, and locate a state road from Martin's ferry, via Stout's mill, on Shoal creek, so as to intersect a road leading from the Madison county line, via Marine town and Edwardsville, to Alton, in Madison county, at the most eligible point; which road so located, and the road it shall intersect, shall be a state road, and shall be kept in repair as other state roads are.

When & where
to meet

SEC. 7. The said commissioners shall, as soon as convenient, make out a plat of said road so located, which plat shall be recorded in the county courts through which the same shall pass; and the said commissioners shall be allowed a reasonable compensation from their respective county treasuries for the time necessarily employed in said service. The county commissioners' court of Madison county be and it is hereby authorized and empowered

Plat to be made

Compensation

to cause to be reviewed and relocated 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 relocated: *Provided*, No state road shall be altered or changed at the point where the same may cross the line of said county: *Provided*, That the road from Benjamin Johnson's, in Bond county, by John Charter's, L. S. Judd's, to Anderson's bridge, in Madison county, be excepted from the operation of this act.

APPROVED, 22d July, 1837.

Proviso.

Further proviso

In force 21st
July, 1837

AN ACT for the purposes therein mentioned.

Preamble

WHEREAS, Tyler D. Hewett, late commissioner of the Gallatin Saline Lands, died without having settled up his accounts as such commissioner, and the same remaining unadjusted and unsettled, and in order to settle the accounts aforesaid without delay, THEREFORE,

Duty of Auditor

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 Auditor of Public Accounts to institute a suit, in the Gallatin circuit court, against the securities of the late Tyler D. Hewett, on his official bond as commissioner of sales of saline lands.

Duty of circuit attorney to collect money

SEC. 2. That the circuit attorney for the third judicial circuit be authorized and required to collect any money that may be due from the lessees or any agent of the Gallatin Salines, and pay the same over to the State Treasurer.

APPROVED, 21st July, 1837.

In force, 22d
July, 1837.

AN ACT appropriating the residue of the Vermilion Saline Lands to the counties of Iroquois and Vermilion, for the building of Bridges across the Iroquois and Vermilion rivers.

Unsold lands of
Vermilion Sa-
line Reserve

Appropriations
to Iroquois of
500 acres to
build bridge

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That all the residue of the unsold lands of the Vermilion Saline Reserve, together with all money remaining in the hands of the receiver of the same, not otherwise appropriated, is hereby appropriated to the counties of Iroquois and Vermilion, for the purposes of building a bridge aforesaid, as follows, to wit: To the county of Iroquois, five hundred acres of the unsold land, the proceeds whereof to be laid out

under the superintendence of the county commissioners' court, to the building a bridge across the Iroquois river.

SEC. 2. That all the residue of the said land, together with all the money remaining in the hands of the receiver of the said saline land, shall be expended by the county commissioners' court, on the bridge across the Big Vermilion river, where the state road from Vincennes to Chicago crosses the same.

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

APPROVED, 22d July, 1837.

AN ACT to incorporate the Illinois Female Institute.

In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Samuel Wiley, James T. Simpson, Samuel Gordon, Oliver Bannister, Samuel Nesbit, ——— Hays, and Ebenezer Alexander, and their successors, be and they are hereby created a body politic and corporate, to be styled the Trustees of the Illinois Female Institute; and in that name to remain in perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, have, 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 are not inconsistent with the constitution and laws of this State or of the United States.

SEC. 2. For the managing of the affairs of the said institution there shall be chosen from among the subscribers a number of trustees not exceeding seven; and the trustees, so chosen, 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 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.

SEC. 3. Said institution shall remain located in the Flat Prairie, in the county Randolph; and the trustees shall be competent in law and equity to take to themselves and their successors in office, in their said corporate name,

Power of trustees to purchase and convey lands, &c. real, personal, or mixed estate, by gift, grant, bargain and sale, conveyance, will, devise, or bequest of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell, and convey, demise, let, place out at interest, or otherwise dispose of the same for the use of the said institution in such manner as to them may seem most beneficial to said institution. Said trustees shall faithfully apply all funds collected, or the proceeds of the property belonging to said institution, 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 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 the institution, and the corporation shall accept the same, every such donation, devise, or bequest shall be applied in conformity with the express conditions of the donor or devisor; and *Provided further,* That said corporation shall not be allowed to hold more than three hundred and twenty acres of land at any one time, unless the said corporation shall have received the same by gift, grant, or devise, and in such case they shall be required to sell or dispose of the same within three years from the time they shall acquire such title, and on failure to do so said land shall revert to the original donor, grantor, devisor, or their heirs.

Funds, how applied

Shall not hold more than 320 acres at one time

Officers to give bond

Process, how served

Powers of trustees

SEC. 4. The treasurer of the institution 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 processes 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 sixty days before the return thereof.

SEC. 5. The trustees shall have power to employ and appoint a principal for said institution, and all such instructors and instructresses, and all 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 requires; to fill vacancies which may happen by death, resignation, or otherwise, among said officers and servant; and to prescribe and direct the course of study to be pursued in said institution.

SEC. 6. 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

Duty of Attorney General

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.

APPROVED, 20th July, 1837.

AN ACT to repeal an act in relation to Schools in township thirty-nine North, range fourteen East. In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act relating to schools in township thirty-nine north, and range fourteen east, is hereby repealed. This act to take effect from and after its passage. Act repealed.

APPROVED, 20th July, 1837.

AN ACT explanatory of the act to amend the several acts in relation to Common Schools, approved March 4th, 1837. In force 21st July, 1837.

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 to amend the several acts in relation to common schools, approved March 4th, 1837, shall be construed to extend, apply to, and embrace only that surplus revenue which is added to, and made to form a part of the common school fund, by the provisions of the first section of the act herein recited.

APPROVED, 21st July, 1837.

AN ACT to prevent Disasters on Steamboats navigating the Waters within the jurisdiction of Illinois. In force 21st July, 1837.

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 owners of steamboats navigating the Mississippi, Ohio, Wabash, Illinois, and other rivers and lakes within the jurisdiction of this state, to have a competent master, officers, and crew, on board, and to have a substantial and sufficient engine, boilers or boiler, and to have the same Duty of owners of steamboats

at all times in good and safe order and condition, and have the vessel supplied with all necessary boats, tackle and furniture, and in every respect seaworthy. In ascending and descending navigation, said boats shall conform to the following regulations: The descending boat shall keep the shore or bar she may be on, until the ascending boat passes; and when both boats are running, the descending boat shall keep the middle of the channel, or in the deepest water, and in all cases where it is practicable leave room for the descending boat to pass on either side.

Duty of masters

SEC. 2. That when two boats shall meet in a contracted part of the river, or in any narrow or intricate channel, both boats shall stop their engines, or work them very slow, until they pass each other; and in the night time the descending boat shall not take any of the small shoots, but shall keep the main channel in order to avoid the ascending boats.

SEC. 3. That it shall be the duty of the masters and officers of all steamboats to keep their vessels at all times well and steady trimmed, and particularly in coming to and departing from shore, and for that purpose the passengers and all others on board the boat shall strictly obey the directions of the master or officers on watch, and keep the place and position they may direct, and under such pecuniary penalties as the rules and regulations of the boat in that behalf shall impose; which rules and regulations shall be constantly kept up in at least five conspicuous and different parts of the boat.

Passengers to pay strict obedience to command of officers on board

SEC. 4. That the master and owners shall be severally and jointly responsible for damages which any person may sustain by the neglect or refusal to comply with the requisitions of the foregoing sections. And moreover, if any loss of life shall ensue from any such neglect and refusal, the officers on watch, and conducting the boat for the time being, shall be deemed guilty of the crime of manslaughter, and upon conviction thereof shall be punished accordingly.

Masters and owners responsible.

Manslaughter

SEC. 5. That it shall not be lawful for steamboats to run races the one against the other; and the owners and officers severally and jointly shall be liable and responsible for all damages which any one may sustain from any accident or casualty which may happen during said race. And moreover, in case of loss of life or lives in consequence of said racing, the master of the boat, or person or persons having the command thereof for the time being, shall be deemed guilty of a high crime and misdemeanor, and upon conviction thereof shall be liable to imprisonment in the penitentiary of the state, for any term not exceeding ten years.

Responsible for damages.

SEC. 6. That in landing passengers from steamboats, the master shall cause the vessel to be brought to shore whenever practicable and convenient, and especially in cases where females or children are to be landed; and whenever impracticable or decidedly inconvenient so to do, may land the passengers in good, sufficient and comfortable boats, to be at all times kept for that purpose, and managed by a sufficient number of civil, competent, and careful men; and during the time of disembarking from the steamboat into the small craft, and of leaving the vessel, the engine shall be stopped and the speed of the vessel checked. And any neglect or refusal to comply with any of the requirements of this section shall subject the owners and master of the boat to the payment of all damages that may result to any person or persons, from such neglect or refusal; and in the event of loss of life thereby, the master or other officer in command of the boat for the time being shall be deemed to be guilty of a high misdemeanor, and on conviction thereof, shall be punished as provided for in the foregoing section of this act.

Duty of master

SEC. 7. It shall be the duty of the master and officers of any steamboat carrying gunpowder as freight, to store the same in the safest part of the vessel, and separate and apart from articles liable to spontaneous combustion, and where in discharging the cargo it will not be necessary to carry any lighted candle, lamp or flambeau; and all boats carrying gunpowder as freight shall have printed cards, stating the fact, placed in the cabin and in other conspicuous parts of the boat, so as to give notice to the passengers. And the master and officers failing to comply with the provisions of this section, shall forfeit one hundred dollars for every time the same shall be so neglected, which may be recovered by action of debt, by and for the use of any person who may sue for the same, before any justice of the peace in this state; and shall moreover be liable for all damages which may happen to any person by reason of the failure.

Duty of master
when gunpow
der is on board

SEC. 8. It shall not be lawful for any person or persons to put or keep any gunpowder on any steamboat without first giving the master or officers notice thereof; and any person or persons so offending shall be liable to pay a sum of one hundred dollars to and for the use of any person who may sue for the same, in an action of debt before any justice of the peace in this state; and moreover, the person or persons so offending shall be liable for all damages which may happen to any person thereby.

SEC. 9. That copies of this act shall be printed and put in frames, and kept publicly placed in the cabin and

Copies of this act to be put up in steamboats

steerage of each steamboat navigating the Mississippi, Ohio, Wabash, Illinois, and other rivers and lakes within the jurisdiction of this state; and a failure to comply with these provisions shall subject the master and owners to a penalty of one hundred dollars for each day the same shall be omitted, to be recovered in an action of debt before any justice of the peace by and for the use of any person who may sue for the same.

This act deemed public

SEC. 10. This act shall be deemed a public act, and shall take effect from and after the first day of October next, and the Secretary of State shall cause authenticated copies thereof to be published in one of the newspapers published in each of the cities of St. Louis, Louisville, and Cincinnati, and cause at least one number of each of said newspapers, containing the same, to be filed in his office; and such publication shall be deemed sufficient notice of this act, to all masters, officers, and owners of steamboats who may come within its provisions.

APPROVED, 21st July, 1837.

In force 20th July, 1837.

AN ACT to amend an Act, entitled an Act to extend the corporate powers of the Town of Peoria, approved February 21, 1837.

Shall negotiate loan or loans.

Not to exceed \$50,000.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred upon the board of trustees of the town of Peoria, by the above recited act, the said board is hereby authorized to negotiate a loan or loans, upon the faith and credit of the corporation, of any sum or sums of money, not exceeding in the whole amount fifty thousand dollars, at any interest not exceeding seven per cent. per annum, for a period of time not exceeding fifteen years, the interest and principal, payable at such time and places, as may be agreed on by the parties to the loans; and the said board is hereby to pledge irrevocably, all or any part of the revenue of the corporation, and all or any part of its property of any description whatsoever, for the payment of the interest upon said loan, and the reimbursement of the principal as the same becomes due and payable. The said board shall also be authorized to pledge all the profits and interest which may accrue from thence on application of the money borrowed, for the aforesaid purpose of paying the interest and reimbursing the money borrowed as aforesaid.

SEC. 2. It shall be deemed a good execution of the

power to borrow on the part of the said board, to cause to be constituted certificates of stock for the said loan, to be called the "Peoria Loan," to be signed by the president of the board, and countersigned by the treasurer, under the seal of the corporation, and to cause the said certificates of stock to be sold: *Provided*, That no stock shall be sold for less than its par value. And the said board are authorized to take and use all proper means and measures for the transferring of the said stock.

Certificates of stock.

Proviso.

SEC. 3. The money borrowed under the provisions of this act, or such part thereof as may be deemed proper, shall be vested in the stock of the "Peoria Bridge Company," so as to enable the company to build the bridge across the Illinois river at Peoria; and if the whole is not so vested, the remainder may be applied to such purposes of improvement within the town, as may be deemed best calculated to advance the interest of the town. There is hereby allowed two years, in addition to the time allowed by the charter of the Peoria bridge company, for the completion of the said bridge.

Bridge across Illinois river.

Extension of time.

APPROVED, 20th July, 1837.

AN ACT to vacate certain Town Plats.

In force 20th July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the proprietors of that part of the town of Cambridge, in the county of Peoria, which is located on the east half of section twenty four, township ten north, range four east of the fourth principal meridian, or that part of it of which Zacharia Philips is owner and proprietor, be authorized and empowered to vacate the plat and survey of the same: *Provided*, the consent of all the owners of lots in that part of the said town of Cambridge, be first had in writing, and acknowledged before some justice of the peace, and recorded in the recorder's office of Peoria county.

Cambridge,

Plat vacated Proviso

SEC. 2. That the proprietors of Manning, Smith and Higham's addition to the town of Alton, laid off and plat-
ted August 20th, 1836, on sections number thirteen, eighteen and nineteen, in township number five north, ranges number nine and ten west of the third principal meridian, in Madison county, and the owners of lots therein, be and they are hereby authorized and empowered to alter, change, or vacate, the survey and plat of said addition, with the exception of Long, Milton, and Washington

Alton

Proprietors of, may change plat of

Exception.

streets: *Provided*, The consent of all the owners and proprietors aforesaid, shall be first had in writing, which shall be acknowledged in the same manner as deeds of conveyance, and recorded in the recorder's office in said county of Madison.

APPROVED, 20th July, 1837.

In force July
20th, 1837.

AN ACT to change the name of the Town of Contreville.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the name of the town of Centreville, in the county of Schuyler, be and the same is hereby changed to the name of Ripley, and by that name it shall hereafter be known and called.

SEC. 2. This act to take effect from and after its passage.

APPROVED, 20th July, 1837.

In force 20th July, 1837. AN ACT to extend the corporate powers of the President and Trustees of the Town of Springfield.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the president and trustees of the town of Springfield, in the county of Sangamon, and state aforesaid, and their successors in office, or a majority of them, shall hereafter have authority, in addition to the powers conferred upon them by an act entitled "an act to incorporate the inhabitants of such towns as may wish to be incorporated," approved February 12th, 1831, to extend the boundaries of said town, one half mile in each direction beyond its present limits, and to open, widen and extend, the streets and alleys of the same, and to levy and collect, annually, a tax on all the real estate in said town as extended, not exceeding four per cent. per annum, on the assessed value thereof, and to borrow money: *Provided*, That at no time shall the amount so borrowed exceed one hundred thousand dollars.

SEC. 2. All moneys arising from the collection of taxes, or from the loan or loans above authorized, shall be appropriated by the said president and trustees, and their successors, in such manner as in their opinion will best promote the interests of said town.

Additional powers of trustees.

Moneys, how appropriated

SEC. 3. The said president and trustees shall have power to enforce their ordinances, by authorizing the collection of taxes, to sell any town lot or parcel of ground, within the limits of said town, or so much as will pay the tax due and in arrear from the owner thereof, in such manner as is now authorized under the act approved 12th, 1831, aforesaid.

SEC. 4. That when any street is opened, widened, or extended, the president and trustees shall make the person or persons injured thereby compensation, to ascertain which they 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 enquire into, and take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damage sustained by reason thereof; and shall moreover estimate the amount which other persons will be benefitted thereby, all of which shall be returned to the board under their hands and seals; and the persons so benefitted and assessed shall pay the same, in such manner as shall be provided, and the residue, if any, shall be paid into the town treasury.

If streets are extended, freeholders to be summoned

Returns made to the board

SEC. 5. That upon the application of the owners of two-thirds of the lots on any street or part of a street, it shall be lawful for the president and 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 streets and side walks in front thereof.

If owners apply

SEC. 6. This act to take effect from and after its passage.

APPROVED, 20th July, 1837.

AN ACT legalizing the Incorporation of the Town of Beardstown.

In force 21st July, 1837.

WHEREAS, Doubts are entertained as to the legality of the incorporation of the town of Beardstown, in Cass county, now, therefore, to remove all doubts,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the town of Beardstown, in the county of Cass, is hereby declared to be regularly incorporated under the act intitled An act to incorporate such towns as may wish to be incorporated, approved March 1st, 1831; and the corporation of said town shall be

Preamble

entitled to exercise and maintain all the powers and privileges therein granted to the trustees of incorporated towns under said act.

SEC. 2. The trustees of said town, and those hereafter to be elected, shall have full power and authority to levy and collect a tax on all the real estate in said town, (valuation of the same being made without regard to the improvements thereon,) not exceeding six per centum per annum, for the purpose of raising the sum of ten thousand dollars directed to be raised by virtue of an act approved March 3, 1837, for the formation of the county of Cass.

SEC. 3. All acts, orders, records, by-laws, and ordinances, made and passed by the trustees of the town of Beardstown, under the provisions of said act of incorporation, shall be considered valid and binding in law until changed by the board of trustees of said town.

APPROVED, 21st July, 1837.

AN ACT to incorporate the town of Ottawa, and for other purposes.

In force 21st
July, 1837.

Residents incorporated
body politic and corporate.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Ottawa, in LaSalle county, are hereby constituted a body politic and corporate, to be known by the name of the President and Trustees of the Town of Ottawa; and by that name shall be known in law, and have perpetual succession, may 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, receive, and hold real and personal property within the limits of said town, and no other, (burial grounds excepted;) may lease, sell, and convey the same for the benefit of said town. They shall have power to lease any lands that now are or which may hereafter be reserved and appropriated to the use of said town, and to do all other lawful acts as natural persons; may have a common seal, and break and alter the same at pleasure.

Power to lease
lands.

Boundaries of
the town of Ot-
tawa.

SEC. 2. That all that district of country contained in section eleven, the south half of section two, the north half of section fourteen, the west half of section twelve, the northwest quarter of section thirteen, the southwest quarter of section one, the southeast quarter of section ten, and the west half of the northeast quarter of section twelve, in township thirty-three north, of range three east, of the third principal meridian, together with all additions that are now laid out beyond the above de-

scribed limits, and recorded as additions to said town, is hereby declared to be within the limits or boundaries of the town of Ottawa.

SEC. 3. That this incorporation shall be divided into three wards, to wit: all that part which lies north of the Illinois river, and west of Fox river, shall constitute the first ward; all that part which lies south of the Illinois river, shall constitute the second ward; and all that part which lies north of the Illinois river and east of Fox river, shall constitute the third ward; and the taxes collected for public improvements, within the said respective wards, shall be expended under the direction of the board of trustees for improvements within their respective wards in which they are raised.

Divided into three wards.

First ward.

Second ward.

Third ward.

SEC. 4. The corporate powers and duties of said town shall be vested in seven trustees, who shall form a board for the transaction of business; three of whom shall reside in the first ward, three in the second ward, and one in the third ward, until said third ward shall contain twenty-five voters; from and after which time there shall be elected from the residents of said ward three trustees; and the corporate powers and duties of said town shall then and thereafter be vested in nine trustees instead of seven, but all elections for trustees in said town shall be by general ticket.

Powers vested in seven trustees.

SEC. 5. The trustees shall be elected annually, on the first Monday in September, by the persons residing in said town qualified to vote as hereinafter mentioned, to serve for one year, and until their successors are elected and qualified; they shall be citizens of the United States, twenty-one years of age, shall possess a freehold estate within the limits of said corporation, and shall have resided in said town one year next preceding the election.

Trustees when elected.

SEC. 6. 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, and 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 a vote 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.

Power to appoint all officers

SEC. 7. No person shall vote for trustees of said town unless he be qualified to vote for representatives to the General Assembly, and shall moreover (after the first general election) have paid a corporation tax, or shall have

Who shall not vote.

bona fide owned a freehold within the corporate limits of said town for at least three months next preceding the election at which he offers his vote.

Power to collect taxes.

SEC. 8. That the board of trustees shall have power to levy and collect taxes upon all real estate and personal property within the town, not exceeding one per centum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches; to erect lamps in the streets and light the same; to regulate and license ferries, and erect and keep in repair bridges, and regulate the tolls thereof within the limits of said town; to improve and preserve the navigation of the Illinois and Fox rivers below and within the limits of the corporation; to restrain and prohibit shooting, horse-racing, houses of ill fame, gaming and other disorderly houses; to provide for licensing, taxing, and regulating or prohibiting billiard tables, theatrical and other shows, or other amusements; to regulate and license merchants, inn keepers, groceries, auctions and pedlers; to establish and regulate markets, and erect market houses; to borrow money; to regulate, grade, pave, improve, open, extend, widen, and keep in repair streets, side walks, avenues, lanes, alleys, drains, and sewers, to keep the same clean and free from incumbrances; to provide for the preservation and extinguishment of fires, by establishing and regulating a fire department; to dig wells and erect pumps on the streets for the convenience of the inhabitants, or construct aqueducts; to supply the town with water; to regulate the storage of gunpowder, and all other combustible materials; to establish and enforce quarantine law; to regulate the police of the town; to regulate the election of the town officers, and to fix their compensation; 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 citizens may require; and to impose fines and forfeitures for the breach of any ordinance, and to provide for the collection of the same.

Night watches.

Storage of gun powder.

To fix compensation of officers

Special tax how collected.

SEC. 9. That upon the application of the resident owners of two-thirds of the real estate belonging to the residents 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 all the lots on said street, or parts of a street, according to their respective fronts, for the purpose of grading or paving the side walks on said street or parts of a street.

Persons injured how compensated.

SEC. 10. That the board of trustees shall make adequate compensation to any person or persons who may be injured by opening, widening, extending or improving, any street, lane, alley, avenue, or side walk, within the limits of the town, under the provisions of this act; 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, after being duly sworn for that purpose, shall enquire into and take into consideration as well the benefits as the injury which may accrue to the party, and estimate and assess the damages which would be sustained by reason of the opening, extension, widening, grading or improving of any street, avenue, lane, alley or sidewalk; and shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating the persons injured; all of which they shall return 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.

SEC. 11. All ordinances shall be published, and posted in three of the most public places in said town, within ten days after they are passed, and if there be a newspaper in the town shall also be published therein, within said ten days. Ordinances to be published.

SEC. 12. That when any real estate in said town shall have been sold by the authority of the corporation, for 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, for the use of the purchaser or purchasers, double the amount of taxes for which the same was sold, together with cost for selling the same; and if not redeemed by the owner or owners, then the same shall be subject to redemption by any judgment creditor, his, her or their agent, within fifteen months after the same shall have been sold, on paying as above specified; but, should the said lots or part of lots, or real estate, so sold for the non payment of taxes as aforesaid, not be redeemed within the time specified, then, and in that event, it shall be the duty of the president of the board of trustees of said town, to execute a deed with special warranty, signed by the president and countersigned by the clerk thereof. Lots sold may be redeemed.

SEC. 13. It shall be the duty of the board of trustees to cause to be paid to the owner or owners of lots or real estate all moneys which may have been paid to the treasurer by them, over and above the amount of the taxes for which they were sold, and the cost of selling the same. Duty of trustees

SEC. 14. The officers of said board of trustees, (in addition to the president,) shall consist of one clerk, one treasurer, one assessor and collector of taxes, one surveyor, Officers of board.

two street commissioners, two measurers of wood and weighers of grain, and such other officers as the trustees may deem necessary for the good of said town.

Fire companies

SEC. 15. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire engine companies, and fire hook and ladder companies. The fire engine companies to contain each, from fifteen to thirty 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 ten to twenty able bodied men and no more; which companies shall be formed by voluntary enlistment, and shall be officered and governed by their own by-laws; every member of said companies shall be exempt from military duty, and from serving as jurors; and whenever a member of said companies 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 or military duty, except in case of insurrection or invasion.

Officers, to take oath.

SEC. 16. That every officer of said corporation shall, before entering upon the duty 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 discharge the duties of his office.

SEC. 17. That the foregoing provisions of this act shall take effect so soon as they shall have been accepted by the inhabitants of said town, and not before, in manner following, to wit: an election shall be held at the court house in said town, on the first Monday in September next, to be conducted by any two or more of the then resident justices of said town, or judges of the election, (and it is hereby made the duty of said justices either to serve as judges at said election, or to appoint three competent persons residents of said town to serve in their stead,) at which all persons qualified to vote for representatives to the General Assembly, shall be entitled to vote either for or against this charter, and if a majority of all the votes given be for the charter, then the said judges shall determine the time and place of holding the first general election, which shall not be more than fourteen days, nor less than seven, after the acceptance of the charter, and shall publish notice thereof for at least four days before the day appointed for such election; at which election it shall be the duty of two or more of said justices to serve as judges or to appoint others to serve in their stead, as herein before directed; but if the charter shall not be accepted as aforesaid, then any two of the resident justices of the peace in said town may, from time to time, whenever they shall be petitioned to that effect by a majority of the householders residing in said town and corporation,

cause an election to be held as aforesaid, until the charter shall be accepted as aforesaid; they shall then proceed as herein before provided; and the trustees who shall be elected at the first general election, shall continue in office till the day hereinbefore designated for the annual election of trustees and until their successors are elected and qualified.

APPROVED, July 21st, 1837.

AN ACT to amend an act, entitled an Act to incorporate the Town of Carlinville, approved March 4, 1837. In force, 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of an act, entitled "An act to incorporate the town of Carlinville," approved March 4, 1837, as declares that the corporate limits of said town shall extend a half mile north, east, west from the centre of the public square, and south to the prescribed limits of the town plat, as recorded in the county of Macoupin, be, and the same is hereby repealed. Part of act repealed

SEC. 2. The corporate limits of the town of Carlinville shall hereafter be prescribed and fixed by the trustees of said town, in such manner as to include the original plat of said town and such additions thereto as have or shall be made hereafter to the same, but shall not include any lands not laid off into town lots. Corporate limits to be limited by trustees of town

SEC. 3. That the inhabitants of the town of Franklin, in the county of Morgan, 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 12, 1831, notwithstanding there may not be one hundred and fifty inhabitants in said town; and upon complying with the provisions of the act aforesaid the inhabitants of the said town, 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, and the several acts amendatory of the act aforesaid. Town of Franklin may be incorporated

This act to be in force from and after its passage.
APPROVED, 21st July, 1837. May have all privileges of act

In force July 21, 1837.

AN ACT to alter the town plat of Geneva, and for other purposes.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the proprietors of the town of Geneva, Kane county, and the owners of lots therein, be, and they are hereby authorized and empowered to alter, change, or vacate the survey and plat of said town; *Provided,* The consent of all the proprietors and owners aforesaid shall be first had in writing, which shall be acknowledged before some justice of the peace of the county, and recorded in the recorder's office of the county of Kane.

Proprietors of town may vacate plat
Proviso

SEC. 2. That R. J. Hamilton, James M. Strode, James Herrington, and their associates, be, and they are hereby authorized to construct a mill dam across Fox river at the town of Geneva; *Provided, however,* said grant shall not be so construed as to prevent the state from improving said Fox river by dams and locks, at any time hereafter, for the purpose of slack water navigation.

May build mill dam
Proviso

SEC. 3. That the name of the town of Winchester, in the county of Will, be, and it is hereby changed to the name of Wilmington, and by that name the aforesaid town shall be hereafter known and designated.

Name of town of Winchester changed

SEC. 4. All bonds and other contracts made and entered into of and concerning the said town of Winchester, and all muniments of title of and concerning the said town of Winchester, shall apply and be as binding as if the name of the said town had not been changed.

All bonds &c. still binding

APPROVED, 21st July, 1837.

In force 21st July, 1837

AN ACT to incorporate the Town of Jerseyville.

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 Jerseyville, in Greene county, are hereby made a body corporate and politic, in law and in fact, by the name of the President and Trustees of the Town of Jerseyville; and by that name and style shall have perpetual succession, and may have and use a common seal which they may alter or revoke at pleasure, and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Body corporate and politic created

SEC. 2. The corporate powers and duties of said town shall be vested in five trustees, to be chosen and appoint-

Powers vested in five trustees

ed as hereafter directed, who shall form a board for the transaction of business.

SEC. 3. John W. Lott, George H. Collins, Samuel L. McGill, Richard Graham, and Edward M. Daley, shall be the first trustees, and shall hold their office until the first Monday in May next; and the members composing the board of trustees thereafter shall be elected by the persons residing within said town and incorporated limits, qualified to vote for representatives to the legislature, on the first Monday in May in each year, to serve for one year, and until their successors are duly elected and qualified. They shall be at least twenty-one years of age, citizens of the United States, and inhabitants of said incorporated limits, and bona fide freeholders in said town; and shall have power to fill all vacancies in their own board, which may be occasioned by death, resignation, or otherwise.

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.

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 incorporation, not exceeding the one half of one per centum upon the assessed value thereof, except as hereafter 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 light the same; to provide for licensing, taxing, and regulating auctions, taverns, groceries, and pedlers, theatrical and other shows and amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; 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 require bond and security of town officers for the faithful performance of their duties; 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

First trustees

First election

Vacancies, how filled

Officers, how appointed

May levy and collect tax

Trustees to license taverns, &c.

Police of town

regulate the elections 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.

Special tax,
how levied

SEC. 6. That on the application of the owners of two-thirds of the front of the lots on any street, or part 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 part of a street, according to their respective fronts, for the purpose of grading and paving the side walks on said street.

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 six good and lawful men, freeholders and inhabitants of said town, not directly interested (who being first duly sworn for that purpose,) shall enquire 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, extending, 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 which shall be benefited and so assessed, shall pay the same in such manner as shall be provided by the board of trustees; and the residue, if any, shall be paid out of the town treasury. The board of trustees shall have power to close any lane or alley in said town, whenever they may judge it expedient, and to make such disposition of the ground amongst the owners of the adjoining lots as the circumstances of the case may require, so as to fully vest in them the fee simple of such ground; also the board of trustees shall

have power to pass such by-laws or ordinances, from time to time, as to them may seem expedient and not inconsistent with any public law of this state, as the good of the citizens of said town may require.

SEC. 8. 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. Ordinances to be made public

SEC. 9. That the board of trustees are also vested with power to declare what shall be considered a nuisance within said town and incorporated limits; to prevent the running and indecent exhibition of horses within the bounds of said town; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays, within the limits of said incorporation; and to provide that such punishment may be inflicted for any offence against the laws or ordinances 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 where such person would be entitled to a trial by a jury for a like offence against the law of the state. Nuisance
Provided

SEC. 10. That the board of trustees shall have power to provide for the punishment of offenders by imprisonment in the county jail, 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 act for a longer period than twenty-four hours for every five dollars of any fine assessed, or forfeiture or penalty recovered. Punishment of offenders
Provided

SEC. 11. That the board of trustees shall have power to provide for the punishment of persons who may at any time disturb the peace of the inhabitants of the town or incorporated limits, or the deliberations or proceedings of any public meeting of such inhabitants, or of the board of trustees when in session.

SEC. 12. That the lot, in front of which any side walk is made, shall be taxed to pay at least one half of the expenses of making such side walk, in addition to the regular tax which shall be assessed, and collected in the same manner as other taxes are. Lots to be taxed for side walks

SEC. 13. That the board of trustees shall have power to 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 taxes levied upon it is not paid: *Provided, however*, That no sale of any town lots, or other Assessment & collection of taxes
Provided

real estate, shall be made until public notice of the time and place shall be given by advertisement in a newspaper, or by posting up written notices in three of the most public places in said town at least fifteen days previous thereto.

Notice to be given

Lots sold may be redeemed in two years

SEC. 14. That when any town lot or 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 the purchase money, with interest at the rate of fifty per cent. per annum, together with the costs accruing thereon.

Redemption money

All officers to be sworn

SEC. 15. That the members of the board of trustees, and every other 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.

Town constable to be appointed

SEC. 16. That the board of trustees shall have power to appoint a town constable or constables, and authorize him to execute all writs, process, and precepts which may be issued against persons for the violation of the laws or ordinances of the corporation, and to arrest on view all persons who may violate such laws or ordinances; 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: said constable or constables to hold their office during the pleasure of the board of trustees; and shall have and possess the same powers, and perform the same duties in other respects, as the constables in the different districts in the county possess.

Bond and security required of constables

SEC. 17. That all that district of country included within the corporate limits of said town, be, and the same is hereby constituted into a district for the election of a justice of the peace.

Duty of county commissioner of Greene to cause election for justice of the peace

SEC. 18. That the county commissioners' court of the county of Greene are hereby authorized and required to cause an election to be held hereafter, as soon as practicable, and at each quadrennial election thereafter, for one justice of the peace in said district. The justice of the peace elected shall hold his office until the next general election for justices of the peace, at which time his successor shall be elected as in other cases; and the person thus elected shall have and exercise the same jurisdiction, hold his office by the same tenure, and be under

Jurisdiction of

the regulations in all respects as other justices of the peace of this state.

SEC. 19. That the board of trustees, for the purpose of keeping the streets and alleys in said town and incorporated limits, and the public roads passing from and through the centre of said town, in good repair, and to this end they are authorized to require every male resident of said town and incorporate limits, over the age of twenty-one years, to labor in said streets, alleys, and roads, least three days in each year; and any person who shall be notified by the street commissioner to perform such labor, so assessed, as herein provided, and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar for each day's labor neglected to be performed; and the street commissioner in said town is hereby authorized to prosecute such delinquent person in the name of "The President and Trustees of the Town of Jerseyville," before any justice of the peace in said town; and said street commissioner shall be a competent witness against said delinquent; and in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

All males to work three days on streets

In case of neglect or refusal

Fine

SEC. 20. 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 the corporation, to issue his warrant, directed to the town constable or any other authorized 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 provided in such law or ordinance: *Provided*, Such fine shall not exceed fifty dollars.

Duty of justice when laws are violated

Proviso

SEC. 21. That the said corporation is hereby made capable 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 or place whatever; and all suits and judicial proceedings under this act shall be brought in the name and style of "The President and Trustees of the Town of Jerseyville."

Property of town

SEC. 22. That for the purpose of carrying the aforesaid powers into effect, the said trustees shall have power to define the boundaries of such town: *Provided*, That the same shall not exceed one mile square.

Proviso

Fees of officers

SEC. 23. 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.

SEC. 24. This act shall take effect and be in force from and after its passage, any law to the contrary notwithstanding.

Right to repeal SEC. 25. The General Assembly reserves the right to alter, amend, or repeal this act, whenever the public good may require the same.

APPROVED, 21st July, 1837.

[The following Law was accidentally omitted from its proper place in the preceding pages.]

AN ACT to amend the Act entitled "An Act concerning Practice in Courts In force 21st of Law," approved 29th January, 1827. In force 21st July, 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That exceptions taken to opinions and decisions of the circuit courts, upon the trial of causes, in which the parties agree that both matters of law and fact may be tried by the court; and in appeal cases, tried by the court without the intervention of a jury, shall be deemed and held to have been properly taken and allowed, and the party excepting may assign for error before the supreme court, any decision or opinion so excepted to, whether such exception relates to receiving improper, or rejecting proper testimony, or to the final judgment of the court upon the law and evidence.

SEC. 2. Exceptions taken to opinions or decisions of the circuit courts, overruling motions in arrest of judgment, motions for new trials, and for continuances of causes, shall hereafter be allowed; and the party excepting may assign for error any opinion so excepted to, any usage to the contrary notwithstanding.

APPROVED, 21st July 1837.

RESOLUTIONS.

Memorial and Resolutions in relation to Internal Improvements.

To the Congress of the United States of America: The Memorial of the Legislature of Illinois respectfully represents, That at a former session of this legislature, they adopted, by a large majority, a system of internal improvements throughout the state, embracing one grand central railroad, from Galena to the mouth of the Ohio river, together with various other railroads, traversing the state in several directions, communicating with the great rivers, and pointing to other projected improvements in other states; in all, constituting a line of railroad exceeding a thousand miles, the average cost of which is estimated at less than seven thousand dollars per mile.

Your memorialists would further represent, that, although there is nothing of novelty in the undertaking, and that no new argument can be urged in favor of this adoption, further than the peculiar adaptation of the country for the construction of such works, owing to its generally level surface, yet they feel dispassionately confident of success.

This state is yet in its infancy, but from the rapid increase of population and wealth, it promises soon to realize the anticipations of its citizens.

The system which it has adopted needs to some extent however, the sanction of the general government, and its aid; and from the attention which an application of a private company for "right of way" and grants of lands, has heretofore received, they feel confident that a similar application from the state would receive not less attention. Your memorialists are confident that a true and correct representation of these matters, by our representatives in congress, cannot fail to have their due weight, and will doubtless influence the congress to adopt some plan by which the sale of the public lands will be ensured, and the people generally benefitted.

The General Government has heretofore viewed the construction of the Illinois and Michigan canal as a national work, and appropriated large amounts in lands to the construction thereof. The state entered with boldness into that grand design, and pledged itself to the prosecution of the work. Although the cost far exceeds all reasonable anticipation, they are determined to pursue it on the most practicable plan; and they have the confidence that the government of the United States will comply with its implied pledges, entered into to guarantee the work.

But while the energies of the state are directed to this object, they are not to be confined in its enterprizes to the construction of one hundred miles of canal, benefiting but a small portion of the state: they have taken a more extended view, and adopted a more liberal system, that indicated by the internal improvement act of the last session, and although it is superficially extensive, it is confidently believed that it will not cost more to construct all the works indicated by the act, than it will to complete the canal. Yet no invidious comparisons are made. It is the ardent wish that the two works should harmonize together, and proceed with an equal pace, each equally receiving the fostering aid of the state and the general government. No true friend of the prosperity of Illinois, is in favor of overturning the one and promoting the other of these projects, because it would equally prostrate both. The canal and the internal improvement system being in the same state, affected by the same laws, and advancing the interests of the same people, are of a social disposition, and will flourish best by the mutual protection of each other.

Your memorialists, therefore, pray your honorable body to grant to the state the right of way over the public lands, for the several routes indicated by the internal improvement act; and also to grant to the state the right to purchase any quantity of lands along the routes of the several railroads, at a credit of ten years, without interest, not exceeding five hundred thousand acres, or to grant to the state without sale or price, such quantity.

They also further pray that Congress, in order to carry out the design of the general government more fully, of completing the construction of the Illinois and Michigan canal, would grant such a quantity of land, bordering on said canal, or elsewhere, as will be sufficient to complete said work, upon condition that it may be needed, and upon the further condition that the state will guaranty the faithful application of the means hereby asked.

Resolved by the Senate and House of Representatives, That our senators and representatives in congress be requested

to use all means in their power to procure the passage of a law of congress, to authorize the state of Illinois, by and through the commissioners of public works, to enter lands along the several routes of railroads, and other improvements contemplated by the "act to establish and maintain a general system of internal improvements," on a credit of ten years.

Resolved, That our senators and representatives be also requested to procure the passage of a further provision; granting to the state the right of way over the lands owned by the general government within this state, to construct the projected works of internal improvement.

WHEREAS, the Illinois and Michigan canal has been looked upon as a national work, and grants of land from the general government have been made to commence the same:

Resolved, That our senators and representatives be requested to procure the passage of a law by congress, granting to this state further means to complete said work, upon such conditions as the Congress of the United States shall order and direct.

APPROVED, July 21st, 1837.

REPORTS
OF THE
AUDITOR AND TREASURER,
TO THE
GENERAL ASSEMBLY,
JULY, 1837.

AUDITOR'S REPORT.

STATE OF ILLINOIS, AUDITOR'S OFFICE, }
Vandalia, July 12th, 1837. }

SIR:

In compliance with the resolution of the House of Representatives, requesting the Auditor to "transmit to the House a statement of the condition of the Treasury of this State," I have the honor to submit the following report, showing the amount of receipts into the Treasury, from the 3d day of December, 1836, to the 30th day of June, 1837, inclusive, and the expenditures on the part of the State during the same period; also, a statement of the account of the State Bank with the State of Illinois, since she became the fiscal agent of the State, up to the said 30th day of June; together with a statement of the present situation of the School Fund.

I have the honor to be,

Sir, your obed't Servant,

LEVI DAVIS,

Auditor of Public Accounts.

TO THE HON. THE SPEAKER
OF THE HOUSE OF REPRESENTATIVES.

DR.

CHARLES GREGORY, *State Treasurer, in*

For amount remaining in the Treasury, on the 3d day of December, 1836,	\$85,140 37
For amount received from nonresidents, from 3d December, 1836, to 16th April, 1837,	256 63
For amount received from Sheriffs, during same period,	2,662 08
For amount received from Revenue Clerks,	34,607 55
For amount received from State Bank of Illinois, being the amount of interest which accrued on the Wiggins loan, from the passage of the act authorizing the Bank to redeem said loan, up to 1st July, 1836,	2,766 70
For amount received from State Bank of Illinois, being the bonus due from said Bank, on the 1st day of January, 1837,	7,017 75
For amount received for debts due the old State Bank and branches,	333 00
For amount received from the Commissioners of the School Fund,	116,750 00
For amount received from Trustees of James Hall, former Treasurer,	1,038 96
For amount received from Commissioner of sales of Gallatin Saline Lands,	79 40
For amount received from sale of materials of old State House,	19 57
For amount of redemption money received,	226 46
For amount of Surplus Revenue received from the United States,	239,306 38
Total,	\$490,204 85

DR.

JOHN D. WHITESIDE, State Treasurer, in

For amount received of Charles Gregory, late Treasurer, being the balance in his hands on the 16th day of April, 1837, - - - - -	\$109 49
For amount received from non-residents from 16th April to 30th June, 1837 - - - - -	1150 57
For amount received from Sheriffs during same period - - - - -	1780 69
For amount received from the Revenue clerks - - - - -	2237 27
For amount received from the Commissioners of the School Fund - - - - -	1100 00
For amount received from the State Bank, being the dividend due the State on \$100,000 stock subscribed by State - - - - -	2500 00
For amount of redemption money received - - - - -	629 61
For amount of Surplus Revenue received from United States - - - - -	238,612 76
	248,120 39
Amount from foregoing page - - - - -	490,204 85
Total,	\$738,325 24

DR.

The STATE BANK OF ILLINOIS in

For amount deposited in the State Bank up to 30th June, 1837 - - - - -	\$365,781 68
For amount due on settlement on the 30th day of June, 1837 - - - - -	289,669 51
To this sum add the amount of Surplus Revenue deposited in the Bank on the 29th day of June, but which was not taken into the foregoing account, the certificate of Deposit not having been received in time - - - - -	99,306 38
Amount due the state on the 30th day of June, 1837	\$388,975 89

REDEMPTION ACCOUNT.

Amount of redemption money in the treasury on the 1st December, 1836, - Amount of redemption money received from 1st Dec. 1836, to 30th June, 1837	\$873 67 856 07 <hr/> \$1729 74	Amount of redemption money paid out from 1st Dec. 1836, to 30th June, 1837, Amount to balance, - - -	\$81 82 1647 92 <hr/> \$1729 74
Balance of redemption money in the Treasury on the 30th June, 1837, - -			1647 92

Amount of Warrants issued from the 3rd day of December, 1836, to 30th June, 1837, for the current expenses of the State, and charged to the following accounts, to wit:

On what account drawn.	Amount.
Special appropriations, - - -	\$10,597 21
Interest on school, college, and seminary funds,	14,085 53
Circuit attorneys, - - -	926 73
The General Assembly, - - -	60,975 15
Money refunded, - - -	110 21
The Judiciary, - - -	6,134 63
The Secretary of State, - - -	1,625 00
The Militia, - - -	665 00
Incidental expenses, - - -	1,045 25
The Attorney General, - - -	366 29
The Penitentiary Inspectors, - - -	200 00
The Auditor of Public Accounts, - - -	1,400 00
The Treasurer, - - -	1,065 24
The Contingent Fund, - - -	1,037 52
Warden of the Penitentiary, - - -	483 33
Appropriations to counties, - - -	5,341 39
The Governor, - - -	650 68
Public Printing, (bills, reports, laws and journals and paper for same session 1836, '37,) - - -	11,652 28
State Bank Stock, - - -	100,000 00
Counties on Military Tract, - - -	2,800 00
Appropriation for killing wolves, - - -	13 00
Appropriation for State House, Vandalia, - - -	10,268 82
Appropriation for State House, Springfield, - - -	12,000 00
Board of Fund Commissioners, - - -	50,000 00
Interest on State Paper Stock redeemed, - - -	55 42
Appropriations for Roads, - - -	780 00
Appropriations out of Canal Fund, - - -	661 00
Distributing Laws and Journals, - - -	150 00
Total Amount,	\$295,089 68
Amount due the State from the Bank on the 30th June, 1837, - - -	\$388,975 89
From this sum deduct amount of outstanding warrants against the Treasury, - - - \$721 42	
Amount of outstanding warrants against the Bank, - - - 8,086 79	
	8,808 21
Balance in favor of the Treasury on the 30th June, 1837,	\$380,167 68

The amount of \$388,975 89 due the State from the Bank from the 30th day of June, consists of \$367,919 14 of surplus revenue received from the United States, and \$21,056 75 derived from ordinary sources of revenue. Three instalments of surplus revenue, amounting to the sum of \$477,919 14, have been received and deposited by the Treasurer in conformity with the law. The sum of \$60,000 has been deposited in the Bank at Shawneetown, and the remainder in the State Bank of Illinois. Of the amount deposited in the last named Bank, the sum of \$50,000 has been drawn out by the Board of Fund Commissioners.

The following is a statement of the present condition of the School, College, and Seminary funds.

Amount due the school fund on Jan. 1st, 1837, - - -	\$159,031 75	
Amount received and loaned to State, Jan. 6th, 1837, - - -	72,875 00	
Amount do. do. Feb. 27, 1837, - - -	6,666 66	
Amount do. do. March 20, " - - -	17,745 00	
Amount do. do. April 21, " - - -	916 66	
		\$257,235 07
Amount due the college fund on Jan. 1st, 1837, - - -	\$31,804 33	
Amount received and loaned to State, Jan. 6th, 1837, - - -	14,575 00	
Amount received and loaned to State, Feb. 27th, 1837, - - -	1,333 33	
Amount received and loaned to State, March 20th, 1837, - - -	3,555 00	
Amount received and loaned to State, April 21st, 1837, - - -	183 33	
		51,450 99
Amount seminary fund, - - -	-	49,306 25
Add amount of warrant for 3 per cent. fund now in the hands of the commissioners of the school fund, - - -	-	16,100 00
Total amount due school, college, and seminary funds proper, - - -	-	\$374,092 31

In conformity with what I conceive to be the proper construction of the acts, entitled "An act to establish and maintain a general system of Internal Improvements," and "An act to amend the several acts in relation to common schools," I have added to the school fund \$335,592 32 of the surplus revenue, being the amount which the state owed the School, College, and Semi-

[STATEMENTS CONTINUED.]

nary Funds at the time the said laws were passed. This amount was added and bears interest from the following dates, viz: Amount loaned on the 25th March, 1837, Amount loaned on the 2d May, 1837, Amount loaned on the 29th Jan. 1837,	\$239,306 38 79,306 38 16,979 56	335,592 32
Total amount		\$709,684 63

A Statement of the amount drawn from the treasury on account of the Contingent Fund, from 3rd day of December, 1836, to the 30th June 1837, inclusive.

Date.	Warrants.	Amount.
1837.		
Jan. 3	To warrants to Basil B. Craig, in full for his services in going to the Governor of Louisiana to demand a fugitive from justice,	75 00
Jan. 30	To warrants to James M. Duncan, clerk of the supreme court, in full for his bill of costs in two causes against James Hall, former Treasurer,	25 65
Feb. 7	To warrants to Wm. H. Coyle, in full for advertising Governor's Proclamation for election of Maj. General, and for convening the Legislature,	4 50
March 4	To warrants to Joseph Hays, commissioner of sales of Gallatin Saline Lands, in full for making a Report to the Auditor of the lands sold by T. D. Huett, former commissioner,	20 00
March 6	To warrants to Wm. E. Woodruff in full for advertising Governor's Proclamation for the apprehension of William Copland, and other fugitives from justice,	31 87
April 13	To warrants to B. W. Thompson, in full for collecting Revised Laws of 1833,	125 00
May 3	To warrants to J. C. Bruner, in full for an allowance made him by the Governor out of the Contingent Fund,	20 00
May 5	To warrants to John F. Maddox in part for plastering rooms in State House for public offices,	200 00

CONTINGENT FUND.

Date.	Warrants.	Amount.
May 22	To warrants to Harrison Thompson, in full for 8,000 laths furnished by him for the lower rooms of the State House,	24 00
May 25	To warrants to Thomas O. Davis, in full for publishing Governor's proclamation, and an act concerning trespasses on canal lands,	36 00
May 25	To warrants to J. Wentworth, in full for publishing Governor's Proclamation, and an act concerning trespasses on canal lands,	36 00
May 25	To warrants to H. Warren, in full for publishing Governor's Proclamation, and an act concerning trespasses on canal lands,	36 00
May 29	To warrants to Hodge & Shrader, in full for publishing Governor's Proclamation declaring who elected members of Congress; who presidential electors; offering a reward for Wm. Copland, a fugitive from justice; Proclamation and act concerning trespasses on canal lands; publishing supplement to revenue law, and printing three quires of circular letters,	55 00
June 19	To warrants to Henry Snyder, in full for work done for Secretary's office,	22 00
June 24	To warrants to Nelson Rial in full for his services as an express to the counties of Gallatin and Johnson, with writs of election,	40 00
June 26	To warrants to James M. Morse, in full for his services as a messenger to the Governor of Missouri to demand a fugitive from justice,	150 00
June 26	To warrants to A. J. Guykowski, in full for his services as an express to the counties of Effingham, Coles and Edgar, with writs of election,	36 00
June 26	To warrants to D. B. Hodge, in full for his services as an express to the counties of Sangamon, Morgan, Cass and Adams, with writs of election,	60 00
June 26	To warrants to B. W. Thompson, in full for his services as an express to the counties of Green and Calhoun with writs of election,	40 00
		\$1037 52

STATE OF ILLINOIS, AUDITOR'S OFFICE, }
 Vandalia, July 12th, 1837. }

LEVI DAVIS, *Aud. of Pub. Accounts.*

R E P O R T
OF THE
T R E A S U R E R .

To the Speaker of the House of Representatives:

SIR—In compliance with a resolution of the House of Representatives requiring the “Treasurer to transmit a statement of the condition of the treasury,” I have the honor to submit the following report, shewing the amount received from the 3d day of December, 1836, to the 30th day of June, 1837, inclusive. Also the amount of warrants paid by the Treasurer, and the amount deposited in bank, state paper burned, &c., all of which is respectfully submitted.

I have the honor to be, sir,

Your obedient servant,

JOHN D. WHITESIDE,

Treasurer.

TREASURER'S REPORT.

REPORT of receipts, payments, and deposits, at the treasury, from

DR.	Date.	Amount of receipts.
January	- - - -	\$100,827 40
February	- - - -	8,262 93
March	- - - -	294,019 22
April	- - - -	4,107 23
May	- - - -	82,172 95
June	- - - -	163,795 14
		653,184 87
<p>To this amount add the balance in the treasury on the 3d day of Dec. 1836</p> <p><i>Note.</i>—There was no receipts from the 3d to the 31st December, 1836.</p>		85,140 37
		\$738,325 24

TREASURER'S REPORT.

125

3d day of Dec. 1836, to the 30th day of June, 1837, inclusive.

By amount paid at the Treasury, moneys deposited, &c. (By C. Gregory.)

CR.

December, (from 3d to 31st inclusive, no payments made.)	-	-	
January	-	-	\$29,932 54
February, (no payments)	-	-	
March	-	-	180,697 58
April	-	-	404 36
			211,034 48
Certificates of deposite in bank	-	-	277,218 31
State paper burned	-	-	106 00
Interest on state paper	-	-	40 80
Funded stock redeemed	-	-	757 52
Tax refunded on land redeemed	-	-	30 08
Money refunded	-	-	33 47
Redemption money paid out	-	-	57 70
Retained for transportation of first instalment of U. S. surplus revenue	-	-	807 00
			490,095 35
Amount to balance paid over to J. D. Whiteside	-	-	109 49
			490,204 85
Amount of certificates of deposite in State Bank by J. D. Whiteside	-	-	186,869 75
Of certificate of deposite in State Bank of Illinois at Shawneetown	-	-	60,000 00
Old State paper burned	-	-	150 00
Of interest on State paper	-	-	8 49
Of money received in June and deposited in July	-	-	92 15
			248,120 39
			\$738,325 24

STATE OF ILLINOIS, TREASURER'S OFFICE, }
 Vandalia, July 12th, 1837. }

JOHN D. WHITESIDE,
 Treasurer.

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STATE OF ILLINOIS, }
Department of State. }

I, ALEXANDER P. FIELD, *Secretary of State*, of the State of Illinois, do hereby certify that the foregoing printed sheets, contain true copies of the enrolled laws deposited in this office.

In witness whereof, I have hereunto signed my name, at Vandalia, the 25th day of August, A. D. 1837.

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







