

street, to the high ground, if they should judge it expedient, leading out of said town at such point within said town as may be most eligible, and to enable said trustees to make said MacAdamized road, they are hereby authorized to borrow money on the faith of the tolls hereinafter granted, and to pledge the revenues arising therefrom, and from any and all other sources, to pay the interest and reimburse the principal according to the terms of such loan.

Trustees may borrow money.
Right of way. SEC. 2. Said trustees shall have power to proceed under the several acts relating to the right of way in all cases where it may be necessary to enter upon or use the lands of private persons, either for the purpose of draining the flat lands, through which said road will pass.

Toll gates. SEC. 3. It shall and may be lawful for said trustees, whenever said MacAdamized road is completed to the highlands on Eddy street, to establish one or more toll gates and to fix and establish such rates of toll, for the use of said road, as they shall judge expedient, and to alter the same at pleasure, and whenever the corporation debts contracted for the making of said road shall be extinguished, the said tolls shall cease, and the said road become a free road, subject to be kept in repair like other public streets and roads within said town.

Road to be free.
Penalty for injury. SEC. 4. The said trustees are hereby authorized to establish by ordinance, such penalties as they may deem reasonable and right, for injuries done to said road, for evading the tolls which may be established, or for filling up or obstructing the drains or ditches which may be required to carry off the water from Barger's creek, or other streams or ponds; which penalties may be sued for and recovered by said trustees before any justice of the peace of said town or county, without giving bond for costs, but subject to appeal to the circuit court of Gallatin county like other cases.

Cost to be reported. SEC. 5. That in order to carry into effect the provisions of this act, it shall be the duty of the said trustees to keep an accurate account of the cost of the construction of said road, and after the completion of the same or any part thereof, to keep an accurate account of all tolls received, as well as the expenses of said road. The said trustees shall also be required to make an accurate report to the county commissioners' court at their March term annually, of all expenses incurred and tolls received in said year.

Approved, February 20, 1841.

AN ACT concerning Public Roads.

In force Mar.
1, 1841.

Roads declared public highways. 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.

SEC. 2. The county commissioners' courts of the several counties in this State, shall have, and are hereby vested with general superintendence over the public roads within their respective counties; and are hereby authorized to cause new roads to be located and made, and to alter or vacate public roads within their respective counties, in the manner herein-after provided and pointed out.

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 shall be appointed.

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 the same 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, noting such refusal on the back thereof. But if the said supervisor shall agree to accept the same, such supervisor shall, within fifteen days thereafter, return to the clerk of the county commissioners' court a list of the names of all persons residing within his road district, liable to be taxed for road purposes; and the said 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 one 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 a failure to deliver any one of said notices in the manner and within the periods herein prescribed: *Provided*, That supervisors shall not be required to make such return unless the county commissioners' courts shall have levied a tax, according to the provisions of this act.

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. The commissioners' court shall have power, at any time, to remove from office any supervisor who shall fail or refuse to perform his duty; and all vacancies

County com.
courts to su-
perintend
public roads.

To appoint
road districts
and 1 supervi-
sor.

Duty of clerk.

Proviso

Supervisor re-
fusing to ac-
cept, to be fin-
ed.

Power of re-
moval.

shall be filed at the term of the court at which any removal shall be made or vacancy occur.

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 wherever 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 and guide-boards, with plain inscriptions thereon, in letters and figures, giving the direction and distance to the most noted places to which said roads may lead.

Duty of supervisor.
When road is obstructed.

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 travellers, it shall be the duty of the supervisor to cause such obstruction to be removed, and to have such bridges or causeways rebuilt 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 shall then proceed to hire as many laborers or teams as may be necessary to remove such obstruction 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, on the order of the county commissioners' court.

Proviso.

Penalty for obstructing road.

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 any 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, or justice of the peace; 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-board, post, or mile-stone, on a public road, or dig any drain or ditch across a public road, such

person so offending shall be indicted or sued before a justice of the peace, and on conviction, shall be fined in any sum not less than five dollars nor more than one hundred dollars, except bridges, which shall be double the value thereof; and for burning a bridge, to be punished agreeable to the criminal code: *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, and shall keep the same in good repair. Proviso.

SEC. 9. 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, residing within five miles of the road proposed to be laid out or altered, 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 viewing. If their report be in favor of establishing the road, the money so deposited shall be returned to the persons who deposited 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. No new road to be opened.
Duty of clerk.

SEC. 10. When a new road shall be applied for, as aforesaid, the county commissioners' court shall, if in their opinion the public good and convenience require it, 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, taking into consideration the expense of constructing the same, and its utility to the public, they shall proceed to locate and establish the same, on the nearest and most eligible route from point to point given, having due regard to private property; causing the same to be surveyed; 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 shall make report thereof to the next county commissioners' court; but after the view, if they deem such road Court to appoint viewers.

unnecessary or improper to be made, they shall report their opinion to that effect to the next term of said court.

Manner of vacating road.

Proviso

SEC. 11. 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 expenses of a review, (such money to be returned, if the road shall be declared useless,) shall appoint three suitable persons to view the same, who shall report to the said court at the next term after such appointment, whether such road be useless and burthensome, together with their reasons for such opinion; and the county commissioners may then order such road to be vacated, if in their opinion and 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 up in the most public place in each road district through which the road or proposed road shall pass, and a like notice, particularizing the route and important points, on the door of the court house, and of the county clerks' office, should it be kept in a separate building.

Duty of supervisors.

SEC. 12. 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 supervisor, as in other cases.

Petition for cart road.

Proviso.

SEC. 13. 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 or cart-way 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 cart-way is desired to pass; and also, by posting up a notice thereof on the door of the court house, and clerk's office of the county, if not

kept in the court house, for the same period of twenty days; 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-way 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 examined by the court, and on hearing the objections, if any, and if the court shall be of opinion that the road is necessary and right, an order shall be made establishing the same, not exceeding thirty feet wide: *Provided*, That no such road shall be allowed to pass through any orchard, garden, door or barn-yard: *And provided, also*, That if any owner of land shall object to the opening such road, the same shall not be opened by the person or persons desiring the same, until the person or persons objecting shall be paid all the damages to be sustained by the opening thereof; and in case the parties cannot agree on the amount of damages, the same shall be ascertained and assessed as hereinafter provided; and the damages being paid on final decision, the person or persons applying therefor, their heirs and assigns, shall have the right to open said road, and shall have the right of way upon the same forever thereafter.

Proviso.

Further proviso.

SEC. 14. 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 labor upon some public road within the county, during the year: *Provided*, That in no case shall said court be authorized to fix the number of days less than one, or to exceed five days, as a requisition in labor. The clerk of said court shall append the number of days fixed as aforesaid to the notice of each supervisor appointed in said county.

Number of days each man shall work.

Proviso

SEC. 15. The county commissioners' court of each and every county shall, if in their opinion the public good requires it, and not otherwise, in addition to the work required in the preceding section, at the March term annually, assess a road tax of not more than ten cents on every hundred dollars worth of taxable property, real and personal, or either, and a column in the tax-book shall designate the amount of road tax due from each person to be collected.

Com'r's court to assess tax.

SEC. 16. The clerk of the commissioners' court, immediately on return of the assessor's book, shall make out a list of the names of all individuals owing road tax, in each road district in the county, with the amount of tax due therefrom, ascertaining the residence of, and the road district to which

Duty of clerk.

each person properly belongs; which lists shall be handed to the sheriff, and by him delivered to the respective supervisors. And any clerk or sheriff who shall fail or neglect to perform the duty required in this section, within the time given to each, as specified in the fourth section of this act, in serving notices on supervisors, shall be fined in the same sums as stated in said section.

Duty of supervisors.

SEC. 17. It shall be the duty of each supervisor to call on all able-bodied male persons over twenty-one and under fifty years of age, in his district, to perform the number of days' labor due for the year, giving such person at least three days' notice of the time when, and place where, the work is required, and stating what description of tools to bring; which notice shall be given by the supervisor in person verbally, or by a written or printed notice, or by some person appointed by him to warn in the hands; in which latter case the notice shall be written or printed, and signed by the supervisor. The supervisor shall observe the hour appointed to meet, that each individual do appear at the time, with the tool directed to be brought, and when on the road, that each person shall work industriously and diligently, doing at least eight hours faithful labor in each day, at such work and in such manner as shall be directed by the supervisor. Any person neglecting or failing to attend and do the work due on the roads, after being notified as above stated by himself, or a substitute equally able as himself, shall pay for each day one dollar. Should any person be idle, not work diligently, turbulent, interrupt other hands, or disobey the supervisors, power is hereby given, and it shall be the duty of the supervisor to discharge said hand from the road; and for each day's labor which may then be due from such person, he shall be bound to pay one dollar and fifty cents.

Penalty for neglect.

Duty of supervisor.

SEC. 18. The tax list being placed in the hands of the supervisor, he shall notify each person residing in said supervisor's district of the amount due, and that the same may be discharged in labor; and shall thereupon request payment in money or labor, firstly notifying the individual of the time and place to attend and work the same out at the rate of one dollar per day, bringing with him such tools as may be directed by the supervisor, the labor to be performed by the principal or a substitute equally able, working industriously at least eight hours each day, and may, for any of the causes in the foregoing section, idleness, turbulence or disobedience, be discharged from the road by the supervisor, and the balance due shall be collected, with twenty-five per cent. advance.

To sue for labor and taxes.

SEC. 19. It shall be the duty of supervisors to sue in the name of the county commissioners, in their official capacity, for all labor and taxes which shall be due from each person residing in their respective districts, and remain unpaid after notice shall have been given, and a failure to settle the

same as provided in the foregoing sections; and having collected the same, shall without delay disburse the money to the best advantage on public roads in the district to which such labor or tax properly belongs. In all cases the supervisor shall be a competent witness in suits brought as above stated; and an appeal may be taken to the circuit court by either party, as in other cases of appeal from justices of the peace.

SEC. 20. Every supervisor shall endeavor to collect all road and labor tax, and close the work by the twenty-fifth of December, annually. And they are absolutely bound to return to the clerk of the county commissioners' court the tax list, by the first of January, marking carefully and truly the amount paid on said road tax list, how much in work, and the amount in money by each individual named, and shall give a receipt to each individual if requested. The clerk and collector shall give credit on the general tax list, to each person, for the amount paid, and the balance due shall be collected by the proper officer out of the goods and chattels, lands and tenements of the person owing, in the same manner as other revenue for the State and county shall be collected. All moneys collected as above, after deducting the per cent. for collecting and costs paid out to be allowed by the commissioners' court, shall be set apart in the treasury of the county as a road fund, to be disbursed by order of the commissioners' court, in the erection of bridges, and improvement of such public roads in the county as they may deem most advantageous to the public; and in no case shall the court appropriate or divert any portion of said road fund to any other purpose than the construction of roads and road purposes: *Provided, always,* That fines and forfeitures incurred under the provisions of this act, shall be applied to the improvement of the public roads within the bounds of such road district wherein such fines and penalties may have been incurred.

Tax to be collected by 25th December.

Money so collected to be a road fund.

Proviso.

SEC. 21. Supervisors are hereby authorized to hire teams to do the necessary hauling, ploughing and scraping, to contract for materials for building bridges, causeways, erecting guide-boards, for making and furnishing road scrapers, and repairing roads in discharge of labor and road tax due, and so far as funds shall come into possession, procuring said teams, materials, implements, and work, on the best possible terms.

Supervisor to hire teams.

SEC. 22. All power, jurisdiction and control, is hereby given to the county commissioners' court of the several counties, of and concerning State roads, roads located directly by the State, and the same shall be opened, improved and kept in repair as other roads in the counties, subject to alteration, change and relocation, as hereinafter pointed out.

Jurisdiction.

SEC. 23. When any person or persons desire a change or relocation of any State road now located, notice of such intended application shall be given by setting up advertise-

Manner of proceeding in relocating roads.

ments in writing, at least one in each road district through which said road shall pass, and on the court-house door, twenty days previous to the sitting of the court to which application shall be made; and on petition of a majority of the qualified voters of each road district through which said road shall pass, and a majority of the voters living immediately in the vicinity of such road, the court shall appoint three viewers to examine and make the necessary relocation; they shall carefully view the road as located, and the ground for the proposed route, and being of opinion that the public good requires an alteration, in view of obtaining a more suitable place to erect a bridge over a stream, wind a hill, avoid a swamp, expensive work, or where the present road greatly damages an individual, and can be varied without material damage to the public; in such cases alterations may be made; and a majority of said viewers being of that opinion, they shall cause a survey and relocation to be made, returning to the commissioners' court a plat with the courses and distances of the road as established. But if they consider an alteration not necessary, they shall so report, and the court may confirm and accept the report, or take such further action thereon as to them may seem right. In like manner, any State road now established, which may be considered useless or burthensome, on notice, petition, view and report to that effect, as required in this section in case of an alteration, the same may be annulled and vacated.

Viewers to be
appointed.

Proviso

SEC. 24. That when it shall become necessary to have a State or county road now located and established, altered, relocated, or vacated at a county line, or a new road laid out, the same being petitioned for, and notice given, as required in the preceding section, the same shall be agreed on by viewers from each county, to be appointed by the counties immediately interested, and no road shall be altered at a county line, or elsewhere, unless a majority of the viewers appointed agree on such change or alteration: *Provided*, That no application shall be acted upon, or viewers appointed, as contemplated in the preceding sections, unless the petitioners deposite money sufficient to pay the viewers in case an unfavorable report be made, to be refunded should the road be located, altered or vacated, as petitioned for. And the petitioners, in case a new road shall be established, or a change in the location of a road, shall contribute one day's work on the same or some other road in the county, as required in the ninth section of this act. In case of a disagreement in the location or alteration of any road crossing a county line by the county authorities, either county may appeal to the circuit court, who shall hear and determine the case, grant a review, appoint viewers, and make such order therein as shall seem right in the establishment of the road in dispute.

SEC. 25. All roads shall be surveyed, and a plat, with the courses and distances thereof, returned with the report of

the viewers to the commissioners' court, which shall be recorded and filed. The commissioners' court, on the return of the report and plat, shall determine and establish on record the width of the road, making the main leading roads four rods wide, and none less than thirty feet.

Roads to be surveyed and plat filed.

SEC. 26. In the location and alteration of all roads, it shall be the duty of viewers to make the same as direct as the ground and circumstances will allow, particularly the main leading roads. Previous to entering upon their duties, they shall be sworn before some judge of a court, or justice of the peace of the State, that they will faithfully, impartially, and to the best of their judgment, discharge the duties incumbent on them as road viewers under the law and appointment of the court.

Roads to be made direct.

SEC. 27. At the March term of the commissioners' court, annually, each supervisor shall make a report, showing the whole number of day's work that has been done in his district during the year; by whom done; the amount of money by him received; from whom; for road tax, or otherwise due on roads; the amount paid out by him in constructing roads, with the vouchers accompanying; at which term he shall make a settlement with the court, and if a balance should appear in his hands, the same shall be disbursed in the district, or added to the general road fund, as the court shall order. Supervisors may appoint one or more persons to warn in the hands, and make an allowance out of the labor or tax due from such person. No allowance shall be made to any supervisor for services out of the county treasury, except for sums required by the seventh section of this act, but he shall be wholly exempt from doing military duty in time of peace, and from serving on grand and petit juries while acting as supervisor; and shall have power and authority to appoint one or more deputies, suitable persons, to oversee laborers, and direct the work, the supervisor being responsible.

Supervisor to make report in March.

SEC. 28. Road viewers shall be allowed one dollar, and surveyors two dollars, for each and every day necessarily employed; and chain and axe-men, seventy-five cents per day.

Compensation to road viewers.

SEC. 29. The supervisor, 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, gravel, sand, or earth, 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 agent; *Provided, also*, That unless the owner, or his or her agent, shall first consent to the cutting of timber, or the quarrying of stone, or the taking of gravel, sand, or earth, the supervisor shall call upon two discreet householders to value

Supervisor to haul materials from unimproved land.

Proviso.

Further proviso.

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 under 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 the amount of damages sustained by such person, and the amount so awarded shall be paid to the owner of the materials, or his or her agent, out of the county treasury; and the supervisor shall be authorized and warranted in taking such materials so soon as the award shall be made.

Supervisors to
apply to justice
of peace.

SEC. 30. In all cases where a public road shall have been heretofore authorized by law to be laid out or constructed in this State, either by State or county authority, and the same is required to pass over the land belonging to any company, corporation, or individual, and the owner or owners shall object thereto, and cannot agree with the commissioner, superintendent, or supervisor, authorized to construct the same, on the amount of damage which such owner or owners may claim, it shall be lawful for such commissioner, superintendent, or supervisor to apply to some justice of the peace of the county where the same may occur, who shall cause three householders to appear before him, and the householders so summoned, after being sworn faithfully and impartially to examine the ground which shall be pointed out to them by the commissioner, superintendent, or supervisor, shall assess the damages which they shall believe such owner or owners will sustain, over and above the additional value which such lands will derive from the construction of such road, and make two written reports signed by at least a majority of them, one of which they shall give to the commissioner, superintendent, or supervisor requesting the view, and the other to the opposite party, which award or assessment of damages shall, as well where the amount shall be agreed upon by the parties without applying to a justice of the peace, be laid before the county commissioners' court for consideration, who shall examine the matter, and should they decide the amount of damages is not unreasonable, or more than should be given, and that the opening and improving the road is called for by the public interest, and the finances of the county will justify, they, in that case, will approve and accept the award, and order the money to be paid, and the same being paid, the commissioner, superintendent, or supervisor, shall proceed to open and construct said road, which proceedings being recorded in the commissioners' court, the right of way shall be thereby secured: *Provided*, That the corporation, company, owner or owners of the land shall have

Proviso.

the right to appeal from the decision of the commissioners' court to the circuit court, and the case shall be acted upon in such manner as the court may determine, with a view to justice, and the establishment of the road, and shall make such order therein as may seem right and just, which decision shall be final. The provisions of this section shall extend to a cart-way, as contemplated in the thirteenth section of this act, viewers appointed to be sworn, report to be made, the damages to be paid by the individuals desiring the cart-way, to be confirmed by commissioners' court, and either party may appeal to the circuit court, where the case being fully heard, such judgment or order shall be made thereon as the court shall deem right, and which shall be a final decision.

SEC. 31. Supervisors are hereby authorized to bring suits before any justice of the peace of the county, to recover any and all sums due for road labor, road tax, fines and forfeitures imposed by this act, which are intended to come into the hands of such supervisors for road purposes, and to collect, disburse, and account for the same, suing in the name of the county commissioners, in their official capacity. Supervisors to bring suit.

SEC. 32. 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. Penalty when supervisor neglects duty.

SEC. 33. The clerk of the commissioners' court in each county, shall, at each term of the circuit court, make out and furnish the grand jury with a list of the names of all supervisors in the county, with the date at which they were appointed. Duty of clerk.

SEC. 34. Sheriffs and clerks of the county commissioners' courts, shall be allowed a fair and reasonable compensation for discharging the duties required of them by this act, to be paid out of the county treasury, on the allowance and order of the county commissioners' courts respectively. Compensation to sheriffs and clerks.

SEC. 35. That all laws heretofore passed, and now in force, upon the subject of State and 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 twenty-eighth, one thousand eight hundred and thirty-three. This act shall not extend or be construed in any manner to authorize a change or any interference with the Great Western Mail Route, or the Darwin and Charleston turnpike. This act to be in force from and after the first day of March next. All road laws repealed. Proviso.

SEC. 36. This act to be published immediately after its passage in the paper of the public printer.

Approved by the Council, February 20, 1841.

An ACT to provide for the appointment of another Commissioner to review certain State roads.

In force, Feb.
24, 1841.

Additional
commissioner
appointed to
view roads.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hall Syms be added to the list of commissioners to review certain State roads, running out of the south and west side of the town of Paris, in the county of Edgar, as authorized in a previous act of the present Legislature. This act to be in force from and after its passage.

Approved, February 24, 1841.

In force, May
1, 1841.

An ACT to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county.

Com'rs to lo-
cate road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Wilson Lewis, of Champaign county, William Wright, of Piatt county, and Hiram Chapin, of De Witt county, be and they are hereby appointed commissioners to view, survey, mark and locate a State road from Urbana, in Champaign county, by way of North Bend post office, in Piatt county, to Marion, in De Witt county.

Time & place
of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at Urbana, in Champaign county, on the first Monday in May next, or as soon as practicable thereafter; and, after being duly sworn before some justice of the peace of said county, shall employ a surveyor and other hands they may find necessary, and proceed to survey and locate said road, on the nearest and best ground, from point to point, having due regard to private property.

Plat filed.

SEC. 3. The said commissioners, so soon as they shall have completed said view, shall make out a plat of said road, with the courses and distances from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county commissioners' court in each county through which said road may run; and the county commissioners shall then cause so much of said road, as lies within their respective counties, to be opened three poles wide, and be kept in repair as other public highways are.

Width of road

Certificate of
time & hands.

SEC. 4. The said commissioners shall make out and present to the county commissioners' court of each county through which such road may pass, a certified copy of the time and hands necessarily employed in each county; and thereupon it shall