

An ACT fixing the time of holding the circuit courts in the first Judicial Circuit.

In force, Feb. 3, 1841.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the circuit courts in the first judicial circuit in this State, shall commence and be holden as follows: In the county of Morgan, on the second Mondays in March, first Mondays in July and fourth Mondays in October; in the county of Greene, on the fourth Mondays in March, third Mondays in July and third Mondays in October; in the county of Pike, on the first Mondays in April and September; in the county of Calhoun, on the Thursday before the third Mondays in April and September; in the county of Jersey, on the third Mondays in April and September; in the county of Macoupin, on the fourth Mondays in April and September; in the county of Scott, on the first Mondays in May and October; in the county of Cass, on the second Mondays in May and October; and all process which has been or may be issued out of any of said courts, returnable to the terms of the said courts, as heretofore required to be holden, shall be deemed and held as returnable to the times fixed by this act, and all recognizances and obligations required to be discharged or complied with, in any of said courts, shall be deemed and held as being taken with reference to the time of holding said courts as provided for by this act.

Times of holding courts in the several counties in the 1st circuit

Process deemed returnable to courts as now arranged

Approved, February 3, 1841.

An ACT to establish Circuit Courts.

In force, Feb. 23, 1841.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be two terms of the supreme court holden annually at the Seat of Government, and shall continue in session until the business before it shall be disposed of; and any five of the supreme court judges shall constitute a quorum.

Two terms of supreme court annually

SEC. 2. There shall be a circuit court held annually in each county, as often and at such time as is hereinafter specified, at the court-houses, or other places of holding court in said county. The judges presiding in their respective circuits, shall have jurisdiction over all matters and suits at law, and in chancery, arising in each of the counties of their respective circuits, when the debt or demand shall exceed twenty dollars; and all the provisions of law applicable to the former circuit courts shall be applicable to the circuit courts established by this act; and all the provisions of law applicable to the justices of the supreme court heretofore appointed, shall be applicable to the justices of the supreme court elected by the present General Assembly.

Jurisdiction of circuit courts

Duty of clks. SEC. 3. The clerks to be appointed by the said circuit courts, or by the justices thereof, shall give bond, and take the several oaths in the manner, and as was required of the clerks of the former circuit courts; and such clerks shall have the powers and perform such duties as was conferred and imposed on the clerks of the circuit courts heretofore existing.

Counties composing the several circuits

SEC. 4. The counties of Morgan, Cass, Scott, Pike, Calhoun, Greene, Jersey, and Macoupin, shall constitute the first judicial circuit. The counties of Madison, St. Clair, Monroe, Randolph, Washington, Clinton, Bond, Fayette, Montgomery, and Effingham, shall constitute the second judicial circuit. The counties of Jackson, Perry, Franklin, Union, Williamson, Alexander, Johnson, Pope, Hardin, Gallatin, Hamilton, Jefferson, and Marion, shall constitute the third judicial circuit. The counties of White, Wayne, Wabash, Edwards, Clay, Lawrence, Crawford, Jasper, Clark, Edgar, Coles, and Vermilion, shall constitute the fourth judicial circuit. The counties of Schuyler, Brown, Adams, Hancock, McDonough, Warren, Henderson, Knox, and Fulton, shall constitute the fifth judicial circuit. The counties of Jo Daviess, Stephenson, Winnebago, Boone, Lee, Carroll, Whiteside, Rock Island, Mercer, and Henry, shall constitute the sixth judicial circuit. The counties of Cook, Will, Iroquois, Du Page, Grundy, McHenry, and Lake, shall constitute the seventh judicial circuit. The counties of Menard, Sangamon, Christian, Logan, Shelby, Macon, De Witt, McLean, Champaign, Tazewell, Mason, Piatt, and Livingston, shall constitute the eighth judicial circuit. And the counties of Peoria, Marshall, Putnam, La Salle, Kendall, Kane, De Kalb, Ogle, Bureau, and Stark, shall constitute the ninth judicial circuit.

Salary of judges

SEC. 5. The justices of the supreme court elected by the present General Assembly, shall each receive a salary of fifteen hundred dollars per annum, to be paid quarterly, upon the warrant of the Auditor, out of any money in the Treasury not otherwise appropriated.

Official acts of former clerks valid

SEC. 6. All the official acts of the clerks of the former circuit courts which have been done, or may be done, in accordance with the laws in force at the time of the passage of the act, entitled "An act reorganizing the Judiciary of the State of Illinois," until appointments can be made, shall be valid and effectual, as if no change had been made.

Business of former courts continued over

SEC. 7. All indictments, informations, recognizances, suits, motions, writs, process, and proceedings of every description, civil, criminal, and in chancery, which have been, or shall be commenced, returnable to, or pending in any of the circuit courts heretofore existing, shall be continued over, returnable to, and made pending in, the circuit courts created by this act; and all writs, petitions, declarations, recognizances, process, and proceedings which shall be issued,

taken, filed, or returnable to, or for appearance in the former circuit courts of this State, before the statutes passed at this session of the General Assembly shall be printed and circulated in the respective counties, shall be considered as returnable to, pending, and for appearance in the circuit courts created by this act.

SEC. 8. The chief justice and the associate justices of the supreme court, shall be required to reside in the circuits hereinafter assigned them respectively; and all the powers, jurisdiction, and authority conferred by law, and in force at the time of the passage of an act, entitled "An act reorganizing the Judiciary of the State of Illinois," are hereby conferred upon, and made applicable to, the chief justice and associate justices of the supreme court, in their respective circuits; and the circuit courts hereby established shall have and exercise all the powers and jurisdiction, both civil and criminal, conferred by law upon the late repealed circuit courts at the time of said repeal; and all the provisions of law in force at that time, conferring jurisdiction and authority upon, and regulating and prescribing the mode of practice in, said repealed circuit courts, are hereby declared to be in full force, and applicable to the circuit courts established by this act.

Judges to reside in circuit

Jurisdiction of former court continued to present

SEC. 9. Samuel D. Lockwood shall perform circuit duties in the first judicial circuit; Sidney Breese shall perform circuit duties in the second judicial circuit; Walter B. Scates shall perform circuit duties in the third judicial circuit; William Wilson shall perform circuit duties in the fourth judicial circuit; Stephen A. Douglass shall perform circuit duties in the fifth judicial circuit; Thomas C. Browne shall perform circuit duties in the sixth judicial circuit; Theophilus W. Smith shall perform circuit duties in the seventh judicial circuit; Samuel H. Treat shall perform circuit duties in the eighth judicial circuit; and Thomas Ford shall perform circuit duties in the ninth judicial circuit.

Names of judges of the several circuits

SEC. 10. That the terms of the supreme court shall hereafter commence on the first Monday in July, and the second Monday in December, annually.

Time of holding supreme court

SEC. 11. That the supreme court, as organized prior to the passage of the act, entitled "An act reorganizing the Judiciary of the State of Illinois," shall have full power and authority to make decisions and deliver opinions in all cases which were argued or submitted to said court for decision prior to the passage of the act aforesaid; and decisions so made shall have the same force and effect in law as if the same had been made, and opinions delivered, prior to the passage of the act aforesaid.

Power of former court

SEC. 12. That the circuit courts of the several counties in this State shall commence at the times hereinafter specified, and continue until all the business pending shall be disposed of, unless it shall be necessary to adjourn court to en-

Time of holding courts in 1st circuit

able the judge to attend in the next county, to hold court. Said terms shall be held at the times following, in the counties composing the first judicial circuit, to wit: In the county of Morgan, on the third Mondays of March and June, and the fourth Monday of October; in the county of Greene, on the first Monday of April, the second Monday of August, and the third Monday of October; in the county of Pike, on the second Monday of April and the first Monday of September; in the county of Calhoun, on the Thursdays before the fourth Mondays of April, and the third Monday of September; in the county of Jersey, on the fourth Monday of April and third Monday of September; in the county of Macoupin, on the first Monday of May and the fourth Monday of September; in the county of Scott, on the second Monday of May and the first Monday of October; in the county of Cass, on the third Monday of May and the second Monday of October: *Provided*, That the spring term of the court in the county of Scott, after the year eighteen hundred and forty-one, shall be held on the second Mondays of March.

P roviso.

No grand jury in June & August for Morgan and Greene

Proviso

SEC. 13. No grand jury shall be selected to attend the circuit courts required to be held in the counties of Morgan and Greene, in the months of June and August, nor shall any criminal cause be docketed for trial at said terms; but all criminal causes pending in said courts shall stand for trial at the succeeding terms thereof: *Provided*, That if any person shall be confined in the jail of either of said counties at the time of holding said courts for any indictable offence, the court shall try such persons in the same manner as at any other term of the court, and the court shall have power to cause a grand jury to be empaneled at said terms, to inquire into the cases of all persons confined in jail as aforesaid, and, upon indictment found, to proceed thereon as at any other term of said court.

Times of holding courts in 2d circuit

SEC. 14. In the counties composing the second judicial circuit, the times of holding circuit courts shall be as follows, to wit: In the county of Washington, [on] the third Monday of March and second Monday of August; in the county of Randolph on the fourth Monday of March and third Monday of August; in the county of Monroe, for the year eighteen hundred and forty-one, on the fifth Monday of March and fourth Monday of August, and forever after the year eighteen hundred and forty-one, on the first Monday of April and fourth Monday of August; in the county of St. Clair, for the year eighteen hundred and forty-one, on the first Monday of April and the first Monday of September, and forever after the year eighteen hundred and forty-one, on the second Monday of April and first Monday of September; in the county of Madison, on the fourth Monday of April and third Monday of September; in the county of Bond, for the year eighteen hundred and forty-one, on the third Monday of May and second Monday of October, and

forever after the year eighteen hundred and forty-one, on the second Mondays of May and October; in the county of Montgomery, for the year eighteen hundred and forty-one, on the fourth Monday of May and third Monday of October, and forever after the year eighteen hundred and forty-one, on the third Mondays of May and October; in the county of Fayette, for the year eighteen hundred and forty-one, on the fifth Monday of May and fourth Monday of October, and forever after the year eighteen hundred and forty-one, on the fourth Mondays of May and October; in the county of Effingham, on the Mondays after the time of holding courts in the county of Fayette; and in the county of Clinton, on the Thursdays thereafter.

SEC. 15. It shall be the duty of the county commissioners' courts of the counties of Madison and St. Clair, to summon forty-eight petit jurors for each term of the circuit court in their respective counties, twenty-four of whom shall be summoned to attend the first week, and twenty-four for the balance of each of said terms. County commissioners of Madison & St. Clair to summon 48 jurors

SEC. 16. The times of holding circuit courts in the third judicial circuit shall be as follows, to wit: In the county of Hardin, on the Fridays before the second Monday of March and fourth Monday of August; in the county of Pope, on the second Monday of March and fourth Monday of August; in the county of Gallatin, on the third and fourth Mondays of March, and first and second Mondays of September; in the county of Hamilton, on the Mondays following; in the county of Jefferson, on the Mondays following; in the county of Marion, on the Mondays following; in the county of Franklin, on the Mondays following; in the county of Perry, on the Mondays following; in the county of Jackson, on the Mondays following; in the county of Union, on the Mondays following; in the county of Alexander, on the Mondays following; in the county of Johnson, on the Mondays following; in the county of Williamson, on the Mondays following. Times of holding courts in 3d circuit

SEC. 17. In the counties composing the fourth judicial circuit, the times of holding circuit courts shall be as follows, to wit: In the county of Clay, on the last Mondays in March and August; in the county of Wayne, on the Thursdays thereafter; in the county of White, on the first Mondays in April and September; in the county of Edwards, on the second Mondays of April and September; in the county of Wash, on the Thursdays thereafter; in the county of Lawrence, on the Thursdays thereafter; in the county of Crawford, on the Thursdays thereafter; in the county of Clark, on the Mondays thereafter; in the county of Edgar, on the Mondays thereafter; in the county of Vermilion, on the Mondays thereafter; in the county of Coles, on the Mondays, thereafter; in the county of Jasper, on the Mondays thereafter. Fourth circuit

**Fifth circuit** SEC. 18. The times of holding circuit courts in the fifth judicial circuit, shall be as follows, to wit: In the county of Fulton, on the second Mondays of March and August; in the county of Schuyler, on the first Mondays of April and September; in the county of Brown, on the second Mondays of April and September; in the county of Adams, on the third Mondays of April and September; in the county of Hancock, on the first Mondays of May and October; in the county of McDonough, on the third Mondays of May and October; in the county of Henderson, on the Thursdays succeeding the fourth Mondays of May and October; in the county of Warren, on the first Mondays of June and November; in the county of Knox, on the second Mondays of June and November.

**Sixth circuit** SEC. 19. The times of holding courts in the sixth circuit shall be as follows: In the county of Jo Daviess, on the second Mondays of March and June, and the fourth Monday of October; in the county of Stephenson, on the first Monday of April and second Monday of August; in the county of Winnebago, on the second Monday of April and third Monday of August; in the county of Boone, on the fourth Monday of April and first Monday of September; in the county of Lee, on the first Monday of May and the second Monday of September; in the county of Whiteside, on the second Monday of May and third Monday of September; in the county of Henry, on the third Monday of May and fourth Monday of September; in the county of Mercer, on the Thursdays after the third Monday of May, and the Thursday after the fourth Monday of September; in the county of Rock Island, on the fourth Monday of May and the first Monday of October; in the county of Carroll, on the first Monday of June and second Monday of October: *Provided, however,* That the March term of the circuit court in the county of Jo Daviess, for the year one thousand eight hundred and forty-one, shall not be held until Monday, the twenty-second day of March, but thereafter shall be held as herein provided.

**Seventh circuit** SEC. 20. The times of holding circuit courts in the seventh judicial circuit shall be as follows: In the county of Grundy, on the Thursdays preceding the third Mondays of March and August; in the county of Iroquois, on the third Mondays of March and August; in the county of Will, on the fourth Mondays of March and August; in the county of Du Page, on the second Mondays after the fourth Mondays of March and August; in the county of McHenry, on the third Mondays after the fourth Mondays of March and August; in the county of Lake, on the fourth Mondays after the fourth Mondays of March and August; in the county of Cook, on the fifth Mondays after the fourth Mondays of March and August.

**Eighth circuit** SEC. 21. The times of holding the courts in the eighth judicial circuit shall be as follows: In the county of Sanga-

mon, on the fourth Mondays of March and July, and the third Mondays in November; in the county of Tazewell, on the Thursdays before the third Mondays in April and September; in the county of McLean, on the fourth Mondays in April and September; in the county of Livingston, on the first Mondays in May and October; in the county of De Witt, on the Thursdays thereafter; in the county of Champaign, on the second Mondays in May and October; in the county of Macon, on the third Mondays in May and October; in the county of Shelby, on the fourth Mondays in May and October; in the county of Christian, on the first Mondays in June and November; in the county of Logan, on the Thursdays thereafter; in the county of Menard, on the second Mondays in June and November; in the county of Mason and Piatt, at such times as the judge presiding in said circuit shall appoint.

SEC. 22. The times of holding circuit courts in the counties composing the ninth judicial circuit, shall be as follows, to wit: In the county of Kendall, on the fourth Mondays in August and May; in the county of Kane, on the Thursdays next after the fourth Mondays of August and May; in the county of De Kalb, on the second Mondays of September and June; in the county of Ogle, on the third Mondays of September and the fourth Mondays in March; in the county of Bureau, on the fourth Mondays of September and first Mondays in April; in the county of Stark, on the first Mondays in October and second Mondays in April; in the county of Peoria, on the Thursdays next after the first Mondays in October and second Mondays in April; in the county of Marshall, on the Thursdays next after the third Mondays in October and fourth Mondays in April; in the county of Putnam, on the fourth Mondays of October and first Mondays of April; in the county of La Salle, on the first Mondays of November and second Mondays of May.

SEC. 23. That in all cases where the term of the court shall exceed one week, it shall be the duty of the county commissioners of said county to cause to be summoned twenty-four additional jurors, who shall be notified to appear on Monday of the second or third week (as the case may be) of the term, and who shall be subject to the same regulations as already provided by law in other cases.

*Approved, February 23, 1841.*

An ACT to change the times of holding courts in the third Judicial Circuit.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the courts in the third judicial circuit shall be held at the times hereinafter mentioned, viz: In the county of Hardin, on the Fridays be-*

In force, Feb. 26, 1841.