The Court Archive:
Internal Improvements

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The 1837 Internal Improvements Act was one of the most ambitious infrastructure laws passed by the Illinois General Assembly. Unfortunately, a nationwide economic depression shortly thereafter prevented many of the planned canals and railroads from being built. The infrastructure bill cost $10 million and was financed with state bonds. It should be noted that state revenues at this time totaled only $57,000.

Not surprisingly, many lawsuits arose over the legislation. One of the more interesting cases concerned two counties fighting over a piece of the pie.

A section in the Internal Improvements Act provided cash payments to counties that did not have a proposed canal or railroad running within their borders. This money would be used for improving roads, constructing bridges, and other public works. Accordingly, Lawrence County, in southeastern Illinois received $11,125 in 1838. Three years later, the legislature created Richland County from Lawrence and Clay Counties. In 1843, the legislature passed a bill allowing Richland County to receive a pro-rated disbursement of the Internal Improvements cash from Lawrence County, but Lawrence County refused to pay. Richland County filed a lawsuit against Lawrence County to recover the funds. The circuit court dismissed the bill, and Richland County appealed the decision to the Illinois Supreme Court.

In *Richland County v. Lawrence County*, 12 Ill. 1 (1850), Lawrence County argued that the 1843 statute was unconstitutional because a grant by the state to the inhabitants of the county is irrevocable, making the 1843 law beyond legislative power and infringing on judicial power. Richland County argued that Lawrence County was a public corporation and subject to legislative control.

In his opinion, Justice Lyman Trumbull reversed and remanded the case, noting that the act did not grant the money to the inhabitants of Lawrence County, but its purpose was to improve roads and other public works. Trumbull asserted that public corporations, like counties and municipalities, possessed no power except what the legislature conferred on them. Regarding the

infringement on judicial power, the Court said, “we can see nothing of a judicial nature, or which the legislature might not properly do in” the 1843 act.

Even with the economic downturn, work on the Internal Improvements Act continued into 1840, when all construction projects were suspended. The legislature passed laws to authorize settlement of all contracts, leaving the state nearly $15 million in debt. The state of Illinois eventually paid off all of the debt, but not until 1882.