

AN ACT further to amend the act, entitled "An act to establish and maintain a General System of Internal Improvements." In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the 27th section of the act, to which this is an amendment, shall be so construed as to authorize the owner or owners of lands, waters, or materials, which shall have been taken for the purpose of any of the public works mentioned in said act, to have redress and remuneration for the injuries or supposed injury, on his, her, or their application in the manner prescribed, and under the provisions of "An act concerning the right of way, and for other purposes," approved February 28, 1833.

Section of act construed.

Redress for injuries.

SEC. 2. It shall be the duty of the Fund Commissioners to purchase and furnish the iron, machinery, and other materials for the use of the public works of the State, upon the requisition of the Board of Public Works, whose duty it shall be to furnish the Fund Commissioners with orders, from time to time, of the quantity, quality, character, and description of the iron, machinery, and other materials required; and upon the receipt of any such iron, machinery, and materials, the said Board of Public Works shall furnish vouchers therefor to the said Fund Commissioners, and shall moreover charge each particular work under their management with the quantity of any such iron, machinery, or materials used thereon.

Duty of Fund Com'rs.

SEC. 3. It shall be the duty of the Fund Commissioners to keep duplicate accounts and vouchers for all costs of purchase and transportation of any iron, machinery, or materials, or of any other expenditure; one of which duplicate accounts and vouchers shall be filed in their office, and the other duplicate of said accounts and vouchers in the office of the Board of Public Works; and the Board of Public Works shall also furnish duplicate accounts and vouchers of all moneys expended by them; one copy of which shall be left at their office, and the other copy at the office of the Fund Commissioners.

Further duty. Duplicate accounts.

SEC. 4. It shall be the duty of the Fund Commissioners and of the Board of Public Works, respectively, to keep a just and true inventory of all property, real or personal, which may be purchased for the use of the State, including instruments, and all other articles; and it shall be the duty of each of said Boards to account for all such property, by evidence of loss or destruction, or by delivering the same, or the proceeds thereof, to the State.

Inventory of property.

SEC. 5. The Fund Commissioners shall not hereafter allow any credit to any Commissioner of the Board of Public Works, unless the voucher, upon which such credit is allowed, shall specify the particular work upon which the money paid by such Commissioner was expended, and the use or purpose of such expenditure.

Vouchers for credit to Board of Pub. Works.



Separate  
accounts.

SEC. 6. That the Board of Public Works shall open and keep an account with each object of appropriation in such a manner as to show the items of expenditure upon each work under its charge, and shall also keep a distinct and accurate account of all expenditures at and for the Central office, including all incidental and necessary expenses for the same, specifying each item of expenditure.

Lettings.  
Proviso.

SEC. 7. No lettings shall, at any time, be made without the order of the Board: *Provided, always,* That any two Commissioners may relet any contract which shall be declared abandoned or forfeited.

Com'rs not to  
have above  
10,000.  
Lateral  
branch.

SEC. 8. No Commissioner of Public Works shall have, at any time, more than ten thousand dollars in his hands.

SEC. 9. Hereafter, no lateral branch road of any main line shall be constructed by the Board of Public Works, until provision shall be made therefor by the General Assembly.

Special drafts.

SEC. 10. The Commissioners of the Board of Public Works may draw special drafts, for any sum exceeding five hundred dollars, in the manner and under the restrictions set forth in the twenty-fifth section of the "Act to establish and maintain a general system of internal improvements."

Lateral br'nc'h  
of Alton and  
Shelbyville  
road.

SEC. 11. The Board of Commissioners of Public Works are hereby authorized to locate and construct a lateral branch railroad of the Alton, Hillsborough, and Shelbyville railroad, from some eligible point on the said railroad, between Upper Alton and Hillsborough, to Carlinville, in Macoupin county; and the aforesaid railroad west of Shelbyville, and the Central railroad, shall be combined in one line, to such extent as the nature of the county [country] will admit of a judicious location of both lines together.

\$150,000 to  
improvement  
of Little Wa-  
bash.

SEC. 12. The sum of one hundred and fifty thousand dollars is hereby appropriated to the improvement of the navigation of the Little Wabash river, in addition to the sum heretofore appropriated; and the Fund Commissioners are hereby required to furnish the funds for the same. And there is hereby appropriated the sum of fifty thousand dollars, in addition to the sum heretofore appropriated, for the improvement of Rock river.

\$50,000 to  
Rock river.

Sec. repealed.

SEC. 13. That the forty-fifth section of the "Act to establish and maintain a general system of internal improvements," be and the same is hereby repealed.

View to price  
of labor.

SEC. 14. The Commissioners of Public Works, in all future lettings, shall have a general view to the price of labor and cost of provisions in the State, and shall so conduct their operations as to best advance the interests of the State and promote the progress of the works under their charge; and, generally, to proceed with a view to accommodate the actual wants of the community and the ability of the State.



SEC. 15. It shall be the duty of the Fund Commissioners, <sup>Fund Com'rs</sup> within ten days after selling and delivering any bonds or certificates of internal improvement stock, to make out tripli- <sup>after the sale of bonds to make tripli- cate state-</sup> cate statements of the number and amount of bonds or certificates of stock so executed by them on the part of the State, to whom delivered, the amounts of premiums received thereon, the rates of interest agreed to be paid, and the time at which the principal of such bonds is reimbursable; and shall forthwith transmit one of said statements to the Auditor of Public Accounts, and one to the Treasurer, to be by them registered (of record) in their respective offices; and the remaining statement shall be preserved by the said Commissioners, to be handed over in person to the said Auditor of State, in case of the non-reception of the statement theretofore transmitted by mail. <sup>One to Auditor. One to Treasurer.</sup>

SEC. 16. In all cases where the State bonds or certificates of loans for any purpose are required, by law, to have thereon the impress of the great seal of the State, the Secretary of State shall, and it is hereby made his duty to put the same thereon, without delay and without charge for the same. <sup>Sec. of State shall affix seal</sup>

SEC. 17. The Board of Commissioners of Public Works shall have power to remove their Secretary from office for any neglect or omission of duty, incapacity to perform the same, or want of faithfulness therein, and shall spread the causes of such removal at large on their journal. No Secretary of the Board shall be elected for a longer time than two years, but may be re-elected at the pleasure of the Board. <sup>Board may remove their Secretary.</sup>

SEC. 18. In cases of difference of opinion, the Board shall cause the ayes and noes to be entered on their journal, on all questions involving the appointment and removal of officers, the location of routes, the orders for letting contracts, and the expenditures of money. <sup>Yeas and noes to be registered.</sup>

SEC. 19. All the lands and public works of this State shall be exempt from taxation for State, county, corporation, or other taxes. <sup>Lands and works of State exempt from tax.</sup>

SEC. 20. The Board of Public Works may, when they deem it expedient so to do, order town plats to be laid out and recorded, by the several acting Commissioners, on lands belonging to the State, at such suitable points as they may deem the best interest of the State to require, and to make sale of a portion of the lots therein, on such terms and under such restrictions and limitations as the Board may adopt; but, in all cases, the lots shall be valued, under oath, by two of the Commissioners of Public Works, previous to sale, and shall be sold at public sale, at a price not less than such valuation.

SEC. 21. It shall be the duty of the Board of Public Works, and of the acting Commissioners in charge of any river improvements, to prosecute the same promptly, and <sup>River im-</sup>



without delay, at all times, whenever the stage of water in the rivers will admit thereof.

Copy of all  
contracts to  
Fund Com'rs.

SEC. 22. The Commissioners of Public Works shall furnish to the Fund Commissioners a copy of all contracts entered into by the Board of Public Works, within sixty days after the signing of such contract. No contract, made without the notice required by law, shall be binding on the State; nor shall any contract, made without such notice, be regarded by the Board of Public Works: *Provided*, That this shall not be so construed to apply to the reletting of contracts.

Proviso.

Lands entered  
chargeable to  
work.

SEC. 23. Any lands purchased or entered by any Commissioner of Public Works, under the provisions of the twenty-seventh section of the "Act to establish and maintain a general system of internal improvements," shall be charged to the particular work for the benefit of which the same may have been entered or purchased.

Removal of  
com'rs from  
office.

SEC. 24. Any Commissioner of the Board of Public Works, who shall hereafter fail or refuse to account for any and all public moneys in his hands, or who shall be guilty of any palpable omission of duty, or of want of proper attention to his duty, or if, from his inability in any way, the interest of the State is evidently suffering, the Commissioners of the Board of Public Works shall lay the facts before the Governor, who, on a full hearing and examination of the case, may remove such Commissioner, and appoint another in his place, who shall hold his office until the end of the next session of the General Assembly.

When consid-  
ered guilty of  
embezzle-  
ment.

SEC. 25. If any Commissioner of the Board of Public Works, or any Fund Commissioner, shall loan, or otherwise convert to his own private use, any of the public funds coming into his hands as Commissioner, he shall be judged guilty of embezzlement, and, on conviction thereof, shall be punished as in other cases of embezzlement.

Strict econo-  
my in engi-  
neer depart-  
ment.

SEC. 26. The Board of Public Works, in its organization of the engineer department of the public works, shall consult the strictest economy consistent with an efficient and correct prosecution of the several works in progress, and shall require, of each and every person in their employ, the most rigid accountability in the discharge of their respective duties; and shall hear and promptly investigate all charges and complaints against any such persons, for neglect of duties, or otherwise.

Fixed com-  
pensation of  
officers.

SEC. 27. Each and every person in the service of said Board, or of any acting Commissioner, employed by the day, month, year, or otherwise, as agent, engineer, superintendent, or in any other capacity, shall receive a fixed and certain compensation for his services, and shall not be allowed any sum beyond such fixed compensation for his personal, contingent, or other expenses, under any name or pretence whatever; nor shall any such person be paid for any time for which he shall not have been actually in the discharge of his duties.



SEC. 28. A register of their names and rate of compensation of every agent, engineer, superintendent, surveyor, clerk, Register of officers. draftsman, and *rodman* employed in each circuit, respectively, shall be kept by the Secretary of the Board in his office, showing also the commencement and the end of the term of service of each individual; which register shall at all times be opened, during office hours, to the inspection of any person who may wish to inspect the same; and whenever any acting Commissioner shall employ or dismiss from service any person during the vacation of the meetings of the Board, he shall forthwith notify the Secretary, in order that the entry thereof may be made on said register.

SEC. 29. The per diem compensation now allowed by law Per diem compensation of com'rs. to the Commissioners of the Board of Public Works and Fund Commissioners, shall be in full for their services; and no allowance shall be made, in addition thereto, for their personal, contingent, or travelling, or other expenses, under any name whatever.

SEC. 30. A railroad shall be constructed from Rushville Road from Rushville to Erie. to Erie, on the bank of the Illinois river; and for the construction and completion of said road and appendages, the sum of one hundred thousand dollars is hereby appropriated for that purpose; and the Fund Commissioners are hereby required to furnish the funds for the same: *Provided, however,* Proviso. That no survey shall be made of said road until all the companies incorporated to make railroads from Rushville to Erie, or to any other point on the Illinois river, above the mouth of Crooked creek, and below the mouth of the Sangamon river, shall have relinquished their charters, and surrendered, Charters relinquished. absolutely and unconditionally, all rights to make any such road, and all claim to damages for the right of way, or for surrendering their charters.

SEC. 31. That the sum of five thousand dollars be, and \$5,000 to complete western mail route. the same is hereby, appropriated to complete the Western mail route near Maysville, on the bottom of the Little Wabash river.

SEC. 32. That the further sum of fifteen thousand dollars \$15,000 for portion of mail route. be, and the same is hereby, appropriated for the completion of that portion of the Western mail route as lies between Lawrenceville and Vincennes; and for the purpose of protecting the said road from injury from the overflowing of the Wabash river, the Board of Commissioners of Public Works are hereby authorized to construct a substantial levee at "Bellegrave," to exclude the water of the Wabash from the "Purgatory" swamp, over which the said mail route is constructed: *Provided, however,* Proviso. That the improvement contemplated in this section shall be made in the most economical manner, and with the least possible expense; and if the aforesaid sum shall not be necessary to effect the object, the balance of the sum shall remain subject to the further disposition of the General Assembly.



Contracts to be in continuous line. SEC. 33. It shall be the duty of the Board of Public Works to have all works put under contract in a continuous line, commencing at the terminating points of said road, except in those cases where it may be necessary to put the works at the crossing of streams, or other places under contracts, in advance of other works, so as to have uniformity in the time of finishing said work.

Regular meeting; when to be held at Springfield. SEC. 34. That from and after the first day of April next, the regular meetings of the Board of Fund Commissioners, and the Commissioners of the Board of Public Works, shall be held at Springfield.

When com'r's resign or go out of office. SEC. 35. That when any Commissioner of the Board of Public Works shall resign or go out of office, he shall be allowed until the next general meeting of the Board to settle and adjust his accounts with such Board; and if he shall have any moneys in his hands belonging to the State, it shall be his duty to pay the same over to the Fund Commissioners; and if there shall be any money found to be due to such Commissioner upon such settlement and adjustment of accounts, any balance, it shall be the duty of the Fund Commissioners to pay over the same.

Improvement of Illinois river extended to Ottawa. SEC. 36. The improvement of the navigation of the Illinois river, provided for in the second division of the eighteenth section of the act to which this is an amendment, is hereby directed to be extended east of the third principal meridian to the town of Ottawa.

Western mail route. SEC. 37. The provisions of the twelfth section of the act to which this is an amendment, requiring and authorizing the Board of Public Works to survey and locate the several improvements under their supervision, shall be construed to extend to the Great Western mail route between Vincennes and St. Louis: *Provided*, That nothing herein contained shall be so construed as to authorize the Board to divert the said location from any town or post-office now located on the present line of said road, or to change the present route thereof, from any street in said towns through which the said mail route has heretofore run.

Proviso. SEC. 38. The Fund Commissioners are hereby authorized to audit and settle the accounts of the acting Commissioner of the fourth judicial circuit, for the disbursements made by him for the expenses of the survey and examination of the Charleston and Darwin turnpike route, authorized to be made by the seventh section of the act to which this is an amendment, and to pay the same out of the internal improvement fund.

Fund com'r's to audit accounts of com'r of 4th circuit. SEC. 39. The Board of Public Works may extend the time prescribed to contractors for completing their contracts, whenever, in the opinion of the Board and the acting Commissioner on the line, the interest of the State would not be prejudiced thereby.



SEC. 40. The plans, profiles, drawings, specifications, and other descriptions of work, or materials, proposed to be put under contract, shall be exhibited at the time and place of letting the same, for the information of all persons wishing to propose for the same; and the said original documents, so to be exhibited, shall be certified by the engineer attending the letting, and, within sixty days thereafter, shall be filed, as of record, in the office of the Board of Public Works, retaining fair and correct copies thereof for the use of the work.

Plans and profiles to be exhibited at lettings.

SEC. 41. It shall be the duty of the principal engineer in charge of the work to attend all lettings of contracts; but, in case of his non-attendance, any resident or assistant engineer, to be designated by the Commissioners, may act in his place.

Duty of principal eng'r.

SEC. 42. All estimates made upon materials delivered by contractors, and upon which a per centage has been paid, shall operate as a lien in favor of the State, and said materials shall be exempt from any execution or attachment issued against the contractors delivering the same.

Estimates on materials.

SEC. 43. No extra allowance shall be made to any contractor, over and above the contract price of work or materials, under any pretence whatever.

SEC. 44. The accounts and reports of the respective acting Commissioners, and also of the Board of Public Works, shall exhibit, separately and in detail, the amounts expended on each respective work; and shall show distinctly what amount has been expended on construction, what for engineering and contingent expenses; and what items constitute the contingent account.

Detailed am'ts expended.

SEC. 45. All deeds, patents, releases, assessments, and other evidences of title of lands, and for the right of way, purchased or obtained by the State, shall be recorded in the recorder's office of the county in which the lands or a major part of them shall lie; and the originals shall thereafter be filed in the office of the Auditor of Public Accounts, as now required by law.

Deeds, patents, and titles.

SEC. 46. All acts and parts of acts coming in conflict with this act, and contrary thereto, are hereby repealed.

Acts repealed.

SEC. 47. It shall be the duty of the Fund Commissioners to report to the Attorney General any defalcations, or balances which may exist on the settlement of the accounts of any of the Commissioners of the Board of Public Works, or of any other agent of the State connected with the internal improvement system, who, on the settlement of his accounts, may have a balance of moneys belonging to the State remaining in his hands. And it shall be the duty of the Attorney General to proceed to collect the same according to law.

Defalcations to be reported to Attorney General.

APPROVED, by the Council, March 1, 1839.