

McMennaway, on the principles of equity and justice, and shall allow him his commission on all taxes heretofore collected and paid into the treasury by him; and also allow him for all losses sustained by and in consequence of persons not being able to pay their taxes: *Provided*, That no allowance shall be made where it is clearly shown that such loss was occasioned by the negligence or inattention of said McMennaway.

Allow for losses.

APPROVED, March 2, 1839.

AN ACT to provide for the location of the county seat of Cass county. In force, Mar. 2, 1839.

WHEREAS it was provided, by the act for the formation of the county of Cass, that, in case the county seat of said county should be located at Beardstown, the corporation or inhabitants should, within one year after the location, pay into the county treasury the sum of ten thousand dollars, to be applied to the erection of public buildings; and whereas, by the act passed 21st July, 1837, in relation to said county, further time was allowed said corporation to make said payment, and the said corporation having failed to pay the ten thousand dollars, and not having complied with, or agreed to comply with, the provisions of the last recited act, the county commissioners of said county, under the provisions of the first recited act, located the county seat of said county at Virginia, and contracted for the erection of a court house and jail in said county, and doubts being entertained as to the true construction of the act last recited in relation to the rights of said corporation and the duties of the county commissioners: Therefore,

Preamble.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county seat of Cass county shall be and remain at Virginia, and the courts of said county shall hereafter be held at that place; and the several county officers who are required to keep their offices at the county seat are required to remove their respective offices, and all bonds, documents, books, and papers pertaining to the same, to Virginia, on or before the first day [of] May next, and thereafter hold and keep their respective offices at that place; and in case any one or more of said officers shall fail or refuse to comply with the provisions of this act, such officer shall forfeit his office.

County seat to be at Virginia, and courts held there.

Duty of county officers.

SEC. 2. All process issued and notices given by any of the courts or officers of said county, [which] are required by law to be made returnable at the county seat, shall be deemed and held to be returnable at Virginia: and all recognizances and bonds entered into in the said county with conditions to be performed at Beardstown, as the place of the county seat, shall be held and deemed as requiring performance at the county seat as fixed by this act.

Questions of
forfeiture, how
settled.

SEC. 3. That, in order to settle any and all questions which may arise as to the forfeiture of office by any officer of the said county of Cass under the provisions of this act, any officer failing to comply with the provisions hereof shall be liable to indictment for such failure, and, upon conviction, the court shall enter judgment of a motion from office, and the vacancy occasioned thereby shall be filled as though it had occurred by resignation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. An act for the improvement of the Wabash river, and for other purposes.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Commissioners of the Board of Public Works shall cause the improvement of the navigation of the Little Wabash river to be prosecuted as high up as the Cumberland road at Ewington, in Effingham county: *Provided* the Board of Public Works, shall deem it susceptible of advantageous improvement, and as much higher up as, in the opinion of the Board, the good of the State may require; the said improvement to be commenced as early as practicable.

Proviso.

Com'rs to lo-
cate road.

SEC. 2. *Be it further enacted,* That Hugh McDaniel, Robert Toler, and William Farmer, of Clay county, be, and they are hereby, appointed commissioners to view, mark, and locate a State road from Ezra Baker's mills, on the Little Wabash river, in Edwards county, on the nearest and best route, to Maysville, in Clay county.

Time & place
of meeting.

SEC. 3. Said commissioners, or a majority of them, shall meet at Maysville, on the first Monday in June next, and, after being duly sworn by some justice of the peace of said county faithfully to discharge the duties herein required, shall proceed to perform the same; and thereupon make report of their proceedings to the counties of Clay and Edwards, and Wayne, at the first meeting of their several commissioners' courts thereafter; and the commissioners' courts of said counties shall cause the said road to be forthwith opened and kept in repair as the State roads are.

Road to be
opened.

Pay of Com-
missioners.

SEC. 4. Said commissioners shall receive a reasonable compensation for their services, which shall be paid by each of the beforementioned counties, in proportion to the distance of the road and the time employed in each county.

Bridges to be
built in Clay
county.

SEC. 5. The county commissioners of Clay county shall be authorized and required to build the following bridges in Clay county, to wit: A bridge across the Little Wabash, where the road leading from Maysville to Chicago crosses the same; also a bridge across Big Muddy, on the road leading from Mount Carmel to Louisville, in Clay county; also a bridge across Fox river, at or near John Matthew's mills,