

the shortest and best route to the county seat of Rock Island county. The said commissioners, or a majority of them, shall meet at Princeton on or before the first day of June next, and after being duly sworn by some justice of the peace, proceed to locate said road, and make return as is provided in the second section of this act. The county commissioners' court of Putnam and Rock Island counties may allow said commissioners such compensation as they deem just and proper.

When and
where to meet.
Shall make re-
turn.
Compensation.

This act to be in force from and after its passage.

APPROVED, Feb. 10, 1835.

AN ACT concerning Public Roads.

In force Feb.
3, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all roads within this State, which have been laid out in pursuance of any law of this State, or of the late Territory of Illinois, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

All roads de-
clared public
highways.

SEC. 2. The county commissioners' courts of the several counties of this State, shall have, and are hereby vested with general superintendence over the public roads within their respective counties.

County com-
missioners vest-
ed with general
superintenden-
ce thereof.

SEC. 3. The county commissioners' court of each county, shall, at their March term, or as soon thereafter as may be, in each and every year, lay out and divide their respective counties into such road districts as they shall deem convenient and proper, defining accurately the boundaries of said districts, and they shall appoint one supervisor in each district, who shall serve one year, and continue in office until a successor is appointed.

Shall divide
their counties
into road dis-
tricts.

And appoint
supervisors.

SEC. 4. It shall be the duty of the clerk of the county commissioners' court in each county, to make out and deliver to the sheriff, written notices to all the supervisors as aforesaid, within ten days after such appointment has been made, informing them of their said appointment, and describing the bounds of their respective districts, and the roads therein; and the said sheriff shall immediately deliver the said notices to the persons to whom they shall be directed respectively, and if any supervisor shall refuse to accept his said appointment, the sheriff shall return the said notice to the clerk who issued the same as aforesaid, noting such refusal on the back thereof. But if the said

Clerk to notify
supervisors of
their appoint-
ment.

supervisor shall agree to accept the same, then the sheriff shall notify the said clerk of such acceptance, and the said sheriff shall, in all cases, make return of acceptance or refusal, within twenty days after the delivery to him of the notice aforesaid. For any failure on the part of the clerk to make out and deliver to the sheriff any of the notices required by this section, he shall be fined in the sum of ten dollars, and the sheriff shall incur the same penalty for any failure to deliver any one of said notices in the manner and within the period herein prescribed.

Person refusing
to accept the
appointment.

SEC. 5. When any person shall refuse to accept the appointment of supervisor, he shall be fined five dollars, to be appropriated to road purposes: *Provided*, That the commissioners' court, may excuse any supervisor from the payment of said fine, upon being satisfied that such person ought not to have been appointed. Whenever the office of supervisor shall become vacant, the county commissioners' court at their next term, shall appoint another supervisor to supply said vacancy: *Provided*, That any two of the county commissioners of said county, shall have power to appoint a supervisor to fill said vacancy until the next term of said court, should such vacancy occur.

Duty of super-
visors.

SEC. 6. It shall be the duty of each supervisor to cause all the public roads within his district to be kept well cleared, smooth, and in good repair, causing all stumps to be cut low, so as to afford at all times, a free and safe passage to wagons and other carriages along such roads; to cause bridges and causeways to be made whenever the same shall be necessary; and to keep the same in repair, and to cause to be erected and kept in repair at the forks or crossing place of every public road, a post with plain inscriptions thereon, in large letters and figures, giving the direction and distances to the most noted places to which said road may lead.

Roads obstruct-
ed, how clear-
ed.

SEC. 7. Whenever any public road shall be obstructed by fallen timber, or in any other manner, and when any bridge or causeway shall be destroyed or become impassable or dangerous to travelers, it shall be the duty of the supervisor to cause such obstruction to be removed, and to have such bridges or causeways re-built or repaired, and for that purpose he shall call out the persons bound to labor on the road in his district, or as many of them as may be necessary; but if the persons bound to perform such labor in his district, shall have previously performed the number of days required by this act, or if the labor due from such persons shall not be sufficient, he then shall proceed to hire as many laborers or teams as may be necessary to remove such obstructions, or repair such damages: *Provided*, the costs shall not exceed ten dollars; and if the

cost of such work shall be estimated by said supervisor, to exceed ten dollars, then he shall report such obstruction or damage to any two or more of the county commissioners, whose duty it shall be, immediately, to cause such obstruction to be removed, or such bridge or causeway to be rebuilt or repaired, as the case may be, either by ordering the supervisor to hire laborers and teams for that purpose, or by making a contract with some fit person or persons, as they may deem best; and all moneys required to carry any of the provisions of this section into effect, shall be paid out of the County Treasury.

SEC. 8. If any person shall obstruct any public road by falling a tree or trees across the same, by encroaching upon or fencing up the same, or by placing any other obstruction therein, he shall forfeit for every such offence, a sum not exceeding ten dollars, and a sum not exceeding three dollars for every day he shall suffer such obstruction to remain after he shall have been ordered to remove the same, by any supervisor, county commissioner, justice of the peace, or householder; and if any person shall purposely destroy or injure any bridge or causeway, or remove any of the timber or plank thereof, or destroy or deface any guide post on a public road, or dig any drain or ditch across a public road, such person so offending, shall be indicted, and on conviction, shall be fined in any sum not less than five dollars, nor more than one hundred dollars: *Provided, however,* That this section shall not be construed to extend to any person who shall lawfully cut down any timber for rails, fire wood or other purposes, and who shall immediately remove the same out of the road, nor to any person through whose land a road shall run, who shall dig a ditch or drain across such road, or drain and keep the same in good repair.

SEC. 9. The county commissioners' courts are hereby authorized to cause new public roads to be located and made within their respective counties, and to alter or vacate public roads within their counties, except State roads. No road when ordered to be opened, shall be less than thirty, nor more than fifty feet wide; but bridges need not exceed fifteen feet in width.

SEC. 10. No new road shall be opened by order of the county commissioners' court, unless the same shall be applied for by at least thirty-five voters, except in counties which shall not have more than three hundred voters, when only fifteen shall be required. Such applicants shall deposit in the hands of the clerk of the county commissioners' court, a sufficient sum of money to pay the viewers. If their report be in favor of establishing the road, the money so deposited, shall be returned to the persons who deposit-

Penalty for obstructing roads.

County commissioners authorized to locate roads in their respective counties.

Applications for a new road, how made.

ed the same; but if the report be unfavorable, the expenses of the view shall be paid out of the money so deposited; and every person applying for such new road, shall contribute one day's labor in addition to the number of days required by this act, towards making such road. The clerk of the county commissioners' court shall furnish each supervisor, through whose road district such new road shall pass, with a list of the persons who petitioned for the same, and any such petitioners who shall not reside within some district through which such new road shall pass, shall be required to perform the day's labor herein required of him, under the direction of the supervisor of the nearest road district, and for failing to do so, after being duly notified, he shall be fined in the sum of one dollar.

County commissioners to appoint viewers.

Their duties.

SEC. 11. When a new road shall be applied for as aforesaid, the county commissioners' court shall appoint three suitable persons to view the ground proposed for the same, and if, after such view, the viewers shall believe the road applied for to be necessary, they shall proceed to locate the same upon the nearest and best route, having due regard to private property, designating its course through prairies and improved land, by fixing stakes in the ground, or by ploughing two furrows at the distance apart of the full width of the road, and through the timbered land by marking the trees, and make report thereof to the next county commissioners' court; but after the view, if they deem such road unnecessary or improper to be made, they shall report their opinion to that effect, to the next term of said court.

Application for vacating roads, how made.

SEC. 12. Whenever it shall be represented to the county commissioners' court, by a petition of thirty-five voters, that a public road established by said court, or any part thereof, is useless or burthensome, the said court upon a sufficient sum of money being deposited with the clerk to pay the expense of a re-view, (such money to be returned if the road shall be declared useless,) shall appoint three persons to view the same, who shall report to the said court at the next term after such appointment, whether such road in their opinion be useless and burthensome, together with the reasons for such opinion, and the county commissioners may then order such road to be vacated, if, in their discretion, they shall deem such order proper: *Provided*, That no petition, praying for the establishment or vacation of a public road, shall be received by the said court, unless the said petitioners, or some of them, shall have given twenty days public notice of such application, by a written notice posted on the doors of the court house and county clerk's office of the proper county.

When new

SEC. 13. Whenever a new road shall be located, the

county commissioners shall immediately cause the supervisors of each district through which such road shall pass, to be notified of such location, and it shall be the duty of the said supervisors to make such roads within their respective districts, and keep the same in repair, so far as the labor of the persons bound to work on said road shall enable him; and if such labor be insufficient, the county commissioners shall cause the same to be cut out and opened at the expense of the county, whenever, in their opinion, the funds of the county will justify such expense; and after being so opened, the same shall be kept in repair by the supervisors as in other cases.

SEC. 14. The county commissioners' court shall have power, at any time, to remove from office any supervisor who shall fail or refuse to perform his duty. The county commissioners' court shall have power, whenever the situation of the County Treasury will permit and the condition of the roads shall require it, to purchase a suitable number of road scrapers, to be used in raising and draining public roads within the county.

SEC. 15. Any person or persons desirous of having a cart road laid out, for his or their convenience, from the dwelling or plantation of such person or persons, to any public road, or from one public road to another, or from one lot of land to another, shall present a petition to the county commissioners' court of the proper county, setting forth the reasons for desiring such road, and describing the points from and to which said road is desired to pass; and the court shall, upon a sufficient sum of money being deposited to pay for viewing such road, appoint three freeholders to view the same: *Provided*, That twenty days notice shall be given of the intention to present such petition, to each person residing in the county through whose land such road is desired to pass, and also by posting up a notice thereof on the doors of the court house and clerk's office of the county for the same period, and the viewers, when appointed, shall examine the route proposed for such road, and shall examine any other route which they may deem proper, and if they shall be of opinion that a cart road is necessary and proper from and to the points named in the petition, they shall lay out the same in such manner as to produce the least inconvenience to the parties through whose land the same shall pass, and shall make a written report to the court, describing the route of the road, and the numbers of the lots of land through which the same shall pass, and naming the owners thereof, if known, which report shall be recorded at length on the record book of the court, and shall be made at the succeeding term of the court after the viewers are appointed; and if, upon the re-

roads are vacated, duty of supervisors thereof.

County commissioners may remove supervisors from office.

Persons wishing to have a cart road, how to proceed.

turn of the viewers, the court shall be of opinion that the road is necessary, an order shall be made establishing the same, not exceeding thirty feet wide; and the person or persons applying for the road, may proceed to open the same: *Provided*, That no such road shall be allowed to pass through any orchard, garden or yard: *And provided, also*, That if any owner of land shall object to the opening such road, the same shall not be opened until the person objecting shall be paid all damage to be sustained by the opening thereof, to be ascertained in the manner provided for assessing damage in case of a public road, by the act entitled "An act concerning the right of way, and for other purposes," approved, February 28th, 1833. But if no objection be made to the opening of such road, the person or persons applying therefor, their heirs and assigns, shall have a right of way upon the same forever thereafter: *Provided, further*, That any owner or owners of land through which such road shall pass, may at any time change the same on different ground, but the distance shall not be increased more than one-twentieth part thereof, nor the road placed on worse ground.

Number of days each person is required to labor on roads.

Supervisor may enter upon unimproved land to obtain materials for the construction of any road or bridge.

Proviso.

SEC. 16. The county commissioners' court of each county in this State, at their March term annually, shall fix and enter upon the records of their court a certain number of days that each able bodied man, between the age of twenty-one and fifty years, shall do upon some public road within the county during that year: *Provided*, That in no case shall said court be authorized to fix any number less than one, or to exceed five days, as a labor tax. The clerk of said court shall append the number of days fixed as aforesaid, to the notice of each supervisor appointed in said county. The supervisor, or any person under him, for the purpose of building or repairing any bridge or causeway, by order of the county commissioners' court, is hereby authorized to enter upon the nearest unimproved land, and to cut and haul away timber, or to quarry and haul rock or gravel, which may be necessary for that purpose: *Provided*, he shall not take away timber already cut, or any rock or gravel already quarried for another purpose, without leave from the owner or his or her agent: *Provided, also*, That unless the owner, or his or her agent, shall first consent to the cutting of timber and to the quarrying of stone, the supervisor shall call upon two discreet householders to value the materials about to be used. If the owner of the materials or his agent shall see proper, he may choose two other discreet householders to act with such as may be chosen by the supervisor, and if they cannot agree, the four shall choose a fifth as umpire; and the five, or a majority of them, shall make out their award, un-

der their hands and seals, and transmit it to the clerk of the county commissioners' court, who shall file and preserve the same, which award shall be final and conclusive of amount of damages sustained by such persons, and the amount so awarded shall be paid to the owner of the materials, or his or her agent, out of the County Treasury. The county commissioners' courts are hereby authorized to allow each road viewer one dollar for each day's service necessarily performed viewing public roads.

Compensation
to road view-
ers.

SEC. 17. The county commissioners' court in each county of this State, may (when in their opinion the public good requires it,) at their March term of said court, or as soon thereafter as practicable, in every year, levy a county tax on every tract of land situated in their respective counties, not to exceed one half of the annual State tax, as is or may be provided in the revenue law annually, (except such lands as are exempt from taxation by the compact with the General Government.) Said tax shall be assessed at the same time, and in the same manner, as provided for in the revenue law aforesaid, to be collected and paid into the County Treasury, except when the same shall be discharged in labor as hereinafter provided.

County com-
missioners to
levy tax.

SEC. 18. The county commissioners' court shall, at their March term annually, whenever they levy the tax as aforesaid, direct in what road district and for what object, whether for erecting bridges or otherwise, the amount of money which may be collected from said tax, shall be expended, giving each supervisor notice thereof, attached to the notice of his appointment.

How expended.

SEC. 19. It shall be the duty of the Auditor of the State of Illinois, on or before the first Monday of April next, to furnish the clerks of the several county commissioners' courts in this State, with a list of all the lands subject to taxation in their respective counties, and every year thereafter, all other lands which may subsequently become taxable on or before the first Monday in February annually thereafter.

Auditor to fur-
nish clerks a list
of taxable land
in their coun-
ties.

SEC. 20. Whenever the county commissioners' court shall levy said tax, it shall be the duty of said clerk of said court, to copy the order respecting the same, and deliver it to the sheriff, whose duty it shall be, within five days thereafter, to deliver the same to the County Assessor, and it shall be the duty of the Assessor to open requisite columns in his tax book, under the head of "Road Tax," and to assess the same by extending the valuation and amount of tax at the same time he assesses the State tax, by calling upon every resident of his county to list his land or other property, as the case may be, noting the county where

How assessed.

each tract of land is situated, number of acres, amount of tax, and for what year.

Duty of assessor and clerks.

SEC. 21. The Assessor shall file a list of the resident lands in the clerk's office of the county commissioners' court immediately after he has completed the same, and the Assessor, in conjunction with the clerk, shall compare the same with the transcript of lands furnished by the Auditor as aforesaid, and shall then list all lands on said transcript, situated in the county, which are not included as resident lands, estimating the value thereof, together with the non-resident lands, agreeably to the provisions which do or may exist in the revenue laws annually; and when said list shall be completed by the Assessor and clerk, it shall then be the duty of said clerk to make out abstracts of all such tracts of land as may be situated in other counties, entered as resident lands as before provided, and transmit the same by mail to the clerk of the county commissioners' court of the county in which such lands are situated; and it shall be the duty of the several clerks, on receiving said abstracts, to compare the same with their non-resident lists, and note opposite of each tract, the words "Paid in the county of , " (as the case may be,) so that every resident may discharge his said tax in labor, and in the county and road district where he may reside.

Further duty of clerks.

SEC. 22. Whenever the tax book is completed as aforesaid, it shall be the duty of the clerk of said court, to make out a transcript of each tract of land belonging to residents of the county, with the amount of tax, for what year, and within which road district in the county, and deliver the same to the sheriff of the county, whose duty it shall be to deliver the same to the several supervisors of the county within fifteen days thereafter.

Tax may be discharged in labor.

SEC. 23. When the supervisors shall receive said list or transcript as aforesaid, he shall notify each person within his road district, (if he or they may be found in the limits of the same,) of the amount of their taxes, and that on such a day or days, said taxes may be discharged in labor, fixing the time for working the road, so as to give not less than three, nor more than five days notice, at seventy-five cents for each faithful day's labor, computing a day's labor at eight hours service. The supervisor is hereby authorized to contract for materials for building bridges, causeways, erecting guide boards, and repairing roads in discharge of the taxes aforesaid.

Delinquent lands to be sold.

SEC. 24. The clerk of the county commissioners' court, at the time he makes out the list of resident lands for each supervisor of the county, shall also make out the account of each non-resident's tax, stating the name of the patentee and present owner, according to the best information

he is in possession of, which list shall accompany the resident list of the proper supervisor, and may be discharged in labor, as directed by the county commissioners' court, under the superintendence of said supervisor. The supervisor having a list of non-resident lands, shall give at least ten days notice, by putting up a written or printed notice on the door of the court house of his county, naming the non-resident delinquent persons, tracts of land and amount of tax due from each person, and that the same may be discharged in labor, at such a time and place, and on or before the first day of December annually, the supervisor shall return a list of all delinquent persons; whereupon, it shall be the duty of the clerk of said court, at the time he makes out the list of non-resident lands to be sold for taxes under the revenue laws of the State, to include the amount of the county tax which may remain unpaid; and also, such lands as are taxed in the county and are not delinquent to the State, and advertise and sell said lands at the time and place, in the same manner as required by said revenue law; and conveyances shall be made and subject to redemption as provided in said revenue law. The proceeds of said tax sale shall be paid into the County Treasury, to be appropriated under the direction of said court, for building bridges, erecting guide boards, opening roads, and for keeping the same in repair.

SEC. 25. All lands sold under the provisions of this act, and conveyed as aforesaid, shall vest the purchaser to all intents and purposes with the fee simple of said land, subject to redemption as before provided. Subject to redemption.

SEC. 26. The clerk of the county commissioners' court is hereby authorized to receive all taxes due the county as aforesaid, to give receipts for the same, noting in said receipts that the amount so paid, is for a county tax, and for what year. Each supervisor, after discharging his labor tax, as required by this act, shall, on settlement of his accounts annually, be allowed seventy-five cents for each day's service superintending the work as aforesaid, to be paid out of the moneys raised by the provisions of this act. The sheriffs and clerks who render service under this act, and for postage paid by the clerk, shall be allowed such a compensation as the county commissioners' court shall deem just and equitable, to be paid out of any money raised as aforesaid. Clerk authorized to receipt for taxes.

SEC. 27. Every person who shall wish to discharge his county land tax in labor, shall be permitted to do the same as herein provided, at the rate of seventy-five cents per day, and the supervisor is hereby authorized to dock any person of his wages who does not perform eight hours faithful labor each day. Allowance per day for labor.

Persons failing
to perform road
labor.

May be prose-
cuted.

Proviso.

County com-
missioners may
levy tax on per-
sonal property.

Supervisors ne-
glecting to per-
form their du-
ties.

Clerk to give
bond.

Roads running
through private
property.

SEC. 28. Any person who shall be notified to perform road labor, as herein provided, and shall fail to perform the same, shall forfeit and pay the sum of seventy-five cents for each day neglected to be performed; and the supervisor is hereby authorized to prosecute such delinquent person, in the name of the county commissioners, before any justice of the peace in the proper county; and said supervisor shall be a competent witness against said delinquent, and in case of default as aforesaid, the justice shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith: *Provided*, That the defendant or supervisor, in all such cases, shall be allowed an appeal, as in other cases of trial before justices of the peace.

SEC. 29. County commissioners in each county in this State, whenever the labor herein provided is found insufficient, may levy a tax on personal property, not exceeding one-fourth per cent. per annum; but shall not, during the same year, levy a land tax, but at said March term, elect in their discretion, whether they will levy a tax on land or personal property.

SEC. 30. Any supervisor who neglects to keep the roads in his district in good repair, agreeably to the provisions of this act, or fails to perform any other duty herein required, shall be liable to indictment, and on conviction thereof, shall be fined in a sum not less than five dollars, and not exceeding fifty dollars, to be expended on some road within the district of said supervisor.

SEC. 31. The county commissioners of each county shall cause their clerk to enter into bond, with surety or sureties, in such sum or sums as they may deem sufficient for all moneys that may be received by him under the provisions of this act, conditioned that he will promptly and faithfully pay over to the County Treasurer all moneys received by him under this act, and all penalties and liabilities incurred under this act, shall be recoverable in the name of the county commissioners, before any justice of the peace of the proper county, or other court having jurisdiction thereof.

SEC. 32. When any road or roads, laid out as aforesaid, shall run through the land of any individual or individuals, and the owner of the same shall not give his consent to the opening of said road through the land as aforesaid, it shall be the duty of the supervisor to go before the nearest justice of the peace, who shall issue his warrant, directed to some constable, commanding him to summon three householders, unless they can be otherwise had, who, after being sworn by some justice of the peace, well and truly to examine the injury that will be done the individual or

individuals aforesaid, and the damage that will accrue to him or them by the opening of the road aforesaid; taking into consideration the advantages to said individual by opening the road aforesaid, who, after being thus sworn, shall go upon the land aforesaid, make report in writing, particularly stating the damage as well as the advantage to the owner of said land, and sign the same, and return said report, in writing, to the justice before whom they were sworn as aforesaid, who shall transmit the same to the clerk of the county commissioners' court, who shall file the same in his office. The amount of damages so assessed, it shall be the duty of the county commissioners' court to order to be paid out of the County Treasury.

SEC. 33. The supervisors appointed by virtue of this act, shall be required to give each person owing road labor, three days notice of the time and place that they shall commence work, with such tools as shall be necessary for them to use. Any person shall be permitted to furnish a substitute, equally able as himself, to perform said road labor. All moneys collected from delinquents, not otherwise provided for in this act, shall be expended by the supervisor in making or repairing roads or bridges in his district, as he may deem expedient. Supervisors to give notice of the time and place of commencing work.

SEC. 34. That all laws heretofore passed upon the subject of county roads, be, and the same are hereby repealed; but rights acquired, or liabilities incurred thereby, are not hereby affected: *Provided*, That nothing herein contained, shall be construed so as to operate as a repeal of the act, entitled "An act concerning the right of way, and for other purposes," approved, February 28th, 1833. Laws repealed.

APPROVED, Feb. 3, 1835.

AN ACT forming an additional Justice's District in the County of Sangamon, including the Town of Athens. In force Dec. 24, 1834.

SEC. 1. *Be it enacted by the people of the State of Illinois,* District formed.
represented in the General Assembly, That all that district of country included within the corporation limits of the town of Athens in the county of Sangamon, be, and the same is hereby constituted into a district for the election of a justice of the peace and constable.

SEC. 2. The county commissioners' court of the county of Sangamon, are hereby authorized and required to cause an election to be held on or before the first day of April next, or as soon thereafter as practicable, and at each quad- Election when to be held.