

court as heretofore required to be holden, shall be deemed and taken to be returnable to the said term as required to be held by the provisions of this act.

SEC. 2. In addition to the regular terms of the circuit court of the ninth judicial circuit, there shall be held, in the county of Kane, a term of said court, on the second Monday in July, and in the county of Peoria, on the fourth Monday in July, annually.

Additional terms of circuit court in Kane and Peoria

APPROVED, January 29th, 1840.

AN ACT to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois.

In force, Feb. 1st, 1840.

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 two Houses of the present General Assembly, and by each regular General Assembly hereafter, one Fund Commissioner, who shall give bond and qualify, in the same manner that Fund Commissioners were required to give bond and qualify, by and under the provisions of an act, entitled "an act to establish and maintain a general system of Internal Improvements, passed 27th February, 1837," and the acts supplemental and amendatory thereto, and who shall perform the same duties that were required to be performed by the Fund Commissioners, under the provisions of the laws aforesaid, except that he shall not be authorized to sell State bonds, or borrow money on behalf of the State, unless hereafter authorized by law. It shall be the duty of the Fund Commissioner to receive all Iron which may have been purchased for the use of the State of Illinois, at whatever port landed in the United States; and to provide for its transportation to the State of Illinois; and to pay all duties, or execute bonds therefor, in conformity with the several laws of Congress, relating to railroad iron, freight and charges upon the same; and to enable the fund commissioner to make such payments, it shall be lawful for him to dispose of State bonds to an amount sufficient to pay such charges, being governed in the sale and disposal of such bonds, by the provisions of an act entitled an act to establish and maintain a general system of Internal Improvements: *Provided,* That if there shall be a sufficient amount of the money borrowed on account of the Internal Improvement system on hand, to pay said charges, the Fund Commissioner shall apply such money to such payment, and shall not make sale of State bonds for that purpose.

One Fund Commissioner to be elected

Duties

When State bonds may be sold

Proviso

SEC. 2. There shall be elected, by the joint vote of the present General Assembly, and by each regular General Assembly hereafter, three commissioners, to be styled the Board of Public Works, who shall give bond and qualify in the same manner that the commissioners of the Board of Public Works

Three Commissioners of Public Works

were required to give bonds and qualify, by and under the provisions of an act entitled "an act to establish and maintain a general system of Internal Improvements," passed the 27th February, 1837, and the several acts supplemental and amendatory thereto, and who shall continue in office until the first day of January, 1841, and until their successors are elected and qualified.

Duties

May employ  
Secretary

SEC. 3. The said Board of Public Works shall keep their office in the town of Springfield, and may employ in their said office one clerk or secretary, at the cost of the State, whose duty it shall be to keep the accounts, and to keep a fair register of the actings and doings of the said Board of Public Works.

Term of office

SEC. 4. The officers elected under the provisions of this act shall hold their offices until the first day of January, eighteen hundred and forty-one, and until their successors are elected and qualified, and the said Fund Commissioner and members of the Board of Public Works, shall each receive the sum of four dollars for each day they may actually be employed, and shall not be entitled to any compensation for travelling expenses or other contingencies.

Pay of Com-  
missioners

Duty of late  
board of pub-  
lic works

SEC. 5. It shall be the duty of the late Board of Commissioners of Public Works forthwith to deliver up to the Board of Public Works, all books, records, maps, drawings, and papers of every kind and description pertaining to their office, and all property of every kind and description, in their possession, or under their control, which belongs to the State.

What proper-  
ty of State  
may be dispos-  
ed of

SEC. 6. The Board of Public Works shall dispose of such property belonging to the State as is not wanted for immediate use, and is [as] will be subject to waste or depreciation by keeping, and account to the State for the proceeds of the same, and shall, to the best of their ability, protect the various public works of the State from dilapidation or decay.

Governor to  
fill vacancies

SEC. 7. Should a vacancy occur, during the recess of the General Assembly, in the office of Fund Commissioner, or Board of Public Works, the Governor shall fill such vacancy by appointment, which shall expire at the time then next ensuing for the election for such officer, or at the end of the next session of the General Assembly, whichever shall first occur: *Provided*, The appointment of such officer shall not expire until his successor shall be elected and qualified.

Proviso

40th section of  
act revived

SEC. 8. The fortieth section of the act to establish and maintain a general system of Internal Improvement, approved 27th February, 1837, is hereby revived, and declared to be in full force and effect, any law repealing or suspending said act to the contrary notwithstanding.

Board, how  
governed in  
settlements,  
&c.

SEC. 9. The Board of Public Works, in making settlements with contractors, and others, and in superintending, managing, keeping in repair and operations, such works as may be completed, shall be governed in all respects by the act entitled "an act to establish and maintain a general sys-

tem of Internal Improvements," passed 27th February, 1837, and the several laws supplemental and amendatory thereto, and all parts of said laws which impose fines, forfeitures, and penalties, for injuries to the public works, or for any other cause, and which prescribes the mode and manner of collecting such fines and forfeitures, and imposing penalties, are hereby revived, and continued in full force and effect.

SEC. 10. The Board of Public Works shall cause the amount due to contractors to be estimated, including the back per centage, heretofore retained, and shall give a draft therefore [therefor] on the Fund Commissioner, and in case of disagreement between the Acting Commissioner and the contractor, then the matter in dispute shall be referred to the Board, when in session, whose decision shall be final in the case. And if any contractor, or contractors, shall claim any amount from the State, over and above the retained per centage, for damages on his contract, such claim for damages shall be decided by the Board, when in session, and they shall issue a draft in favor of such contractor, for the amount allowed; and the decision of the Board on the claim of such contractor, shall be final. The Board of Public Works shall also settle and adjust all dues and liabilities of every kind, due and owing from the State, under the provisions of the act to establish and maintain a general system of Internal Improvements, approved 27th February, 1837, and the acts supplemental and amendatory thereto, and give drafts for the amount so settled and adjusted, on the Fund Commissioner; and when any person shall receive drafts, under the provisions of this section, his contract shall be cancelled.

SEC. 11. All drafts drawn by the Commissioners of the Board of Public Works, on the Fund Commissioner, if not paid within thirty days, shall bear six per cent. interest per annum, from date; and all drafts heretofore drawn by any member of the former Board of Public Works, on the former Board of Fund Commissioners, and which have not been paid, shall bear the same interest from their respective dates; and in all cases where the Fund Commissioners, in making payments on special drafts, cannot pay off the whole amount of said drafts, it shall be lawful for him to endorse the amount paid, on the back of said draft.

SEC. 12. The Board of Public Works shall pay off, and discharge, all engineers and agents now in employment, whose services are not indispensable to assist them to ascertain the amount due to contractors, and so soon as their services can be dispensed with they shall also be discharged.

SEC. 13. The Board of Public Works shall have power to provide for the security, and successful management and operation of such parts of the railroads as are already completed, and may fix and establish the rates of toll to be collected therefrom, and provide for the faithful collection thereof, and for the payment of the amounts collected, to the Fund Com-

Amount due contractors

Decision of board final

Dues and liabilities to be settled

Drafts given in settlement

Drafts drawn on fund commissioner  
When to bear interest

Endorsements on drafts

Management of railroads

Fines for not paying tolls      commissioner, and any person refusing to pay the established tolls, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding one hundred dollars.

Fund commis-      SEC. 14. The Fund Commissioner shall be, and is authoriz-  
sioner may re-      ed, and required to take, and receive back, any and all State  
ceive back      bonds heretofore sold to any person, firm, or corporation, who  
bonds      have failed, or may hereafter fail, to comply with their con-  
      tract, and upon the reception of all such bonds sold them, said  
      commissioner is authorized to cancel said contracts, and the  
      bonds thus returned shall be burned by the Fund Commis-  
      sioner, in the presence of the Auditor and Treasurer of State;  
      and the Fund Commissioner shall make and keep a correct  
      register of the number, amount, and disposition made of all  
      bonds and money coming to his hands.

Bonds, when  
burned

Settlement of      SEC. 15. The Fund Commissioner, when elected and quali-  
accounts of      fied, shall audit and settle the accounts of the late Board of  
fund commis-      Fund Commissioners, and the late Board of Public Works,  
sioners      and of each member of said Boards; and, in case any mem-  
      ber of either of said Boards, or of former Boards, shall be  
      found to be in arrear to the State, he shall cause suit forth-  
      with to be instituted against such person.

What acts re-  
vived

SEC. 16. Such parts of the acts to establish and maintain a general system of Internal Improvement, approved February 27th, 1837, and the acts supplemental and amendatory thereto, as are necessary to enable the Fund Commissioners and Board of Public Works to discharge the duties imposed upon them by this act, are hereby revived for the purposes herein defined, and no other.

APPROVED, February 1st, 1840.

In force,  
Feb. 3d, 1840.

AN ACT further to amend the several acts in relation to common schools

Duty of treas-  
urers of town-  
ships in mak-  
ing abstracts

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in making out the abstracts required by the fifteenth section of the act of March 4th, 1837, entitled "an act to amend the several acts in relation to common schools," the treasurer of townships shall state in such abstracts, the amount of compensation earned by each teacher named in such abstracts, within the time comprised in the same; and the school commissioner of the county shall not pay more than one-half of such compensation from the interest of the school, college, and seminary funds.

Scholars in  
unincorporat-  
ed townships

SEC. 2. In all cases where scholars residing in an unincorporated township, shall attend a school taught in a township which has become incorporated, the teachers' schedule, comprising the names of such scholars, shall be examined and certified by the trustees of the township in which the school is kept, and delivered to the school commissioner of the county in which