

which said Wabash river may be situated shall apply said money to its original object in the improvement of said river, in paying for such works and improvements as may be under contract and not yet adjusted, and also to apply the same in such manner as the said board may direct. Original object

SEC. 4. The said board of commissioners of public works shall be deemed and holden in law and equity as the successors of the said Samuel Mundy, commissioner as aforesaid, and all existing contracts entered into by the said commissioner in pursuance of the authority vested in him by the act above recited, shall be consummated and fulfilled by the said board of commissioners of public works, and the said Samuel Mundy is hereby indemnified against all costs of suits, and liabilities arising under the said contracts entered into by him as commissioner as aforesaid, either severally or in conjunction with the commissioner on the part of the State of Indiana. Successors.

SEC. 5. So much of said act of Feb. 12, 1833, as conflicts with the provisions of this act is hereby repealed. Act repealed.

APPROVED 4th March, 1837.

AN ACT to establish and maintain a General system of Internal Improvement. In force 27th Feb. 1837.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there shall be elected by the joint vote of the present general assembly, and biennially thereafter, a board of fund commissioners to consist of three members, who shall be practical and experienced financiers, and whose term of office therein shall expire biennially, and who shall be eligible to re-election. Each member of the board before entering into the discharge of the duties of his office, shall severally take and subscribe an oath or affirmation, faithfully, honestly and diligently to discharge the duties of his said office, and shall execute a bond to the Governor, and his successors in office, for the use of the State, in the penal sum of fifty thousand dollars, with good and sufficient security, to be approved by the Governor or the person administering the government, conditioned for the faithful discharge of the duties of his office, imposed upon him, or thereafter to be imposed upon him, by law; and for the faithful accounting for all moneys, that shall or may come into his hands as fund commissioner; and all vacancies which may occur in the board of fund commissioners during the recess of the legislature, shall be filled by appointment by the Governor, which appointments shall continue until the end of the next session of the general assembly, and until their successors are elected and qualified. Three fund com's. to be elected by joint ballot.

Term of office.

To give bond.

Penalty.

Vacancies in board may be filled by gov.



fied, and who shall give bond and take an oath in the same manner as is required by the foregoing part of this section of other commissioners.

Majority of board may do business.

SEC. 2. A majority of the board of fund commissioners shall constitute a quorum for the transaction of business; and it shall be the duty of the said board of fund commissioners to contract for and negotiate all loans authorised to be effected by the legislature, on the faith and credit of the State, for objects of Internal Improvements or other purposes, unless otherwise provided for, on the best and most favorable terms for the interests of the State; and shall sign and execute bonds or certificates of stock therefor, in the manner directed by law, and shall receive, manage, deposite and apply all sums of moneys arising from said loans, in such manner as shall, from time to time, be provided for by law, and shall make quarterly reports to the auditor of public accounts, or to such other authority as the legislature may direct, on the first Mondays of March, June, September and December annually, of all the proceedings of the said board.

To negotiate loans.

Shall make quarterly reports to aud or.

Shall keep record of their proceedings; shall be open to inspection.

SEC. 3. The board of fund commissioners shall keep a fair and complete record of all their proceedings, together with a full, minute and accurate account of all their fiscal transactions as commissioners, with a record of all official letters and correspondence, written and received, in relation to the subject of their duties as fund commissioners, in well bound books, to be provided for the purpose, which records shall at all times be open at their office to the inspection of the governor, the auditor of public accounts, the attorney general, and to any member of the general assembly. In order to enable the board to keep said record, they are hereby authorised to appoint a secretary of the board, whenever, in their opinion, the business of the board may render it necessary; which secretary, before entering upon the discharge of his duties, shall be required to take an oath or affirmation, faithfully and diligently to perform the duties of his appointment, and shall enter into bond to the governor of the State, and his successors in office, for the use of the State, in such penal sum, and with such securities as the board may, by an order direct, conditioned for the faithful and diligent discharge of his duties, as secretary of the board of fund commissioners, and for the safe keeping of all books, vouchers, and papers, which may come to his hands as secretary as aforesaid. The members of the board of fund commissioners shall each be entitled to receive as a full compensation for their services at the rate of five dollars per day, for each and every day they may be necessarily employed in the discharge of their duties. And the board may allow to

Appoint a secretary.

Compensation of commis'ers & secretary.



the secretary of the board, such compensation for his services, as they may deem reasonable and just.

SEC. 4. That for the purpose of promoting and maintaining a general system of internal improvement in this state, and of uniting its various branches under the same supervision and direction, (excepting the construction of the Illinois and Michigan canal) there shall be created a board of public works, to consist of seven members, one from each judicial circuit, to be elected biennially by the joint vote of the general assembly, and who shall be styled "the Board of Commissioners of Public Works," who shall continue in office for two years, and until their successors are elected and qualified, but who shall be eligible to be re-elected. Any vacancy which may occur in the board by death, refusal to act, resignation, removal out of the State or otherwise, shall be filled by an appointment by the Governor, which appointment shall expire at the end of the next session of the general assembly, and the incumbent thus appointed shall take the like oath of office, and enter into the like bond as is required of the members elected by the legislature, before he shall enter into the discharge of his duties as one of said commissioners.

Board of public works created, to consist of seven members. Vacancies to be filled by governor.

SEC. 5. Each of the members of the board of commissioners of public works, previously to entering into the discharge of the duties of their offices respectively, shall take and subscribe an oath or affirmation, faithfully, honestly, impartially and diligently to discharge the duties of his office; and shall execute a bond to the Governor and his successors in office, for the use of the State of Illinois, in the penal sum of twenty thousand dollars, with two or more good and sufficient securities to be approved of by the Governor, or person administering the government of the State, conditioned for the faithful, honest, impartial and diligent discharge of the duties of his office, as one of the commissioners of the board of commissioners of public works and for the faithful disbursement of, and accounting for, all moneys entrusted to him as one of said commissioners; and no commissioner shall be allowed to have in his hands, at any one time, more than twenty thousand dollars; and every sum advanced to, or received by him, shall be deemed to remain in his hands, until its application shall have been properly accounted for by the necessary vouchers, to be filed with, and audited by, the board of Fund commissioners, or such other authority as may be, from time to time, directed by the Legislature to examine and audit said vouchers.

Shall take an oath and give bond.

Penalty of bond

Not to have more than \$20,000 at a time, on hand.

SEC. 6. The members of the said board of public works, after having been qualified, and having executed bonds in the manner hereinbefore directed, shall on, or as soon as

Time of holding their first meeting to be at the seat of



government,  
shall elect one  
of their number  
President.

convenient before the first Monday in April, next ensuing their election, hold their first meeting at the seat of government and organize the board, by electing one of their number to be the President of the said board; and by appointing a Secretary of the board, who, before entering into the discharge of the duties of his appointment, shall take an oath or affirmation, faithfully and truly to discharge his duties as secretary of the board of commissioners of public works; and shall enter into bond to the Governor and his successors in office, for the use of the State, in such penal sum and with such security as the board shall order and direct; conditioned for the faithful, true and diligent discharge of his duties as said secretary, which may devolve upon him by law, or under the directions, resolutions and orders of the board.

May appoint  
secretary, shall  
enter into bond.

Commissioner  
shall superin-  
tend all works  
authorized by  
State.

SEC. 7. The board of commissioners of public works, when organized and constituted as aforesaid, shall be authorized to locate, superintend, direct and construct on the part and behalf of this State, all works of Internal Improvements which have been or shall be authorized to be undertaken, prosecuted, and constructed by the state, either in whole or in part, (excepting the Illinois and Michigan canal) and the charge and superintendence of all such internal improvements, excepting as aforesaid, shall be vested in said board, and the said board of commissioners of public works shall do and perform such services and duties, as may from time to time, be imposed upon the said board by law. The said board shall hold semi-annual meetings on the first Mondays of June and December in each and every year, at the seat of government of this State; and the said board shall have authority to choose a President *pro tempore*, in the absence of the President, at any meeting of the board, and to adjourn from time to time, to meet at any other place they may think proper; and the president shall have power to call special meetings of the board, when in his opinion the public interests may require it. Three of the members shall constitute a quorum for the transaction of business, at any stated or special meeting of the board, when convened under the authority aforesaid. Each of the members of the board shall be allowed to receive as a compensation for their services, the sum of five dollars per day, for every day necessarily employed in the discharge of their duties, and they shall and may allow to the secretary of the board as a compensation for his services, such sum as they may think reasonable and just. And the acting commissioner for the fourth judicial circuit, shall cause to be surveyed a route commencing at Charleston, via the county seat of Clark county, to the most eligible point on the great Wabash river, be-

Shall hold semi annual  
meetings at seat  
of government,  
may choose a  
president pro-  
tem.

May adjourn  
from time to  
time to meet at  
any other place  
President shall  
have power to  
call meetings.

Compensation  
of said mem-  
bers.

Route to be sur-  
veyed from  
Charleston to  
Wabash river  
in Clark county



tween York and the line dividing the states of Indiana and Illinois, and make a report to the next session of the general assembly, of the utility of the state constructing a rail road on said route, together with an estimate of the probable cost of constructing the same; *Provided*, however, that if in the opinion of the board of public works, after said survey and estimates have been made, that it would be best calculated to promote the interests of the points above named, and the country through which said road may pass, to build a good turnpike road, then and in that case they shall report accordingly.

To report to the next Legislature the cost of said.

SEC. 8. In the meetings of the board, they shall determine the general outline of the operations in relation to such works of Internal Improvements as may be authorized by law, and as either in part or in whole may be placed under their direction and supervision; determining questions of importance submitted to the board by the acting commissioners on the respective lines or works, or by other persons connected with the public works, in relation thereto; and shall examine and audit accounts relating to the expenditures of moneys on the works under their charge and supervision; make estimates of the probable amount of funds which may from time to time be required to meet expenditures in the prosecution thereof, and shall enter said estimates at large in a book to be provided for that purpose; and cause authenticated copies thereof to be served on the board of fund commissioners, in due time to enable said fund commissioners to provide the necessary amount of funds to meet the payment of said estimates;—and shall also, at their said meetings, make out the reports of their proceedings, which shall be required by law to be made and filed by them; and shall attend to such other matters and things, as shall arise in the discharge of their duties, and as are necessary to be passed upon by the board. The board shall also, at any of their meetings, whenever the progress and situation of the works under their charge shall render it necessary, from time to time, agree upon and assign to the individual members of the board, in special charge, a specific portion or division of the public works in progress, and the member to whom any such specific portion or division shall be assigned, shall superintend the same as acting commissioner thereon, under the general direction and during the pleasure of the board; and shall make detailed reports to the board of his proceedings, at its semi annual meeting, and as much oftener as is practicable and convenient.

Shall determine general outline of operations.

Shall examine and audit accounts.

Make estimates of the cost of works; shall enter same at large on their books, shall cause copies thereof to be sent to fund commissioners.

To divide said work among said members.

SEC. 9. The board shall cause to be kept in well bound books to be provided for the purpose, a fair and complete record of all the proceedings and doings of the board, and al-

Keep record of proceedings.



Amount of money expended.

so an accurate and separate account of all the moneys expended by them, in the survey and construction of each respective work under their direction; exhibiting also the amounts received by the board, and each and every member thereof, to be applied by them, on the respective works under their direction and supervision; which said books shall at all times be open at the office of the board, to the inspection of the governor, auditor of public accounts, attorney general, members of the board of fund commissioners, and members of the general assembly, and to such other authorities as the legislature may, from time to time, authorise to inspect the same.

Said books to be open to examination and inspection.

Shall make semi-annual reports.

SEC. 10. The said board of commissioners of public works shall make, under their hands, semi-annual reports of their proceedings to the governor, or person administering the government, on the first Mondays in June and December, or within thirty days thereafter, which reports shall contain a detailed statement of their operations and proceedings for the preceding six months, and shall exhibit the amount of moneys received and expended by the board, in the examination and survey of routes and locations of the public works, and in the prosecution and construction thereof, showing specifically the amount expended on each respective work up to that date; which reports, or an outline thereof, the governor shall cause to be forthwith published in some newspaper printed and published at the seat of Government; and shall cause all said reports to be filed in the office of the secretary of state; and shall lay a certified copy thereof before the general assembly, on the first week of their sessions or as soon thereafter as the same may be received by him. And if the said board shall at any time refuse or neglect to make any semi-annual reports required by this act, or any other reports hereafter required by the the legislature to be made, within the time specified for making the same, the members of the said board so refusing or neglecting to make such reports, shall forever thereafter be ineligible to reelection, and moreover shall be liable to impeachment for misdemeanor in office: *Provided*, that if at any stated meeting of the board, there should not be a quorum in attendance the minority met may make a report of the facts within their knowledge, relating to the progress of the works and the expenditures thereon; and the making of such report shall exonerate the said minority from the above penalties; and *Provided*, also, that if the absent members are detained from the meeting of the board by sickness, or other causes beyond their control, they also may exonerate themselves from the above penalties by rendering to the legislature a satisfactory reason for their ab-

Shall show amount expended on each work.

Governor shall cause same to be filed in secretary's office.

Shall lay the same before the legislature.

Com'rs refusing to make said reports, to be ineligible to reelection & liable to impeachment.

May employ engineers &c.



sence from the board, and failure to join in such report.

SEC. 11. The said board of commissioners of public works, shall have power to employ such engineers, agents, superintendants and other assistants as the interests of the state shall in their opinion demand, to enable them to discharge the duties required of them by law; and to pay such engineers, agents, superintendants and assistants such sums as, in their opinion, may be a reasonable compensation for the services they may perform, and to remove said officers at pleasure: *Provided*, that the term of any appointments made by the board shall not extend more than sixty days beyond the expiration of their own term of office; and the said board shall also have authority to organise their corps of engineers, by the appointment of principal or principals, and subordinates, and assign to each their respective and appropriate charges and duties, in such manner as the said board may deem the interests of the State to demand; and shall also have authority to purchase and procure such mathematical and other instruments, camps, camp equipment, stationary, supplies, teams, waggons and other apparatus, and employ so many laborers and assistants as shall be deemed necessary by them, to ensure the correct and efficient discharge of the duties of the engineering department of the public works; and shall and may provide such offices in which to transact the business of the board and of the engineering department as they may deem the interest of the State to require.

Term of appointments of said board not to extend beyond sixty days after the expiration of their appointments.

SEC. 12. The board of commissioners of public works shall cause such examinations and surveys to be made of the several rivers, which may from time to time be directed by law to be improved, to ascertain the nature and extent of the obstructions and impediments to the navigation thereof, as shall be necessary to enable the board to determine upon and prosecute the most eligible and useful plans of making such improvements; and shall require estimates of the probable costs thereof, under the oath or affirmation of the engineer in charge of making the respective surveys and examinations; and shall also cause minute and accurate examinations and surveys to be made of the proposed routes of all rail roads and other contemplated improvements which may from time to time be authorised by law, and placed under the charge, supervision and direction of the board; and before placing any of the said works under contract, shall require of the engineer or engineers under whose direction and charge the said examinations and surveys were made and executed, respectively, a report of said examination and survey, attested by the oath or affirmation of the said engineer or engineers, describing particularly the localities and nature of the routes

Shall cause examination and survey of rivers to be made.

Engineers shall report examinations, plans, profiles, specifications and estimates.



of the respective rail roads and other improvements; the topography of the country over which it may pass; the facilities for obtaining materials for the construction of the work; with such other information as the engineer may deem to be useful and necessary; or which he may be required to collect and report by an order of the board; which report shall be accompanied with plans and profiles of the route, and of the mechanical structures proposed to be constructed thereon; and specifications of the work to be executed; together with minute estimates of the probable cost thereof; which said reports shall be filed by the secretary of the board, and shall be open to the inspection of all persons desirous of obtaining contracts on the route, during office hours, under such regulations and restrictions as the board may adopt, to preserve the original documents from loss or injury, *Provided*, That the board may exhibit manuscript or printed copies thereof, in lieu of the originals.

Proviso.

Shall execute works by contract.

Proviso.

SEC. 13. The board of commissioners of public works shall execute the works under their charge and supervision by contract: *Provided however*, that whenever any job will not admit of such definite specification as to enable contractors to make specific bids for the same, or when jobs are too small and inconsiderable to justify the attention of contractors, the board or acting commissioner on the line may cause the job to be accomplished by laborers to be employed and paid by the board or the acting commissioner.

When acting com's to give notice of time and place of letting out contracts.

SEC. 14. That so soon as any work, or portion or division thereof, shall be ready to be placed under contract, the acting commissioner, to whose special charge and supervision the same shall have been assigned by the board, agreeably to the provisions of the eighth section of this act, shall give notice of the time and place of letting, by advertisements to be published in at least five newspapers printed in this state, and in such other newspapers as the board may deem the interests of the state to demand, at least once in each week for five weeks next preceding the day of said lettings, which advertisements shall contain a brief description of the nature and amount of work which will be offered to contractors, and shall state the time within which contractors will be required to commence and complete the work; with such other information as the board may deem advisable. The bids or proposals shall be sealed, and shall state a specific and definite price for the work to be performed, and shall be received by the acting commissioner on the work, on, or at any time previous to the day of letting. The acting commissioner on the line, and at least one other member of the board,

Sealed proposals.



together with the principal engineer in charge of the work, shall attend at the time and the place of the letting; and the said commissioners shall, at the hour of four o'clock in the afternoon of the said day, close the further receipt of proposals, and immediately proceed to open, examine, and compare the several bids which shall have been made for each respective job of work proposed to be let; and shall let the same to the lowest responsible bidder or bidders therefor; *Provided*, That the said commissioners shall have authority to refuse any and all bids, which, in the opinion of said commissioners and principal engineer, may be deemed exorbitant; and shall and may proceed to re-advertise and let the work so overbid, at such time and place as the board may think most advisable for the interests of the State. All bids and proposals for work, received by any commissioner shall be retained, and handed over to the secretary of the board, who shall file and preserve the same. Proposals for contracts to furnish and deliver materials for the construction of works, may be received in such manner, and upon such notice, as in the opinion of the board may be most expedient to promote the interests of the State; but all proposals for such service shall be received in writing and filed and preserved in like manner as proposals for the execution of work, *Provided*, That negotiations and contracts for rail road iron, to be obtained from foreign countries, may be carried on and made in such manner as the board may deem best calculated to advance the interests of the State.

Each job of work to be let to lowest responsible bidder  
Proviso.

Bids shall be filed by secretary.

Proviso.

SEC. 15. All contracts shall be entered into, under such conditions and reservations, to be expressed at large in said contracts, as shall enable and fully authorize the board of commissioners of public works, to declare the same to have been abandoned by the contractor or contractors, in all cases where the work shall not be fully commenced at the time and according to the terms of said contract; and also in cases whenever in the opinion of the acting commissioner and engineer in charge of the work, the contractor or contractors shall neglect or refuse to prosecute his contract with an assiduity and efficiency that shall give a reasonable assurance to the said commissioner and engineer of its uniform progress, and final completion, within the time specified in the said contract; or when in the opinion of the principal engineer, said contractor shall perform the work imperfectly, and shall refuse or neglect forthwith to remedy such imperfect performance;—and the job so declared to be abandoned may forthwith be relet by the board, without the let, hindrance or disturbance of the former contractor or contractors, or of any person or persons claiming to act for or under him or them. The

Under what conditions and reservations, contracts to be entered into



Sub-contract prohibited.

contracts shall also contain a provision, prohibiting the sub-contracting of jobs or any portion thereof, without the consent of the board, under the penalty of a forfeiture of contract, and of all retained per centage remaining unpaid thereon.

How contracts to be signed & sealed.

SEC. 16. The contracts shall be signed and sealed by the acting commissioner on the work, for the time being, on the part and behalf of the board, and shall be binding on the State; and shall also be signed and sealed by the contractor or contractors; and triplicate copies thereof shall be thus executed. One of said copies shall be retained by the contractors; one shall be filed in the office of the Auditor of Public Accounts; and the other filed in the office of the board of commissioners of public works, and recorded by the secretary of the board, in a book to be furnished for that purpose; and the said secretary shall furnish the acting commissioner with copies of said contracts whenever thereunto required.

Copies to be furnished by Secretary.

Estimates by engineers.

SEC. 17. During the progress of the public works, fair and correct estimates of the probable amount of work actually done by the contractors, on each respective job, shall be made by the engineer in charge of the work, or by an assistant assigned to that service, at stated periods, not exceeding two months asunder; and there shall be paid to the contractor, a sum not less than sixty-seven per centum, nor more than eighty-five per centum on the amount of the work actually performed, at the discretion of the acting commissioner on the work; and the balance shall be retained as a security to the State for the faithful performance of the contract, until the full completion thereof, according to its terms; at which time the work shall be accepted if done according to contract, and the balance in full shall be paid to said contractors; and the acting commissioner, in making his decision as to the equitable proportion of the estimates to be retained as security for the State, shall be governed by the diligence and efficiency of the contractors in the prosecution of their contracts; by the aggregate amount of per centum already retained, and by the probable risk of injury to the unfinished works, to be apprehended from freshets or other casualties, which risk shall rest with the contractors; and in the event of any contract being declared to be abandoned, for any of the causes mentioned in the fifteenth section of this act, all retained per centage on the amount of estimates, shall be forfeited to the use of the State. Copies of all estimates made during the progress of the work as above directed, shall be transmitted to the secretary of the board of commissioners of public works, to be by him filed and preserved for future use and reference.

Contractors how paid.

Copies of estimates transmitted, to be filed by Secretary.



SEC. 18. The said board of commissioners of public works, is hereby authorized and required to adopt such measures as may be necessary to commence, construct and complete within a reasonable length of time, the following works, viz:—

Board to adopt measures to construct following works:

First. The improvement of the navigation of the Great Wabash river, in that part of the same over which the states of Indiana and Illinois have concurrent jurisdiction, for which improvement the sum of one hundred thousand dollars is hereby appropriated; which said appropriation the said board of public works are hereby authorised and required to expend in said improvements, in conjunction with the state of Indiana, in equal amounts and for like objects. And the said board of commissioners of public works are hereby authorised and empowered to co-operate with the board of internal improvement of Indiana, or with such other authority or authorities of said state as are or may be put in charge of the expenditure of appropriations made by the State of Indiana for the improvement of said river, in the survey and examinations of the obstructions to the navigation, and in the location, construction, completion and management of all works at the joint and equal expense of both states, which by the joint boards or other authorities aforesaid, may be deemed of the greatest utility, to render said river navigable at all stages of water, for steam and other boats, in that part of the said river above specified; and also in the disposition, use and management of the water powers created or rendered available by the construction of said works of improvements. And the said board of commissioners of public works are hereby authorised and empowered to enter into an agreement and compact on the part of the State of Illinois, with the board of internal improvement of the State of Indiana, or such other authority as said state has, or may authorise and empower to enter into such agreement and compact on the part of said State of Indiana, for the joint and mutual co-operation of the two states, in the said survey, location, construction, completion and management of the improvements and works hereby contemplated; and for the joint and mutual use and management of, and jurisdiction over all hydraulic power created or made available thereby; which said agreement and compact when ratified by the governor of the State of Indiana, or by such other authority as the said State of Indiana may authorise to ratify the same, and make it binding on the said state, shall be valid and binding on the State of Illinois: *Provided however*, that if there should be any incoherence between the laws of Indiana and of this state, as to the specific mode of advertising and

1st. Great Wabash river, \$100,000.

Board authorised to co-operate with Indiana.

Board may enter into compact with Indiana.

How compact ratified.

Proviso.



letting contracts, and of paying the estimates made during the progress of the work, it shall and may be lawful for the board of commissioners of public works to conform to the mode prescribed by the laws of Indiana, in so far as the improvement of the Wabash river alone may be concerned, until the discrepancies aforesaid may be remedied by legislative enactments, or by the contemplated compact aforesaid; any thing in the fourteenth and seventeenth sections of this act to the contrary notwithstanding. And it is hereby made the duty of the governor of this state to transmit to the governor of the State of Indiana, as soon as practicable after the passage of this act, a certified copy of the preceding part of this section thereof.

2d. Illinois river  
\$100,000

Second. The improvement of the navigation of Illinois river, west of the third principal meridian, for which the sum of one hundred thousand dollars is hereby appropriated; and it is hereby made the duty of the board of commissioners of public works to apply and expend the said appropriation in removing or overcoming the most formidable obstructions and barriers to the steamboat navigation in the said river, and to adopt and prosecute such plans for said improvements, as in their best judgments will be most beneficial and efficient to render the said river navigable for steam and other boats at all stages of water therein.

3d. Rock river,  
\$100,000.

Third. The improvement of the navigation of Rock river, for which the sum of one hundred thousand dollars is hereby appropriated; and the board of commissioners of public works, shall apply and expend the said appropriation in removing or overcoming the most formidable obstructions to the steam boat navigation in the said river; and shall commence their operations and expenditures, by removing or overcoming the obstructions of the above descriptions, which are nearest the mouth of the said river; and shall progress thence up stream with said improvements, so far as the said appropriation will extend; and the said board may adopt and execute such plans for said improvements, as in their judgment will be best calculated to render the said river navigable for steam, keel and other boats, of the description and dimensions, suited to said river in its course within the jurisdiction of this State; having due regard to the permanency of the structures they may erect, and to the greatest and most useful amount of water powers to be created or made available thereby, for the use of the State.

4th. Kaskaskia  
river to \$50,-  
000 appropriated,

Fourth. The improvement of the navigation of the Kaskaskia river, for which the sum of fifty thousand dollars is hereby appropriated, and the said board of commissioners of public works are hereby authorised and re-



quired to apply and expend the said appropriation on the said river, on improvements adapted to steam boat, keel boat and flat boat navigation, and to commence the line of said improvements, at the obstruction to said navigation nearest the mouth of the river, and to progress upwards, giving the low water channel in the said river, at the shoalest places therein, a convenient and uniform depth for the uninterrupted passage of keel and flat boats, and of steam boats of such dimensions, as in the judgment of the board will be best adapted to the navigation of the said river, and shall also remove such timber obstructions to the navigation as may be deemed injurious or dangerous to the said navigation; and the said board, in adopting and executing their plans for the said improvements, shall have a due regard to the greatest and most useful amount of water power, to be created or rendered thereby for the use of the State, as a proper and economical location and construction of the works will admit of, *Provided*, said board of commissioners of public works shall equalize the expenditure of said fifty thousand dollars, as near as may be on all portions of said river, susceptible of improvement from its junction with the Mississippi, upwards, in removing the obstructions from its channel, in making short cuts across the bends, and in clearing off the trees from the margin of the same.

Fifth. The improvement of the navigation of the Little Wabash river, for which the sum of fifty thousand dollars is hereby appropriated, and the said board of commissioners of public works are hereby authorised and empowered to expend and apply the said appropriation in the improvement of the navigation of the said river, in such manner as they shall deem most advisable for the public good, to render the navigation thereof safe and practicable for steam, keel, and flat boats, and the said board shall have due regard to the greatest and most useful amount of water power to be created by the works they may erect for the improvement of the said river for the use of the State. And the said board of commissioners of public works, in the construction of dams across any of the rivers aforesaid, are hereby authorized to construct and keep in repair suitable chutes in the said dams, for the accommodation of the ordinary flat boats, and others descending navigation in the rivers, whensoever, in their opinion, the costs and practicability of construction, and the interests of the State will justify the construction and maintenance thereof.

Sixth. Two hundred and fifty thousand dollars of the first loans to be effected under the provisions of this act, are hereby appropriated and shall be expended under the

5th. Little Wabash river to which \$50,000 appropriated.

6th. Western mail route to which \$250,000 appropriated.



directions of the board of commissioners of public works, on the great western mail route, leading from Vincennes to St. Louis as follows, viz: Thirty thousand dollars on that part thereof lying between Vincennes and Lawrenceville embracing what is commonly called the "purgatory swamp." Fifteen thousand dollars on the Little Wabash river bottom, between the Big Muddy branch thereof and the main river, at McCawley's bridge in Clay county. Thirty thousand dollars on that part of said road lying between the bluffs and the Mississippi river in the county of St. Clair; and the residue of said appropriation shall be expended in bridging and repairing said mail route as equally as practicable, on other parts thereof, and the said board of public works are authorised to erect and have kept, toll gates on any portion of said route, on which the said appropriation may in part be expended, as they may deem proper, and establish such reasonable rates of toll thereon, as in their opinion will protect the rights of the State, and not be burdensome to the people.

7th. Rail road from the city of Cairo, to termination of Ill. & Mich. canal \$3,500,000.

Seventh. A rail road from the city of Cairo at or near the confluence of the Ohio and Mississippi rivers, to some point at or near the southern termination of the Illinois and Michigan canal, via Vandalia, Shelbyville, Decatur and Bloomington, and from thence via Savannah to Galena: for the construction and completion of said rail road and appendages, the sum of three millions and five hundred thousand dollars is hereby appropriated.

8th. Rail road from Alton to Mt. Carmel, & a rail road from Alton to Shawneetown, \$1,600,000.

Eighth. A southern cross rail road from Alton to Mount Carmel via Edwardsville, Carlyle, Salem, Fairfield and Alton; and also a rail road from Alton to Shawneetown to diverge from the aforesaid southern cross-rail road at or near Edwardsville, and thence from said diverging point via Lebanon in St. Clair county, Nashville in Washington county, Pinckneyville in Perry county, Frankfort in Franklin county, and Equality in Gallatin county, for the construction and completion of which said rail roads and appendages, the sum of one million and six hundred thousand dollars are hereby appropriated.

9th. Northern cross rail road from Quincy to Indiana state line, \$1,800,000.

Ninth. The northern cross rail road from Quincy on the Mississippi river, via Columbus and Clayton in Adams county, Mount Sterling in Schuyler county, Meredosia and Jacksonville in Morgan county, Springfield in Sangamon county, Decatur in Macon county, Sidney in Champaign county, and Danville in Vermillion county, and thence to the State line, in the direction of La Fayette, Indiana, which rail road shall cross the Sangamon river at some eligible point below the north and south forks thereof, for the construction and completion of which said rail road and appendages, the sum of one million eight hundred and fifty thousand dollars is hereby appropriated exclusive of



the necessary sum for constructing a bridge over the Illinois river, to be appropriated whenever said bridge may be authorised by the legislature.

Tenth. A branch of the central rail road, to commence at some eligible point on said road where a direct line from Hillsboro to Shelbyville would intersect the same, or within one mile of the said point of intersection, and to run from thence via Shelbyville in Shelby county, Charleston in Coles county, Paris in Edgar county, and thence to the State line in a general direction for Terre Haute Indiana, for the construction of which said branch rail road, and appendages, the sum of six hundred and fifty thousand dollars is hereby appropriated; and it shall be lawful for the "Alton, Wabash and Erie rail road company" incorporated January 16, 1836, to connect the westerly end of their proposed rail road at its point of commencement on the central rail road, with the said branch rail road, on such terms and conditions as is provided in this act, for making such connections; and the said company are hereby exonerated from all liability to construct so much of their proposed rail road as lies east of the central road, *Provided*, That said company or corporators, release to the State in the manner hereinafter provided, all claims under their charters, to construct said eastern end thereof, and also:

10th. A branch of the central rail road to commence at or as near said road, where a direct line from Hillsboro' to Shelbyville would intersect the same, to Indiana State line \$650,000.

Eleventh. A rail road from Peoria in Peoria county via Canton in Fulton county, Macomb in McDonough county, Carthage in Hancock county, to Warsaw on the Mississippi river; for the construction of which said rail road and its appendages, the sum of seven hundred thousand dollars is hereby appropriated.

11th. Rail road from Peoria to Warsaw \$700,000.

Twelfth. A rail road from Lower Alton via Upper Alton, and Hillsboro to the central rail road, so as to intersect the rail road from Terre Haute to the same, and the sum of six hundred thousand dollars is hereby appropriated for the completion of the same.

12th. Rail road from Lower Alton to central rail road \$600,000.

Thirteenth. A rail road from Belleville via Lebanon, to intersect the rail road from Alton to Mount Carmel, at the nearest and most eligible point on said road, and the sum of one hundred and fifty thousand dollars is hereby appropriated for the completion of the same.

13th. Rail road from Belleville to intersect rail road from Alton to Mt. Carmel \$150,000.

Fourteenth. A rail road from Bloomington in McLean county, to Mackinaw town in Tazewell county, to diverge a fork at said Mackinaw town: one branch or fork of said rail road to run to the Illinois river and connect with the Peoria and Warsaw rail road, at Peoria; and the other branch to run through Tremont to Pekin, for which the sum of three hundred and fifty thousand dollars is hereby appropriated.

14th. Rail road from Bloomington to Mackinaw town where it shall fork, \$350,000.

Fifteenth. There shall be appropriated the sum of two 15th. \$200,000



appropriated out of first moneys drawn to counties not furnished with a rail road or canal. hundred thousand dollars of the first moneys that shall be obtained under the provisions of this act, to be drawn by the several counties in a ratable proportion to the census last made, through which no rail road or canal is provided to be made at the expense or cost of the State of Illinois; which said money shall be expended in the improvement of roads, constructing bridges and other public works.

Entire appropriations not to be expended unless necessary.

SEC. 19. Nothing contained in the seventh, eighth, ninth, tenth, and eleventh articles of the forgoing sections shall be so construed as to authorize and render necessary the expenditure of the whole of any of the said appropriations, on the respective works, for the construction of which the several appropriations are made, unless the whole amount shall be requisite to construct the same, in the general manner and according to the general plan specified in this act; and any surplus of any or either of the said appropriations not needed in the completion of the said several works and appendages thereof, including the necessary machines, and motive powers to put the same into full and complete operation, and fitted to accommodate the trade, transportation and travel thereupon; and the establishment of depots, store houses and other buildings, weighing machines, and other apparatus necessary thereto, shall be deemed an unexpended balance of said appropriation, and be subject to future appropriation by the Legislature.

Internal Improvement fund how constituted

SEC. 20. That for the purpose of constructing the several works of internal improvement contemplated by this act, there shall be constituted a fund for internal improvements, which shall consist of all moneys which shall and may be raised by the sale of stocks or State bonds, or in any other manner by virtue of loans authorized by law; and of all appropriations which may be made from time to time out of the revenue of the State arising from land taxes; and of all moneys arising and to be derived from the tolls and water, and other rents of all the said works of internal improvements; and of all rents, issues and profits arising from the lands purchased or entered by the State for the purpose of promoting and aiding in the construction and completion of said works, either by leasing or selling the same; and of the proceeds of all lands which may be donated by the general government in aid of internal improvements in this State; and of all grants or donations which may be received from individuals, companies, corporations, or the general government to aid in the completion of said works; and, also, all the profits and interests which may accrue from the said works, in any manner whatsoever, together with the balance, (after paying the debt due from the State, to the school, college, and seminary funds,) of the moneys to



be received from the Treasury of the United States under the provisions and operation of an act of Congress, providing for a distribution of the surplus revenue of the United States by depositing the same with the several States; which amount of said deposit so funded shall be charged to the said fund for internal improvement and repaid out of the same, when the said deposit shall be demanded by the general government;—and together with all nett profits to arise from bank and other stocks hereafter to be subscribed for and owned by this State;—after liquidating the interest on loans contracted for the purchase of such bank or other stocks.

SEC. 21. The board of fund commissioners are hereby authorised and required on the part and behalf of this State, to contract with any individual, company or corporation at such time as the said board may find it necessary to meet the re-payment of the aforesaid deposit of the general government, or the payment of other legitimate demands upon the funds for internal improvements, and at such times as they may be advised by the board of commissioners of public works, that the same will be needed in the purchase of lands or prosecution of the works under their charge, supervision or direction for a loan or loans, from time to time, in all not exceeding the sum of eight millions of dollars, on the faith of this State, which said loan or loans shall bear an interest not exceeding six per cent per annum, payable semi-annually at the treasury of this State, or at some bank or banks in the cities of Boston, New York or Philadelphia, as may be agreed upon, and the principal of which to be re-imbursable at the pleasure of the State, at any time after the first day of January, Anno Domini, one thousand eight hundred and seventy; and to be so negotiated, that the proceeds may be drawn for and bear interest at any time as early as practicable, when the board of fund commissioners may be advised by the board of commissioners of public works, that said money will be required for the progress of any of the works of Internal Improvements for the construction of which said funds are appropriated by this act, and the said board of fund commissioners shall issue for said loans, transferable certificates, to be denominated "Certificates of Illinois Internal Improvement Stock," in the name of the State of Illinois, which when signed by the members of the said board, or by a majority of them, and countersigned by the auditor of public accounts of this State, shall be valid and binding on this State; and to facilitate the purposes herein contemplated, the said board of fund commissioners shall have power to make such arrangements relative to obtaining the loans, the payment of interest thereon,

Duty of board  
of fund com-  
missioners.



and the transmission and deposite of the money arising therefrom, as they may deem conducive to the best interests of the State, as shall not be inconsistent with the provisions of this act, or of any subsequent act of the legislature in relation thereto.

Faith of State  
pledged to re-  
pay principal  
& interest of  
money borrow-  
ed.

SEC. 22. For the punctual payment of the interest and final redemption of the principal of all sums of money which may be borrowed under the provisions of this act, there shall be and hereby are irrevocably pledged and appropriated, all the interest and claim of the State of Illinois in all the works of Internal Improvements, to the construction of which, either in whole or in part, the moneys loaned under the provisions of this act, shall have been appropriated and expended, together with all lands, waters, and water powers thereunto appertaining, and the privileges thereby created, and the rents, issues and profits thereof, together with the nett proceeds of all tolls collected thereon, for the sufficiency of which to pay the interest and principal of the said loans, as the same shall become due and payable, the State of Illinois doth hereby irrevocably guarantee, and for which payments and redemption well and truly to be made and effected, the faith of the State of Illinois is hereby irrevocably pledged.

Monies received by fund commissioners to be deposited in bank.

SEC. 23. All moneys which may be received by the board of fund commissioners or either member thereof from the proceeds of loans or otherwise under the provisions of this or any subsequent act of the Legislature, as soon as conveniently may be after receipt of the same, be deposited by them in some safe bank or banks to be selected by the board of fund commissioners, and to be placed to the credit of the board of fund commissioners of the State of Illinois, and shall make such contracts with the said bank or banks, for the reception and payment of the said deposits on such terms and conditions, as will best tend to make the said sums as productive as practicable to the fund to which it may belong, and at the same time insure the prompt payment of all drafts which may become necessary to be drawn by the board, to meet the expenditures on the public works in progress or for the purpose of purchasing lands, and for the payment of interest on loans; and upon the further condition to be expressed in the contract with the said bank or banks, that the Cashier or President thereof shall deliver or transmit by mail or otherwise to the Auditor of Public Accounts of this State, monthly statements of the accounts of the said board of fund commissioners of Illinois, as the same shall stand upon the books of the bank, on the last day of every month; and it is hereby made the duty of the said Auditor of Public Accounts to receive and file said statements in his office, and

May contract  
with banks.

Statements to  
be transmitted  
to Auditor.

Duty of Auditor.



to give notice to any of said deposite banks, of the failure to receive from the said banks any of the said monthly statements whenever delayed beyond a reasonable period, and in order to enable the said Auditor to discharge said duties, the board of fund commissioners shall notify the Auditor of Public Accounts whenever the said board shall open an account with any bank under the provisions of this section and also of the time of closing any such accounts.

SEC. 24. The board of commissioners of public works shall furnish the acting commissioners on the respective lines of the public works, with the necessary funds to prosecute the works under their charge, and supervision, respectively, and for that purpose shall give drafts from time to time, on the board of fund commissioners, signed by the President, or President pro tempore, for the time being, and countersigned by the Secretary of the board, payable to the order of the said acting commissioner, and specifying on the face of said draft, the particular work to which the amount thereof is to be applied, which said drafts, when endorsed by the said acting commissioner in his official capacity, shall be paid by the board of fund commissioners, subject, however, to the provisions and restrictions contained in the fifth section of this act; and also under such other rules, regulations and restrictions, as the said board of fund commissioners may deem necessary for its security and proper application: *Provided*, That whenever it may be necessary to pay any contractor or other person, company or corporation, a large sum of money for work performed, materials furnished, lands purchased, or for other legitimate purposes, for carrying into effect the objects of this act, said payments may be made directly to such persons, companies, or corporations, by a draft drawn on the board of fund commissioners, payable to the person, company or corporation entitled to receive the same, which draft shall be signed by the President or President pro tempore, of the board of commissioners of public works, and by at least one, and by as many other commissioners as there are amounts of twenty thousand dollars, included in the amount of said draft, and shall be countersigned by the secretary of the board, which draft shall specify the objects for which it is drawn, and to the particular work, to the account of which it is to be charged; and shall be paid by the said board of fund commissioners, on presentation to said board, under such regulations as they may establish for the payment of such special drafts; and the amounts of the last description of drafts shall not be deemed by the board of fund commissioners to be remaining in the hands of the commissioners of public works,

Duty of board  
of public works

Shall give  
drafts.

Proviso.



signing the same, in contemplation of the said fifth section of this act.

Expenditures  
how made.

SEC. 25. The board of commissioners of public works shall cause all moneys coming to their hands, or to the hands of the respective acting commissioners, to be expended in the most economical manner on the works of Internal Improvements, authorised by law, and placed under their charge and supervision, and on none others, nor for any other objects excepting such as are specified in this act; at such times and places and in such sums as they may deem most judicious and conducive to the general public good; having in view a prudential distribution of the available labor of the State, over and upon all the various works authorised to be constructed, as shall tend in as small a degree as possible to increase the prices of labor and provisions, beyond a reasonable amount, in any one section of the State; and having also in view a fair and equitable uniform progress of all of the said works, at the same period of time. And it shall be the duty of the said board of commissioners of public works, to commence the different portions of the rail roads at their intersection and connection with navigable streams, and to progress from said streams, in both directions, in order that the roads may become productive of revenue, as early as possible, *Provided*, That nothing herein contained shall be so construed, as to prevent the said commissioners from prosecuting and putting into operation any portions of the said rail roads, in the interior and remote from navigable water courses, whenever they may deem the interest of the State to demand it, and particularly in both directions from important trading towns on their routes.

Railroads—  
where to be  
commenced.

Proviso.

Board of Public  
works when  
to put works in  
operation.

SEC. 26. The said board of commissioners of public works are hereby authorised and empowered, so soon as any portions of the said public works shall be so far completed as to be capable of use, to provide the requisite machines and motive power to put the same into operation, under such rules and regulations as the said board may think expedient to adopt; and to establish such tolls, and to adopt such measures to secure the faithful collection and payment thereof to the board of fund commissioners, as they may deem most advisable, to promote the objects intended by this act.

Said board to  
receive grants  
& releases of  
land, &c

SEC. 27. It is hereby made the express duty of the board of commissioners of public works, by one or more of its members, to proceed in early and due time, along the lines of the several rail roads and other works herein authorised to be constructed, and take from the several individuals, companies and corporations, through whose lands the said contemplated works may probably pass, or which may be



contiguous to the routes thereof, grants and releases to the State, of the necessary land, timber, stone, and other materials necessary for the purpose of constructing any or all of said works, or for maintaining and repairing the same, and also for building ground for the construction of mills or other hydraulic machinery, to be propelled by the water powers created by said works; and also, for the purpose of erecting ware-houses, engine houses, work shops, and other necessary buildings; and also such plats of ground as shall be deemed necessary for depots and stopping stages, at the ends and along the routes of the said rail ways; and also all such sites for dams and locks, and other works to be by them erected, under the provisions of this act; and also to enter and purchase in the name and on behalf of the State of Illinois, any lands belonging to the general government, or to individuals, companies, or corporations, which will or probably may be necessary for any of the purposes above mentioned. — Releases and conveyances shall be taken in the name of the State of Illinois, and shall operate to vest in the said State a full and complete right to enter upon, use and take the said lands, materials and privileges thereby granted, at any and all times thereafter.

To purchase  
and enter lands

Releases and  
conveyances to  
be taken in  
name of State.

SEC. 28. It shall be lawful for the board of commissioners of public works, and each of the members thereof, by themselves or by any superintendant, agent or engineer, employed by them, to enter upon and take possession of, and use all and singular any lands, streams and materials of any and every description, for the location, prosecution and completion of the improvements contemplated by this act; and all plats of land as shall be necessary for the convenient and profitable use of water powers created thereby, and for the location of depots and stopping stages, at the ends and along the route of any line of rail road; and for the purpose of constructing any bridge, dam, lock, canal, side cut or other river improvement, and upon which to erect such and so many lock houses, ware-houses, engine houses, work shops, and other buildings, as shall be necessary to carry into full effect the objects contemplated by this act; whenever, and in all cases, any of the aforesaid lands or privileges cannot be obtained by the voluntary grant or release of the owner or owners thereof, avoiding in all cases unnecessary damage and injury to private property.

Board of Public  
Works to  
enter upon and  
take lands.

SEC. 29. That when any person or persons, company or corporation, whose lands, waters, or materials, shall have been taken and used in the manner and for any of the purposes mentioned in the foregoing section, shall feel aggrieved by the taking and using the same, for the use of the State, by the said board of commissioners of public works,

Redress and re-  
muneration to  
persons injured  
by taking their  
lands, &c.



Proviso.

the owner or owners of said property shall have redress and remuneration for the injury or supposed injury, in the manner prescribed, and under the provisions of an act entitled "an act concerning the right of way, and for other purposes," approved February 28th 1833, *Provided*, That the justice of the peace summoning the householders to act as appraisers in the case, shall choose the said householders with a view to their capacity and integrity, and who shall not be directly or indirectly interested in the result of the decision to be made by them, and who shall in addition to the oath required to be administered to them, by the said recited act, swear or affirm that they are not interested either directly or indirectly in the lands or other property in controversy, nor in any other lands, waters, or materials, likely to be required by the State, in the construction of any of the public works authorized to be constructed, and that they have not any present intention of becoming so interested; and the damages to be fixed and awarded by the said householders, shall be paid by the board of commissioners of public works, to the owner or owners of the property so taken, or to their legal representatives, which decision and payment of damages, shall operate to vest in the State of Illinois, all such lands, waters, privileges, and materials, as fully and to all intents and purposes, as if the same had been granted or released to the State by the owner or owners of said property; *Provided*, That either party may take an appeal from the said decision before the justice of the peace, to the circuit court of the judicial circuit in which the lands or other property may be situated, within such time, and in such manner and form, as near as may be, as shall be allowed by law in other cases before justices of the peace, and the said justice shall recognize any member of the board of public works, or any agent, superintendent, or engineer, employed by the said board, and who may appear in the case on the part of the State, as the party authorized to act in the case for the State, and no appeal bond shall be required to be filed by the person so authorized to appear and act for the State, on any such appeal to be applied for by them, any law or practice to the contrary notwithstanding. And in no case shall the pendency of any petition, suit, or appeal, between the State and the said owner of property, operate to delay or hinder the progress and completion of any of the works authorized by this act.

How Board of Public Works to proceed when lands, &c. belong to minors, feme co-

SEC. 30. That whenever any lands, waters, privileges or materials necessary to be taken and used for the construction of any of the aforesaid works, shall belong to minors, feme coverts, persons who are non compos mentis, or non residents of the State, it shall and may be lawful for the



board of commissioners of public works, or any member thereof to file a petition in the office of the clerk of the circuit court of the county in which said lands or other property may lie, stating all the facts in the case, as are within the knowledge of the petitioner, and describing the land, waters, privileges, and materials, which it has become necessary to take and use for the State, in the construction of any work, and the said circuit court, setting and acting as a court of chancery, shall make such orders in the case, and make and enforce the execution of such decrees in the premises as shall appear to said court, upon a full hearing of the facts of the case, to be just and equitable, being governed in its decisions by the principles for valuation laid down in the act concerning right of way, cited in the foregoing section of this act.

SEC. 31. The said board of commissioners of public works, are hereby authorized and required to enter and purchase for and on behalf of the State of Illinois, any lands belonging to the general government, and lying within five miles of the probable route of any of the public works, which in the opinion of any two members of the board, may be deemed valuable, and the value of which will in their opinion be materially enhanced by the construction and completion of the said works contiguous thereto; *Provided*, That any tract of unentered land not exceeding one hundred and sixty acres, upon which an actual settler may reside, shall not be entered by the said board, unless the occupant shall consent to such entry.

SEC. 32. All deeds, grants, releases, certificates of the entries of government lands, and other vouchers relating to lands, released, purchased, or taken for the State, shall be filed in the office of the auditor of public accounts, and shall be by him recorded in a book to be provided for that special purpose, and an alphabetical list of the said vouchers shall be kept in the said book, for the convenience of reference.

SEC. 33. The location of all the rail roads authorized by this act, shall be made with a view of occupying the most direct and eligible route between the several points named for their commencement and termination, and between such intermediate points as are specified, adopting in all cases such plan and profile for the respective roads, as will be productive of the greatest useful effect in their operation as the nature of the country over which they pass, and an economical construction will admit of, *Provided*, That in cases where any county or other important trading town, cannot be reached with the main line of rail road, by a judicious and economical location, it shall and may be lawful for the board of commissioners of public works to

erts, or persons  
non compos  
mentis.

Said Board re-  
quired to enter  
lands belonging  
to General Go-  
vernment.

Proviso.

Deeds, grants,  
&c. to be filed.

Location of  
Railroads to be  
upon most di-  
rect and eligi-  
ble route.

Proviso



construct a lateral branch of the said main line to the said town calculated for a single track only, when the distance to said town from the main line shall not exceed five miles, if in the opinion of the board the interests of the State will not be compromised or injured thereby.

With what  
view the loca-  
tion of Roads  
which intersect  
navigable rivers  
shall be made.

SEC. 34. The location of the several roads which intersect the navigable rivers, shall be made with a view of crossing the valleys thereof, without the aid of stationary power wherever practicable, and also with the further view of combining the aforesaid character of the line with that of commanding a favorable and eligible site for the construction of bridges over the said rivers, *Provided*, That the construction of bridges over the Illinois and Great Wabash rivers shall be dispensed with by the board until specially authorised by the legislature; and if it should be found impracticable to locate any rail road over the valleys of the Illinois and Wabash rivers, without resorting to inclined planes to be overcome by stationary power, the said inclined planes shall also be dispensed with by the board, and the depot made at the summit, until the action of the legislature can be had upon the subject, *Provided also*, That if said rail roads intersecting any navigable stream shall be ready for use, before any bridge over the same shall be completed, it shall be lawful for the board to procure and keep in operation the necessary ferry boats and apparatus to transport the trade and travel across said river until the said ferry shall be superseded by the completion of the bridge over the same; and for the purpose of establishing and keeping in operation the said ferries, the board are hereby authorised and required, to procure the necessary plots of land on either side of any river, by release, purchase or otherwise, as is hereinbefore provided for procuring lands for other purposes, to carry into effect the objects of this act.

Width of road-  
bed formation,  
and bridges.

SEC. 35. The road bed formation and bridges shall, in all cases be made of sufficient width to admit of the construction of a single track rail way thereupon, and all the bridges over streams exceeding eighty feet wide from bank to bank, shall have sufficient extra width to admit of the safe passage of the common road wagons, and the embankments and excavations at the end of said bridges shall be accommodated to the passage thereof, unless, in the opinion of the board of commissioners of public works, this plan may be dispensed with in special cases without prejudice to the public good, whenever it may be inconvenient and expensive to procure suitable building stone for the construction of bridge abutments, culverts or other structures, durable and well selected timber may be substituted therefor, with the ultimate view of replacing the



same with stone, to be transported on the rail ways when completed, at any time when the necessity of the case may require it.

SEC. 36. One tract only of the said rail ways with the necessary turnouts and side tracks at the convenient points for stopping stages and depots along the lines not less than five miles nor more than fifteen miles asunder and also at the intersection of navigable rivers, and at the commencing and terminating points of the several lines of rail roads, shall be laid down, until in the opinion of the Legislature the exigencies of the trade on any route and the public good may demand the construction of the additional track.

One track only, and necessary turn-outs to be made.

SEC. 37. The tracks of all the rail ways to be constructed in this State, shall be made of one uniform width; which width shall be four feet and eight inches in the clear, *Provided*, That if any agreement or understanding shall hereafter be entered into between this and any other or all of the western states and territories, to provide for a uniform width of rail way tracks therein, the board of commissioners of public works shall conform thereto, *Provided*, The same shall not be less than four feet and six inches.

Width of track.

Proviso.

Further proviso

SEC. 38. The superstructures of all the rail ways to be laid down on all the roads authorized by this act, shall be laid upon a wooden or stone foundation, or both, as may be most convenient and economical; and shall be made of hard and durable timber, or with stone and timber combined, where stone of a suitable quality can be found convenient to the line, as in the judgment of the board of public works, is most economical and expedient, and the rails shall be plated with iron, not less than five eighths of an inch in thickness, (excepting lateral branches) before cars shall be permitted to run upon the rail ways; and the whole of the main lines shall be of sufficient strength and solidity to admit of the successful application of steam power upon the said rail ways.

Superstructure of railways.

SEC. 39. The board of commissioners of public works shall adopt such plans and elevations for all bridges over navigable streams, as shall not obstruct the ordinary navigation thereof; and shall construct and provide safe, convenient and suitable crossings over all rail roads, for all public roads and highways laid out prior to the location of the said rail roads, which shall intersect the said rail roads. *Provided*, That they shall have power to change the specific location of any such road or highway, in that part thereof contiguous to the route of said rail road, in order to command the most eligible and economical site for making said crossing; and, *Provided also*, That such

Further duties of Board of Public Works concerning bridges, &c.

Proviso.

Further proviso



change of location shall not materially increase the length of said travelled road or highway, or prejudice the usefulness thereof; and shall also construct and provide crossings for private roads and farmways, at such suitable and convenient points as will be least expensive to the State, and least injurious to the rail way, and at the same time accommodate as generally as practicable, the neighborhood or individuals intended to be accommodated thereby. In order to provide against the expense and injury arising from an unnecessary number of road crossings over rail roads, all public and private roads to be laid out, after the location of any rail road route, and which shall intersect the same, shall, whenever the public interests will not be essentially prejudiced thereby, be located and directed to some former established crossing, or to some regular stopping stage and depot on the line of the rail road.

Persons injuring works. How liable.

SEC. 40. That if any person shall wilfully, wittingly, and maliciously, or negligently, obstruct any rail road in this State, by throwing or placing upon the track of any said rail road, any material or thing calculated to injure any engine, car, or vehicle, running thereon or to throw the same from the track of said rail road or shall otherwise obstruct or injure any railroad or any engine, viaduct, car, bridge or other appendage thereof, in any manner whatsoever, or shall ride, drive or lead, any beast, wagon, or other vehicle across any rail road, excepting upon the road crossings provided for that purpose, every person so offending shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars, or imprisoned any term not exceeding five years or both at the discretion of the court before whom the conviction may be had.

Bells to be attached to engines.

SEC. 41. Every locomotive engine, passing upon any rail road, shall have attached to the same a bell of not less than twenty-five pounds weight, and the said bell shall always be rung at the distance of at least sixty rods from the place where said rail road crosses any other rail road, turnpike road, highway or public road, upon the same level with the said rail road, and shall be kept ringing until the engine and its train shall have crossed the said road or way.

Boards with inscription.

SEC. 42. There shall be boards conspicuously put up, and constantly maintained, across each turnpike road and highway, crossing any rail roads upon the same level therewith, in such a position as can be easily seen by travellers, and without obstructing the travel; and on each side of the said boards shall be printed in plain and legible capital letters, of at least the size of nine inches each;—  
RAIL-ROAD CROSSING; LOOK OUT FOR THE ENGINE WHILE THE BELL RINGS.



Sec. 43. The board of commissioners of public works are hereby authorised and empowered to adopt and enforce, from time to time, all such rules and regulations as they may deem necessary and expedient, for the purpose of carrying into full effect the objects of this act, and to provide for the security and successful management and operation of the public works authorised hereby; and in the absence of legislative enactments, to fix and establish the rates of toll to be collected thereupon, and provide for the faithful collection thereof, and for the payment of the amounts collected to the Board of Fund Commissioners; which rules and regulations, and rates of tolls, shall be published, and printed copies thereof kept up, publicly exhibited along the several lines of the public works, wherever their observance is required; and any person knowingly, wilfully, and maliciously offending against the said rules and regulations, or refusing or evading to pay the established tolls, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned by the court before whom the conviction may be had; *Provided*, that the fine shall not exceed fifty dollars, and the imprisonment six months, unless the offence shall be deemed by the court to come within the purview of the fortieth section of this act, when the penalties therein prescribed may be inflicted by the court; And *Provided also*, that no conviction under this act shall be deemed to exempt the offender from the payment of all damages which may have accrued to the public and private property, in consequence of the commission of any such offences.

Board of Public Works empowered to adopt and enforce rules and regulations.

Proviso.

Further proviso

Sec. 44. For the purpose of guarding against accidents and for the greater security of lives and property on rail roads in this State, no person shall be employed in the situation and capacity of engineer and conductor of locomotive engines, or of superintendent of the transportation thereon, who is habitually intemperate.

Intemperate engineers not to be employed.

Sec. 45. It shall be lawful for any individual, company or corporation, to connect any branch or other rail road with the roads hereby authorised to be constructed, at such points, and upon such reasonable conditions, to protect the rights of the State, as the board of commissioners of public works may deem to be just and right, *Provided*, That the tracks of all such branch or other rail ways, shall be of the precise width of the rail ways of the State; and the construction of the wheels of the cars in use on said branch or other rail ways, and designed to pass off upon the State rail roads and run thereon, shall be of such a model as shall not materially injure the State rail-roads; and *provided also*, that the engines, cars, and coaches, passing from the said lateral to the State rail-roads, shall be

Other works may be connected with State works.

Proviso,

Further proviso.



subject to and conducted while on the said State rail roads, by the rules and regulations adopted by the board for that pose.

Board of Public Works may lease water power.

SEC. 46. Whenever in the opinion of the board of commissioners of public works there shall or may be surplus water, over and above the quantity required for navigation at any dam, lock or other work constructed at the expense of this State, either in whole or in part, the said board are hereby authorised and empowered to lease the water power, produced by said surplus water, together with the necessary plats of grounds upon which to erect hydraulic machinery, to be propelled thereby, to the highest bidder therefor, under such conditions and restrictions as a majority of a full board of commissioners may deem necessary and proper for the interests of the State; but no water power shall be leased by the board unless the ground upon which the same is proposed to be used, shall be the property of the State, unless otherwise specially provided for by the Legislature.

Officers not to purchase lands.

SEC. 47. For the purpose of securing the confidence of the people in the honesty and integrity of the officers and engineers concerned in the public works, and to protect said officers and engineers from imputations of malfeasance in the discharge of their respective duties, it shall not be lawful for either member of the board of public works, or for any engineer concerned in the recognizance, examination or location of any of the public works authorised by this act, or hereafter to be authorized by law, after the date of their election or appointment, to purchase, or in any wise become interested, either directly or indirectly, in any lands, tenements, or real estate, lying within five miles of the routes or probable routes of any of the rail roads authorised by this act, or within one mile of the proposed location of any dams, or locks, by which water power will be created, until the permanent location of any such works, shall have been definitely fixed and established by the board of public works, and the said established location shall have been marked out on the ground and made fully public; nor shall any contingent contract, bargain or understanding be made in the premises, for any such lands or real estate by which the provisions and prohibitions contained in this section may be evaded, or intended to be evaded, by any such commissioner or engineer: And it shall be the express duty of the said commissioners and engineers, (to the observance and discharge of which each engineer shall be sworn or affirmed before entering into the discharge of any of the duties of his appointment,) to keep secret, for the interests and advantage of the State, all information which he or they may become

Commissioners and engineers to keep certain things secret.



possessed of in the discharge of their respective duties, relating to all lands which may be necessary and useful for the State to become possessed of; either by entry or purchase, for the use of the works, or otherwise to aid in their construction, and to enter and purchase the same for the State, under the authority of this act, or any subsequent act or resolution of the general assembly authorising the same; or to give the necessary notice to the board of public works or to some member thereof, that the said lands may be so entered or purchased; and shall not, either directly or indirectly, give any such information to any other person or persons whatsoever: And if any member of the board of commissioners of public works, or engineer, shall be guilty of a violation of any of the provisions of this section of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding five thousand dollars; one half to be paid to the person who may inform thereof and prosecute to conviction, and the other half to be paid to the fund for internal improvements; and said conviction shall amount to a removal from his office or appointment as the case may be, and the offender shall forever thereafter be incapable of holding any office or appointment in this State:

*Provided*, That nothing herein contained shall be so construed as to prevent any commissioner or engineer, from purchasing or leasing for a term of years a residence along any of the lines of the public works on which they are engaged, if the same be done in good faith, for the purpose of a residence alone, and not with any intention of evading the provisions of this section;—nor shall it be so construed as to prevent purchasers of town property in any town, to which the respective rail routes are permanently fixed by law, and the location of which said road at said point, is in nowise left to the discretion of the board of commissioners of public works; *And provided*, That such purchases of town property shall not be situated on the immediate line of the said rail road.

Proviso.

Further proviso

SEC. 48. The said board of commissioners of public works or any member thereof, are hereby authorized, and required to prosecute and defend all suits for damages done to the public works, or trespass on the lands of the State, entered or purchased, or otherwise acquired for the use of said works, or in aid of their construction for the use of the State, in any court of record having cognizance thereof; and to proceed in all matters and things as an individual might do; and such damages, when collected, shall be paid over to the board of fund commissioners; and all acts in force in this State, in relation to trespass upon

Board of Public Works to prosecute and defend suits.



lands, by cutting timber or otherwise, shall be deemed to extend to trespasses committed upon State property.

This act not to extend to Illinois and Michigan canal.

SEC. 49. Nothing in this act contained, shall be construed to extend to the Illinois and Michigan canal, or to any operation thereon, or to the funds relating thereto, or to the canal lands granted by Congress to aid in the construction thereof.

Further duties of Board of Public Works.

SEC. 50. The board of commissioners of public works shall suspend their operations on the several rail roads named in this act, for which companies have heretofore been incorporated to construct, until said companies or corporations shall have relinquished and released to the state their right to construct the said rail roads or parts of roads aforesaid, respectively, by releases signed and sealed by a majority of the board of directors, (if the companies have been organized and directors elected) which releases shall and may contain a proviso and reservation for the benefit of the said companies; that the State shall, and will commence, construct and complete the said rail roads, named and designated in this act, and for which the said releases are given, respectively, within the time, and as is provided for in the first clause of the eighteenth section of this act: *Provided*, That said releases shall be given by the said companies or corporations, and filed in the office of the Secretary of State, within a reasonable time, and without unnecessary delay; and *provided also*, That nothing contained in this section shall be so construed as to prevent, excuse, or delay the board of commissioners of public works, or other authorized agent or agents on the part of the State, from entering or purchasing lands along or contiguous to any of the routes or probable routes of any of the said rail roads for the use of the State, by virtue of this act, or any other act or resolution of the General Assembly prior to the making and filing of any such releases; but shall be construed to extend only to commencing the survey and construction of the said several rail roads, for which releases have not been executed and filed as aforesaid.

Proviso.

Further proviso

How Board to proceed when unreasonable damages are demanded for right of way.

SEC. 51. That whenever the proprietor of any town plat or the corporation of any town or borough, through which any of the rail roads, authorized by this act, are to pass, shall object to the passage thereof, or the said proprietors, corporations, or owners of property shall require and exact from the State unreasonable damages for the right of way, through the said town plat, it shall be lawful for the board of commissioners of public works, to locate the said road, in the vicinity thereof, in such manner as will best promote the interest of the State.

When surveys to be made.

SEC. 52. That so soon as there shall be appointed a board of commissioners of public works under the pro.



visions of this act, said board of commissioners shall proceed to survey and locate all rail roads contemplated in said act, so soon as they can possibly perform the same; and so soon as said road or roads are located it shall be their duty to advertise the same in some one or more newspapers printed in this State, as said commissioners shall think best, for contracting with any person or persons, company or companies, for the contracting and completing of a part or of all of said rail road, to be done on the plan laid down by said board of commissioners.

SEC. 53. That it shall also be the duty of the board of commissioners to contract for the immediate construction, so soon as located, of all the rail roads or parts thereof contemplated between Quincy and the Wabash, as lies between Jacksonville in Morgan county, Springfield in Sangamon county, Decatur in Macon county, and Danville in Vermillion county; thence to the state line in Vermillion county in a direction to Lafayette in Indiana, at such point as the commissioners of this State and of Indiana may agree to cross the same.

SEC. 54. That any company or companies, contracting for the construction of all or a part of said rail road and furnishing money for the completion of the same; (provided the amount so appropriated does not exceed the amount agreed upon by said contracting parties for the completion of said rail roads,) and whenever said rail road or roads shall be completed by said company or companies, then it shall be the duty of said commissioners, and they are hereby required to report the same to the fund commissioners, whose duty it shall be to draw a warrant or warrants in favor of the company or companies for the same together with six per cent interest from the time they commenced said work, provided they on their part suffered no unnecessary delay.

SEC. 55. Whenever said rail road is completed according to the provisions of this act and the same paid for, then it shall be a public road, and be managed and kept in repair as all other public state rail roads are kept: *Provided*, That the money to be paid as aforesaid shall be paid out of the fund appropriated for the construction of said road, and no other; and *Provided further*, That all parts of said road may be put under contract, and completed upon the terms provided in the foregoing sections.

SEC. 56. This act shall be deemed and taken to be a public act, and shall be taken notice of as such, without the necessity of pleading the same; and shall be in force from and after its passage.

APPROVED 27th Feb., 1837.

Further duty of Board of Public Works, as to roads between Quincy and Wabash.

Provisions for companies contracting for the construction of roads.

When rail road completed it shall be a public road. *Proviso.*

This a public act.