

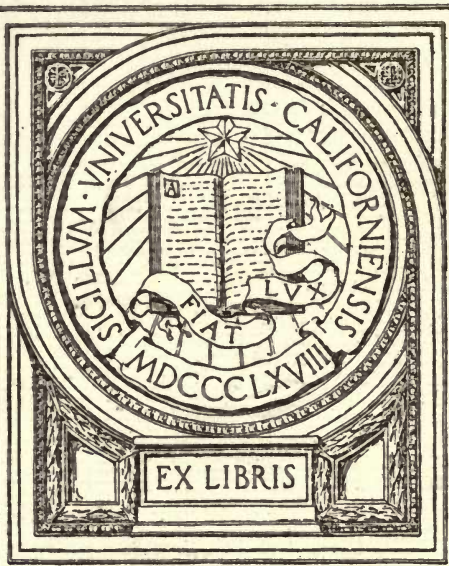
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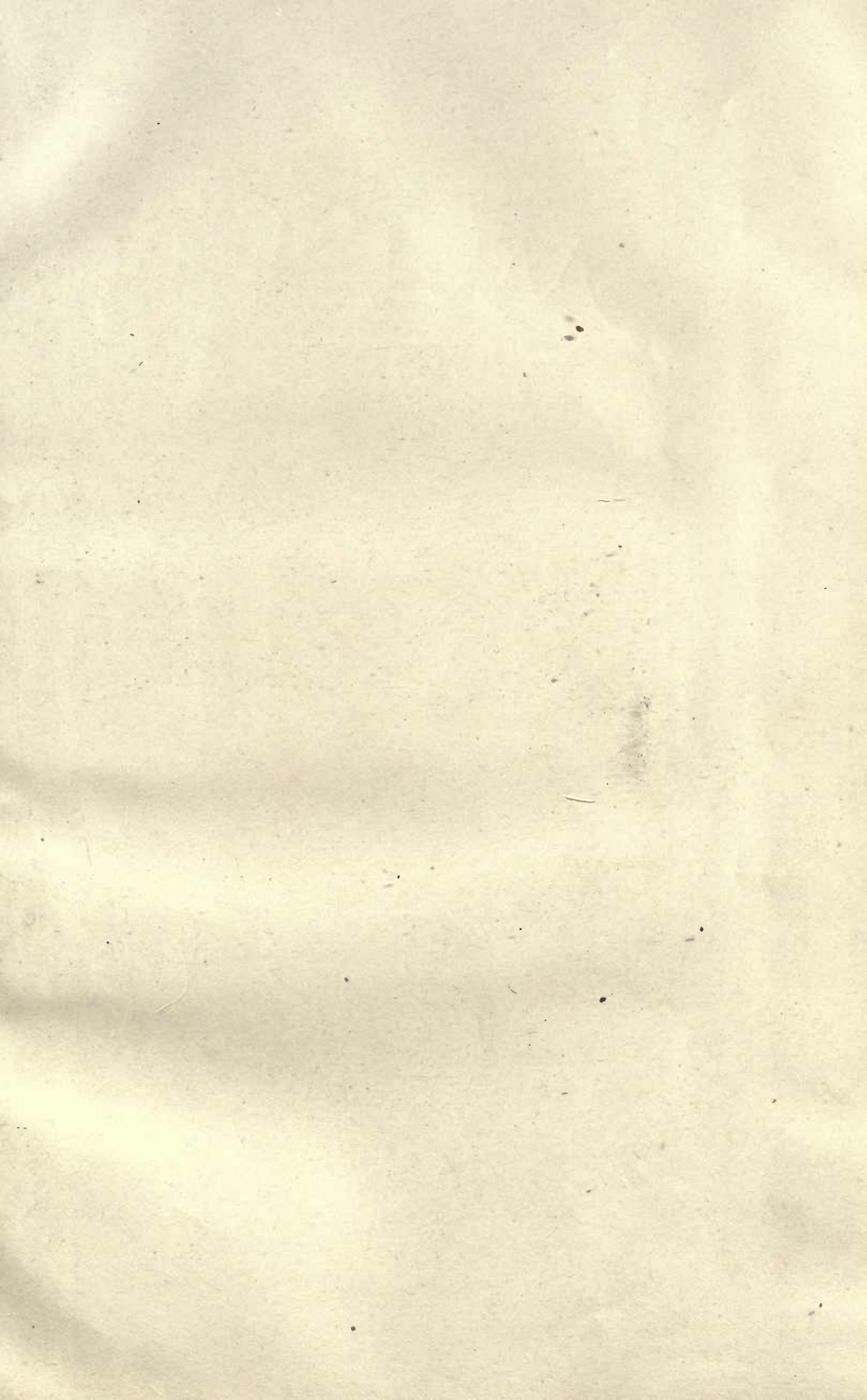
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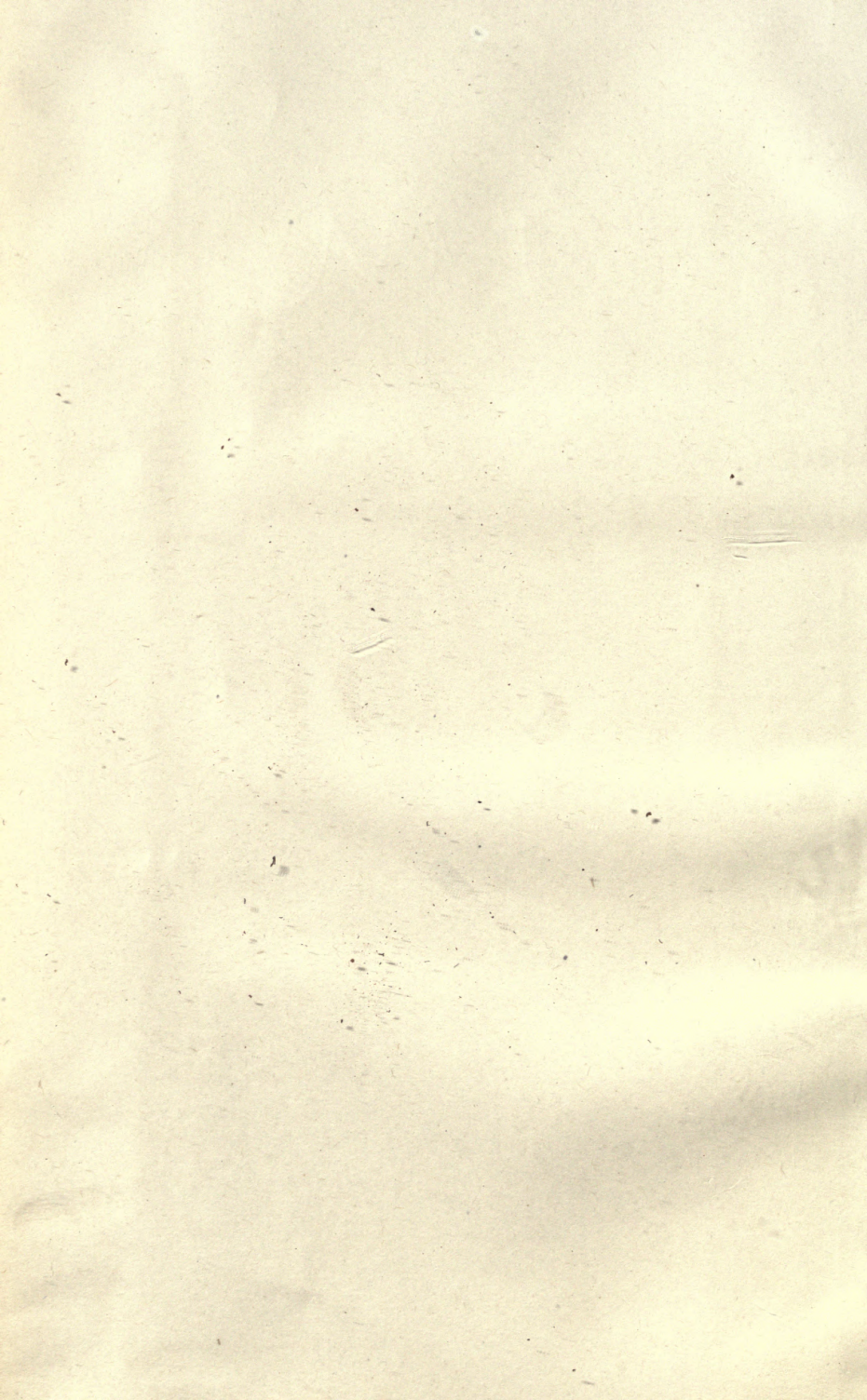


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# Road and Bridge

## Laws

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# ROAD AND BRIDGE LAWS OF ILLINOIS—REVISION OF 1917.

- Article 1. Definitions.
- Article 2. (§§ 2-7). State Highway Department.
- Article 3. (§ 8). County superintendents of highways.
- Article 4. (§§ 9-33). State aid.
- Article 5. (§§ 34-39). Bridges and improvements constructed and repaired by a county at the joint expense of a county and any town or road district therein.
- Article 6. (§§ 40-129). Town and district organization and administration for highway purposes.
- Subdivision 1. (§§ 40-41). Organization: Division into towns and districts.
- Subdivision 2. (§§ 42-54). Highway officers: Their election, powers, duties and compensation.
- Subdivision 3. (§§ 55-62). The raising of revenue for highway purposes and the application thereof.
- Subdivision 4. (§§ 63-67). Provisions specially applicable to bridges and improvements constructed or repaired at the joint expense of two adjoining towns or districts.
- Subdivision 5. (§§ 68-72). The letting of contracts.
- Subdivision 6. (§§ 73-104). Laying out, altering, vacating, widening roads.
- Subdivision 7. (§§ 105-107). Repairs and maintenance of roads and bridges.
- Subdivision 8. (§§ 108-129). Gravel, rock and macadam—hard roads.
- Article 7. (§§ 130-138). Certain provisions applicable generally to highway officials.
- Article 8. (§§ 139-157). Law of the road: Offenses and penalties.
- Article 9. (§§ 158-167). Optional—single highway commissioner system provided for.
- Article 10. (§§ 168-169). Act construed—statutes repealed.

AN ACT to revise the law in relation to roads and bridges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the laws relating to roads and bridges be and they hereby are codified, revised and amended, with articles, subdivisions, and sections entitled, numbered and to read as follows:

## ARTICLE I.

### DEFINITIONS.

SECTION 1. (a). STATE ROAD AND BRIDGE FUND.] That the term "State Road and Bridge Fund," when used herein, shall mean all moneys appropriated by the State of Illinois for road and bridge purposes.

(b) STATE AID ROADS.] The term "State Aid Roads" herein shall mean all roads or bridges constructed, repaired or improved at the joint expense of the State and any county or counties within the State as hereinafter specified.

## ARTICLE II.

### STATE HIGHWAY DEPARTMENT.

§ 2. STATE HIGHWAY DEPARTMENT—(A) ESTABLISHMENT.] There is hereby created a department, to be known as the State Highway

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Department, the officers of which shall consist of the members of the State Highway Commission, the Chief State Highway Engineer, the Assistant State Highway Engineer and the various subordinate officers hereinafter specified and set forth.

(B) OFFICES.] The Secretary of State shall provide for the State Highway Department suitably furnished offices in the capitol building at Springfield and shall provide therefor suitable blanks, stationery, printed matter and other office supplies.

§ 3. STATE HIGHWAY COMMISSION—(A) OFFICE CREATED.] The Governor shall, by and with the advice and consent of the Senate, within thirty days after this Act shall take effect, appoint three State highway commissioners (no more than two of said persons shall belong to or be affiliated with the same political party, nor shall they be actively engaged in any other business, occupation or profession, but shall devote all their time to the work of said commission), to hold office one for two years, one for four years and one for six years, from and after the date of their appointment and qualification and until their respective successors are appointed and qualified, and they shall constitute and be known as the "State Highway Commission." And on the first day of March, 1916, and at the end of every two years thereafter, the Governor shall, in like manner and by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall have then expired, to serve as such commissioner for the term of six years and until his successor is appointed and qualified. One person appointed on the board shall be, and shall be designated in the appointment, the president, who shall be the executive officer of the board. Two of said commissioners shall constitute a quorum.

(B) OATH—BOND.] The members of the said State Highway Commission before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State for State officers, and said oath shall be filed in the office of the Secretary of State. They shall also execute a good and sufficient bond to the State in the sum of not less than \$10,000.00 each, conditioned upon the faithful performance of their duties, said bond to be approved by the Governor, and then filed with the Secretary of State.

(C) SALARY—EXPENSES.] The said State Highway Commissioners shall each receive an annual salary of three thousand five hundred dollars (\$3,500.00), and in addition thereto they shall be allowed their actual and necessary traveling expenses incurred in attending to official business. Said commissioners may also incur necessary expenses for clerk hire and other incidental expenses, proper and necessary for the carrying out of the provisions of this Act, as well as for the general purposes hereinafter indicated.

(D) GENERAL POWERS AND DUTIES.] The commission provided for herein shall:

(1) Have general supervision of highways and bridges which are constructed, improved and maintained in whole or in part by the aid of State moneys.



(2) Prescribe rules and regulations not inconsistent with law, fixing the duties of all persons employed in the State Highway Department and the various county superintendents of highways. Such rules and regulations shall, before taking effect, be printed and transmitted to the highway officials affected thereby.

(3) Aid county superintendents of highways and town and district commissioners of highways in establishing grades, preparing suitable systems of drainage and advise them as to the construction, improvement and maintenance of highways and bridges.

(4) Employ such clerical and other assistants as they may deem necessary to properly carry on the work of their office.

(5) Cause plans, specifications and estimates to be prepared for the repair and improvement of highways and the construction and repair of bridges when requested so to do by a county superintendent of highways or by a highway commissioner of any town or road district therein.

(6) Investigate and determine upon the various methods of road and bridge construction adapted to different sections of the State and as to the best methods of construction and maintenance of highways and bridges.

(7) Compile statistics relating to public highways throughout the State and collect such information in regard thereto as they shall deem expedient.

(8) Aid at all times in promoting highway improvement throughout the State and perform such other duties and have such other powers in respect to highways and bridges as may be imposed or conferred upon them by law.

(9) Approve and determine the final plans, specifications and estimates for all State aid roads upon the receipt of the report of the plans, specifications and estimates of the State Highway Engineer as provided herein.

(10) Let all contracts for the construction or improvement of State aid roads.

(11) Prescribe a system of auditing and accounting for all road and bridge moneys for the use of all highway officials, which system shall be as nearly uniform as practically possible.

(12) Perform all other duties prescribed in this Act or reasonably inferable therefrom.

§ 4. STATE HIGHWAY ENGINEER—(A) APPOINTMENT.] As soon as practicable after the taking effect of this Act, the Governor shall appoint a Chief State Highway Engineer and an assistant State highway engineer who shall each be competent civil engineers, and experienced and skillful in highway construction and maintenance. The said chief State Highway Engineer shall receive a salary of four thousand dollars (\$4,000) per annum, and the assistant chief State highway engineer shall receive a salary of twenty-five hundred dollars (\$2,500) per annum, and, in addition thereto, they shall be allowed their actual traveling and other expenses incurred under the provisions of this Act. They shall each hold office for

the period of six years and until their respective successors are appointed and qualified.

(B) OATH—BOND.] Said Chief State Highway Engineer and his assistant, before entering upon the duties of their respective offices, shall each take the oath prescribed by the Constitution of this State for State officers and said oath shall be filed in the office of the Secretary of State.

If demanded by the Governor, the said Chief State Highway engineer and his assistant shall be required to execute a good and sufficient bond in such sum as the Governor shall prescribe, conditioned upon the faithful performance of their duties, said bond to be approved by the Governor and then filed with the Secretary of State.

(C) POWERS AND DUTIES.] The said Chief State Highway Engineer and the said assistant State highway engineer shall be the administrative and technical agents of the State Highway Commission, and shall be generally subject to the orders of the said State Highway Commission. The said Chief State Highway Engineer and the assistant aforesaid may at all reasonable times be consulted by county, township or road district officers having authority over roads and bridges relative to any question involving such highways and bridges.

§ 5. CIVIL SERVICE.] With the exception of the State Highway Commission, the Chief State Highway Engineer and the assistant State highway engineer, the appointment of all assistant agents or clerks or other employees of the State Highway Department shall be subject to the laws of this State relating to the civil service.

§ 6. REMOVAL FROM OFFICE—VACANCY.] The Governor shall have the power to remove the State Highway Commission, the State Highway Engineer and the assistant State highway engineer from their respective offices for incompetency, neglect of duty or malfeasance in office. In case of a vacancy in either of said offices the said vacancy shall be filled by appointment by the Governor by and with the advice and consent of the Senate. When the Senate is not in session, the Governor may make an appointment to fill a vacancy, but any appointment made when the Senate is not in session shall be subject to confirmation by the Senate at its next session before becoming permanent.

§ 7. DUTIES OF PRESENT STATE HIGHWAY COMMISSION TERMINATED.] Upon the appointment of a State Highway Commission, under the provisions of this Act, the present State Highway Commission shall terminate and the members thereof shall turn over all books, maps, papers, plans and other things pertaining to their office to the State Highway Commission herein provided for.

### ARTICLE III.

#### COUNTY SUPERINTENDENTS OF HIGHWAYS.

§ 8. COUNTY SUPERINTENDENTS OF HIGHWAYS—(A) APPOINTMENT.] In each and every county of the State there shall be a county



superintendent of highways to be appointed in the manner following: Within ninety days after this Act shall become effective, the county board of each county shall submit to the State Highway Commission a list of from three to five persons, residents of the county, considered desirable candidates for the office of county superintendent of highways. The State commission shall thereupon determine by competitive examination from among the names submitted, the person or persons best fitted for said office, and shall thereupon certify the same to the county board submitting such list, who shall then make an order appointing, from the number found eligible, one such person superintendent of highways for such county: *Provided, however,* that if on the list submitted there is found no person qualified for the position the county board shall in like manner submit a further list and if on this second list no one is found qualified the county board may employ some person other than a resident of the county and who has passed satisfactorily the examination presented by the State Highway Commission. No part of any moneys appropriated by the State for the building and maintaining of State aid roads shall be apportioned to any county until such county superintendent of highways shall have been appointed.

(B) TERM OF OFFICE—SALARY.] The term of office of each county superintendent of highways shall be six years and until his successor is duly appointed and qualified. He shall receive a salary payable out of the general funds of the county in a sum to be fixed by the county board.

(C) REMOVAL.] Any county superintendent of highways may be removed from office by the county board of his county for incompetence, neglect of duty or malfeasance in office.

(D) POWERS AND DUTIES.] The county superintendent of highways shall, subject to the rules and regulations of the State Highway Commission:

(1) Prepare plans, specifications and estimates for all bridges to be built by the county. Such plans and specifications, before being finally adopted, shall be submitted to the State Highway Commission and approved by them.

(2) Act for the county in all matters relating to the supervision of the construction and maintenance of any road or bridge constructed or maintained at the entire expense of the county or at the joint expense of the county and any town or road district therein, as hereinafter set forth.

(3) Visit and inspect the highways and bridges in each town or district of his county, at least once in each year and whenever directed so to do by the State Highway Commission, or the State Highway Engineer, and advise and direct the highway commissioners of the several towns or districts in his county as to the best methods of repair, maintenance and improvement of highways and bridges.



(4) Subject to the direction of the State Highway Commission, to supervise the repair and maintenance of all State aid roads within his county.

(5) Keep a record of all contracts or purchases of materials, machinery or apparatus to be used in road construction in excess of two hundred dollars (\$200) approved by him in any town or district as hereinafter provided.

(6) Perform such other duties as may be prescribed by law, the rules and regulations of the State Highway Commission or the direction of the State Highway Engineer in conformity thereto. Other than as above specifically indicated, the county superintendent of highways shall, to all intents and purposes be regarded as a deputy to the State Highway Engineer: *Provided, however,* that no county superintendent of highways shall be required, without his consent, and the consent of the board of supervisors, or the board of county commissioners, of the county in whose employ he is to perform services in any other county.

(E) VACANCY.] In case the office of county superintendent of highways in any county shall at any time be vacant, and a temporary emergency shall arise requiring that some duly qualified official perform the duties of said office, then the State Highway Commission may designate any competent person to perform the duties of such office during the existence of such temporary emergency.

#### ARTICLE IV.

##### STATE AID.

§ 9. STATE AID AUTHORIZED.] Public highways or sections thereof, including bridges therein, may be laid out, improved or constructed at the joint expense of the State and any county within the State as hereinafter provided. In such case the State shall contribute one-half of the expense thereof, and the county or counties through which the said highway or portion thereof passes shall contribute the remaining one-half. Such highways hereinafter known as "State Aid Roads," may be laid out, constructed or improved in the manner hereinafter directed:

The board of supervisors or county commissioners of any county shall, by a majority vote of the entire board of supervisors or county commissioners, in regular or special session, specify the type of road to be constructed under the provisions of this Act in their respective counties, which decision shall be final and not subject to change by the State Highway Commission, whether of permanent earth improvement, (including surface or sub-surface drainage, grading, leveling, and crowning), gravel, macadam, concrete, concrete and macadam combined, or brick, and the respective boards of supervisors or county commissioners shall have the authority to specify any one of the herein designated types of roads: *Provided,* the final decision as to type of road to be builded under the provisions of this Act in any county shall not be made until the board of supervisors or county commissioners shall have secured from the State Highway Commission detailed

estimates of the cost in their respective counties of the several herein specified types of roads and the estimates furnished by the State Highway Commission shall be published for two consecutive issues once each week in two newspapers having the largest circulation in the county. In case the board of supervisors or county commissioners do not desire to exercise the privilege and power herein conferred upon them as to designating the type of road to be builded and shall so notify the State Highway Commission, then it shall be the duty of the State Highway Commission to specify the type of road to be builded and the decision of the State Highway Commission shall have the same force and finality as if made by the board of supervisors or county commissioners. When a certain type of proposed road is specified by the board of supervisors or county commissioners or by the State Highway Commission by and with the consent of the board of supervisors or county commissioners such type shall be adhered to throughout the entire length of such road; that is, from one main objective or connecting point to another within the county: *Provided*, nothing herein contained shall prohibit the State and county jointly, at any future time, rebuilding and changing, under the provisions of this Act, an earth, gravel, or macadam type of road to any other more permanent type herein specified: *Provided, further*, that when a gravel or macadam road is constructed the county shall pay one-half the cost of such maintenance: *And, provided, further*, that when an earth road is constructed the county shall pay the entire cost of maintenance.

*Provided, however*, that no road or part thereof lying within the corporate limits of any city or village situated within any county of the first or second class, or any city or village having a population exceeding twenty thousand (20,000) inhabitants by the last preceding Federal census situate within any county of the third class, shall be improved or constructed with State aid: *And, provided*, that a road or part thereof lying within the corporate limits of any city or village having a population of twenty thousand (20,000) inhabitants or less, ascertained as aforesaid, situate within any county of the third class, maybe improved or constructed with State aid, to connect or complete, by the most direct route, a State aid road already improved or constructed or being improved or constructed to the corporate limits of such city or village.

*And, provided also*, that a road or part thereof lying within the corporate limits of any city, village or town, having a population of two thousand five hundred (2,500) inhabitants or less as ascertained as aforesaid in any county, may be improved or constructed with State aid, to connect or complete by the most direct route, a State aid road already improved or constructed or being improved or constructed, to the corporate limits of such city, village or town. The cost of such road for the same width as outside of the corporate limits and of the same materials may be provided for in the same manner as for that portion outside the corporate limits. By agreement between the State Highway Commission and the common



council or board of trustees, a road or street of greater width and of different materials may be constructed through such city, village or town by the State Highway Commission, such city, village or town to pay the excess cost, if any, for such greater width, or different material. But such city, village or town shall thereafter maintain said road or street within the corporate limit.

[Amended by Act approved June 25, 1917.]

§ 10. At their next regular or special meeting following the passage of this Act it shall be the duty of the supervisors in counties under township organization, or the board of county commissioners in counties not under township organization, to designate those public highways within their respective counties that shall come under the provisions of this Act. The highways to be designated by the county boards shall be as nearly as possible those highways connecting the principal cities and trading points in each county with each other, and also with the principal cities and trading points in other counties.

§ 11. Such highways shall not include any portion of a public highway within the corporate limits of any city or village, except as in section 9 of this Act provided; nor shall the total mileage of such highway in any county exceed, in counties of the first class, more than fifteen per centum of the total public road mileage of that county, nor exceed twenty per centum of the public road mileage in counties of the second class, and shall not exceed twenty-five per centum of the public road mileage in counties of the third class. By public roads it is understood to mean all public roads within the State except those within the limits of such incorporated cities and villages as are by section 9 of this Act excluded; the public road mileage of the counties to be that as determined and published by the State Highway Commission. [As amended by Act approved June 25, 1915.]

§ 12. The county boards shall indicate the highways selected as aforesaid by marking them upon some map which shows the public roads and section lines in the county, and for this purpose existing atlas maps may be used, provided the roads selected are plainly marked thereon.

After the county boards have so selected the highways within their respective counties as aforesaid, and indicated the same on a map of the county, it shall be the duty of the county clerk immediately to forward said map, with his signature thereon attesting to the validity of the same, to the State Highway Commission. The State Highway Commission shall examine the map with the roads located thereon, and if the roads selected in one county do not connect with the roads selected in another county to make convenient through roads between the various cities and trading points of the different counties, the State Highway Commission shall make such changes as will best serve to make the most direct routes between such cities and trading points of the different counties, and return to the county clerks the maps with the corrections shown thereon.

§ 13. If in the judgment of the State Highway Commission it becomes necessary to relocate the routes as selected by the county board



for State highways in any county, the State Highway Commission may notify the respective boards who shall, at their special meeting when they are selecting the State highways, appoint a committee not to exceed five in number, who shall, if they choose, appear before the State Highway Commission, who shall give hearings on the relocation of the routes as first selected by the county boards. After taking into consideration the information thus presented by these special committees, the State Highway Commission shall then proceed to indicate the routes along which State aid roads may be constructed, as hereinafter provided. The highways selected by the county boards and shown on the maps as revised by the State Highway Commission, shall be the highways to which the provisions of this Act shall apply, and they shall not apply to any other public highways. After the county map has been finally corrected by the State Highway Commission, a copy shall be returned to the county clerk and a copy retained by the State Highway Commission.

§ 14. The county clerk shall enter the map returned to him among his official records, and no changes in the routes indicated thereon shall be made, except by a vote of the county board and with the approval of the State Highway Commission, as hereinafter indicated; and no changes whatever shall be made in the routes of such highways prior to three years after the filing of the first map thereof, except that in the event the routes as first selected and shown do not total a mileage equal to the percentage allowed for that county, additional roads may be added until the total percentage is equaled.

§ 15. If any county board shall fail within six months after the passage of this Act to forward to the State Highway Commission a map showing the routes selected for State aid roads, then the State Highway Commission may make such selection itself from the best information that may be available, and a copy of such map with the roads selected shall be sent to the county clerk of those counties whose boards have not made a selection within the six months as herein provided which fact shall be indicated on the map submitted by the State Highway Commission; and it shall be the duty of the county clerk to file such map among his records.

§ 15a. The improvement of the system of State highways as herein provided shall be carried on as follows: From such appropriations as the General Assembly may from time to time make for the purpose of carrying out the provisions of this Act, there shall be allotted by the State Highway Commission each year for each county an amount that shall bear the same ratio to the total appropriation for that year that the total amount levied in each county for roads and bridges bears to the total amount levied in the state for roads and bridges, as determined from the published reports of the Auditor of Public Accounts from the last year so reported: *Provided*, that to counties, in which more than 40 per cent of the total amount appropriated by the General Assembly for building roads is collected, including any amount collected for automobile and kindred licenses, and devoted to road building by such appropriation, there shall be allotted,

under the provisions hereof, an amount equal to twenty-five per cent (25%) of the amount so collected in such county.

The sum so allotted to each county shall be used to defray the cost of constructing State aid roads when such work is carried on in conformity with the provisions of this Act: *Provided*, that the allotment made by the State shall not be used to defray more than one-half the cost of any improvement done under the provisions of this Act.

§ 15b. If for any reason any county shall within six months from the date of the allotment fail to provide and appropriate an amount equal to said allotment by the State Highway Commission for the purpose of constructing State aid roads, then the amount so allotted shall be forfeited by said county and the same shall be reallocated to those counties which have complied with the requirements herein contained.

§ 15c. It shall be considered sufficient acceptance of the allotment to a county of the State appropriation for the construction of State aid roads, if a county board shall give notice to the State Highway Commission that it has assessed a tax to raise its portion of the cost, or that it has passed an order submitting to a vote of the people the question of raising an additional tax for this purpose, or that it has passed an order submitting to a vote of the people the question of issuing bonds for this purpose. Otherwise, a county's allotment shall be considered forfeited, as provided in section 15b of this Act.

§ 15d. If any county desires, more rapidly than its allotments of State aid road moneys will permit, to construct a State aid road along any one or more of its highways that have been selected and designated, under the provisions of this Act, as State aid roads, such county is hereby authorized to advance, out of any county funds available from any source, or which may become available from any source, for such purpose, the entire cost of constructing such State aid roads and to make such improvement at any time: *Provided, also*, that any such county may accept, receive and use as county funds for such purpose any money turned over to such county by any town or road district in such county, and the commissioners of highways of any such town or road district are hereby authorized to turn over to such county money from the permanent road fund or other available fund of the town or road district, to be used by such county, upon terms and conditions prescribed by the State Highway Commission, to construct a State aid road in such town or road district. Such county shall, in such case, have the right to use any allotment of money made to it by the State Highway Commission, to defray one-half the cost of constructing new State aid roads, in the county, under the provisions of this Act, or to apply the money on the payment of any bonds or other obligations which have been or may be issued by such county, under any law of this State, to meet the cost of the construction of any State aid road or roads constructed by such county at its own expense: *Provided, however*, that the allotments made by the State shall not be used to cover more than one-half the cost of the construction of such



State aid roads: *And, provided, also*, that such State aid roads shall have been constructed under, and in accordance with, plans, specifications, estimates of cost and contracts approved by the State Highway Commission and which roads shall have been found, upon inspection of the State Highway Engineer, to have been completed as provided for in said contracts. All highways constructed or improved in any county under the provisions of this section shall be known as State aid roads and shall thereafter be repaired and maintained under, and in accordance with, the provisions of section 32 of this Act, and any amendments thereto.

If any county desires so to advance money for the purpose of the construction or improvement of its State aid roads, its county board is hereby vested with full power and authority to take all necessary steps in such case and such county board may, out of any funds in the county treasury, not required for other purposes, appropriate therefrom sufficient moneys to meet the cost of constructing or improving such State aid roads, and may also, in any manner provided by law for issuing county bonds, issue bonds of the county for the purpose of constructing or improving such State aid roads: *Provided*, that the question of issuing such county bonds shall first be submitted to the legal voters of such county at any general election or at a special election which the county board is hereby authorized to call for such purpose: *And, provided, also*, that the county board of such county shall, before adopting a resolution to submit such question to a vote, adopt a resolution specifying the particular roads to be improved, the type of improvement to be made on each section of such roads, the proposed widths of the paved and graded roadway, together with an estimate of the cost of such improvement, all of which shall have been approved by the State Highway Commission: *And, provided, also*, that such bonds shall be issued to mature in not less than ten nor more than twenty annual series, the last series to mature not more than twenty years from date of issue. If the question of an issue of such bonds is submitted to the people, notice of election shall be given and the election shall be held and returns made, all in the manner now provided by the general election laws of this State, and the ballots shall be in substantially the following form:

Shall county bonds for roads be issued to the amount of \$.....?	Yes	
	No	

If a majority of the voters voting on such question vote in favor of the proposition the county board shall at once issue the bonds and take the necessary steps to construct or improve the State aid roads provided for. This section shall not be construed to repeal any other law on the subject of issuing county bonds, except in so far as such other law is in direct conflict herewith.

If it shall be deemed necessary to submit to a vote of the people at the same election (whether a general election or special election) the question of issuing bonds and the raising of an additional tax, the same may be included in one proceeding and in that case the ballot shall be in substantially the following form:

Shall county bonds for roads be issued to the amount of \$..... and an additional tax levied for the payment of interest and principal of such bonds?	Yes	
	No	

[Amended by Act approved June 27, 1917.

§ 16. PROCEEDINGS FOR CONSTRUCTION OF STATE AID ROAD—PRELIMINARY RESOLUTION OF COUNTY BOARD.] Whenever the county board of any county desires to initiate proceedings for the construction of a State aid road, along a route designated as aforesaid, such county board may proceed in the manner following: The county board may pass a resolution stating that the public interest demands the improvement of a highway or section thereof within the county, and requesting that it be constructed or improved as provided in this article. Such resolutions shall contain a description of such highway or section thereof. The county clerk shall, within ten days after the passage of such resolution, transmit a certified copy thereof to the State Highway Commission.

§ 17. EXAMINATION OF PROPOSED HIGHWAY—APPROVAL OR DISAPPROVAL BY COMMISSION.] As soon as practicable after the receipt of such resolution, the State Highway Commission shall consider the apparent desirability and importance of the proposed improvement, and shall determine whether such proposed improvement will be of public utility and convenience, and whether the construction thereof will be practically possible. After such consideration the commission shall certify their approval or disapproval of the proposed improvement to the county board making application therefor.

§ 18. MAPS, PLANS, SPECIFICATIONS AND ESTIMATES.] Whenever the commission shall have made their preliminary order as aforesaid, in favor of the construction or improvement of a public highway or section thereof, the said commission shall direct the State Highway Engineer, or the assistant State highway engineer to cause proper surveys to be made and to prepare suitable maps, plans, specifications and estimates of cost of the proposed improvement. In the preparation of such plans, specifications and estimates, the State Highway Commission may cause to be included therein, the value of any materials or the fair rental value of any implements, apparatus or machinery suitable for road construction which the State Highway Commission desires should be furnished or supplied by the State. In the preparation thereof the State Engineer may call upon the county superintendent of highways to render such assistance and to preform such part of such work as he shall deem necessary. The preparation



of such plans, specifications, surveys and estimates of cost shall be subject to the general direction and control of the State Highway Commission. If deemed advisable such plans, surveys, specifications and estimates may provide for the widening of an existing highway, or provide for a reasonable deviation from the route described in the preliminary resolution of the county board.

§ 19. EMINENT DOMAIN.] In case the plans and surveys provided for in the preceding section require the taking or damaging of the property of any private land owner the State Highway Commission in such manner as they may determine, shall, if possible, agree with such private owner relative to the amount of damages sustained, conditioned upon the construction of the proposed improvement. Such agreement when made, shall be given full force and effect according to the terms thereof. In case such land owner fails to reach an agreement with the commission respecting such damages, or is legally incapable of so doing, the said State Highway Commission may file a petition in any court of competent jurisdiction addressed to any judge thereof in vacation, praying for the assessment of damages for such proposed improvement, after the manner now provided by law relative to the exercise of the right of eminent domain. The damages as thus finally determined either by agreement or proceedings in eminent domain shall be included in the estimate of the cost of the proposed improvement, to be borne equally by the State and the county constructing the same.

In case a proposed improvement be abandoned after a resort to proceedings in eminent domain as aforesaid, the costs of such proceedings to which the property owner is by law entitled, shall nevertheless be paid one-half out of the State road and bridge fund and the remaining one-half by the county.

§ 20. REPORT TO STATE HIGHWAY COMMISSION AND TO COUNTY BOARD.] Whenever the surveys, plans, specifications and estimates of the proposed improvement are fully completed and determined, the State Highway Engineer shall make a complete report thereof and deliver the same to the State Highway Commission, and shall also transmit a copy thereof to the county board of the county wherein it is proposed to construct the improvement.

§ 21. FINAL RESOLUTION OF STATE HIGHWAY COMMISSION.] Upon receiving the surveys, plans, specifications and estimates provided for in the preceding sections, the State Highway Commission shall finally determine whether they will authorize the construction of the proposed improvement as a State aid road. The commission shall thereupon at once cause a copy of such determination to be transmitted to the county board.

§ 22. FINAL RESOLUTION OF COUNTY BOARD.] At any regular or special meeting of the county board held after notice of the decision of the State Highway Commission to authorize the construction of the proposed improvement as aforesaid, the county board shall determine whether it will authorize the proceedings necessary to enable the county to contribute one-half of the cost required for the con-

struction of State aid roads as provided in this Act. When a county board has once adopted a final resolution providing for the construction or improvement of a highway or a section thereof in accordance with such plans and specifications, no resolution thereafter adopted by such board shall rescind or annul such prior resolution, either directly or indirectly, excepting under the advice and with the consent of the State Highway Commission. In case the county board desires that such provision be made for the construction of a State aid road, it may proceed in either of the methods following:

(1) In case there be sufficient funds in the county treasury available therefor, the county board may appropriate therefrom sufficient to meet one-half the cost of the improvement.

(2) If the county board so desires and deems it necessary for the purpose of the improvement herein authorized, the said county board, in the manner now provided by law for issuing bonds for county purposes, may submit to the legal voters of their county the question of issuing such county bonds. In such case the votes in favor of the proposition submitted shall be "For County Bonds for State Aid Roads," and those against shall be "Against County Bonds for State Aid Roads."

§ 23. All moneys appropriated by any county board to aid in the construction of a State aid road, and all moneys raised by taxation therefor shall be held as a separate fund therefor until paid out according to the provisions of this Act, and shall not be expended for any other purpose.

§ 24. FINAL NOTICE TO STATE HIGHWAY COMMISSION.] In case the county finally determines in either of the methods indicated in the preceding section, to make provisions for the contemplated State aid road, the county clerk shall at once notify the State Highway Commission thereof.

§ 25. ORDER OF CONSTRUCTION OF STATE AID ROADS.] Upon the receipt of the notice that the county has finally determined upon the construction of a State aid road in the manner aforesaid, the State Highway Commission shall proceed as provided in this article. In so far as practicable, in the opinion of the State Highway Commission, the construction and improvement of State aid roads shall be taken up and carried forward within the several counties of the State in the consecutive order of the date of the receipt by the commission of the certified copies of the final resolutions adopted by the various county boards making provision for such construction or improvements, as aforesaid: *Provided*, that until the notices and proceedings have been given and had as in the preceding sections provided the designated roads shall remain under the control of the township road authorities.

§ 26. CONTRACT FOR STATE AID ROADS.] State aid roads may be constructed or improved by contract in the manner provided herein. No contract for the improvement or construction of a State aid road shall be entered into unless at the time there is in the State road and bridge fund, subject to the order of the State Highway Commission, sufficient moneys to defray the portion of the cost thereof which the



State is required to contribute under the provisions of this Act. Upon the completion and final adoption or approval, as provided by law, of the plans and specifications and estimates for the construction or improvement of a State aid road, a contract therefore may be executed as provided herein.

In letting contracts for the building of bridges, or culverts, wherein the county alone is interested, or wherein the county and State are interested, or the county and township or road district are interested, it shall be the duty of the officials in letting said contracts to invite, receive and consider proposals on any other plan other than the one prepared by the county superintendent of highways, or State Highway Commission, and they shall require that all proposals on such plans shall be accompanied with complete stress diagrams and specifications; nature, quality and size of material to be used; strength of structure when completed, etc., it being understood, however, that before any such plans shall be finally adopted it shall, in like manner as all other plans, profiles, specifications and estimates submitted, have the approval of the county superintendent of highways and the State Highway Commission.

(1) The State Highway Commission shall advertise for proposals for the construction or improvements of such highways or sections thereof, according to the plans, specifications and estimates prepared therefor. The advertisement shall be limited to a brief description of the work proposed to be done, the terms and conditions under which proposals will be received, the time and place where the same will be opened, and such other matters as the commission may deem advisable to include therein. Such advertisement shall be published at least once in each week for two consecutive weeks in a newspaper published in the county in which such highway or section thereof is to be constructed or improved, and in such other newspapers as the commission may designate. In such advertisement the State Highway Commission may provide that certain materials, or machinery or implements suitable for road construction shall be furnished by the State or used in the construction of said State aid road, and may also indicate the fair value of the same or for the use thereof.

(2) Each proposal shall specify the gross sum for which the work will be performed exclusive of such materials as may be furnished by the State and also shall include the amount to be charged for such item specified in the estimate. The commission may prescribe and furnish forms for the submission of such proposal and may prescribe the manner of submitting the same which shall not be inconsistent herewith. The proposals shall be publicly opened at the time specified in the advertisement aforesaid and when opened such proposals shall be subject at all reasonable times to public inspection and at the time of opening shall be publicly read.

(3) The contract for the construction or improvement of such highways or section thereof shall be awarded to the lowest responsible bidder, except that no contract shall be awarded at a sum which, together with the value of materials and machinery to be furnished by

the State as fixed by the State Highway Commission, shall exceed the estimate made for the construction or improvement of such highway or section thereof in accordance with the aforesaid plans and specifications. The lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work shall be performed, including all the items specified in the estimate therefor.

(4) The commission may reject any or all proposals and may at once advertise for new proposals as hereinbefore provided, if in their opinion the best interests of the State will thereby be promoted.

(5) The commission shall prescribe the form of contract and may include therein such matters as they may deem advantageous to the State. Such form shall be uniform in so far as it may be.

(6) Each contractor before entering into a contract for such construction or improvement, shall execute a bond in the form prescribed by the commission, in the penal sum of not less than one-third the amount of the contract, with sufficient sureties to be approved by the commission conditioned that he will perform the work in accordance with the terms of the contract, and with the plans and specifications, and that he will commence and complete the work within the time prescribed in the contract. Such bond shall also provide against any direct or indirect damages that may be suffered or claimed on account of such construction or improvement during the time thereof, and until the highway is accepted: *Provided*, one-third the total amount of such bond shall also be conditioned upon the payment by the contractors of all sums of money due for any labor, material, apparatus, fixtures or machinery furnished to such contractor for the purpose of such construction or improvement. One-third total amount of such bond shall inure to the benefit of any person to whom any money may be due for any such labor, material, apparatus, fixtures or machinery so furnished and suit may be maintained on such bond by any such person for the recovery of any such money.

(7) The contract may provide for partial payments to an amount not exceeding 90 per centum of the value of the work done which shall be paid in the manner provided by this article when certified to by the commission. In case partial payments are made the State and county shall each pay one-half thereof as the work progresses. Ten per centum of the contract price shall be retained until the entire work has been completed and accepted. But no final payment shall be made on account of such construction or improvement until it is shown that all sums of money due for any labor, material, apparatus, fixtures or machinery furnished for the purpose of such improvement have been paid. [Amended by an Act approved June 25, 1915.]

§ 27. ACCEPTANCE OF STATE AID ROAD WHEN COMPLETED.] Upon the completion of a State aid road or section thereof constructed or improved under a contract let as provided in this article, the State Highway Engineer shall inspect the same, and if completed as provided in the contract, he shall thereupon report to the State Highway Commission. If the commission approve, they shall notify the contractor thereof and the highway or section thereof so constructed or



improved shall be deemed to have been accepted by the State. Such acceptance shall also be communicated by the State Highway Commission to the county clerk of the county wherein such improvement or portion thereof is located.

§ 28. PAYMENTS—HOW MADE—EFFECT OF CONTRACT.] Upon the acceptance by the State of an improvement as hereinbefore provided, the contractor shall be entitled to receive the portion of the contract price then remaining due and unpaid. The contractor shall receive one-half of the total cost of such improvement directly from the State treasury, and the other half shall be paid by the county to such contractor.

Upon the order of the State Highway Commission, the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for any unexpended balance remaining in the State road and bridge fund.

§ 29. LEGAL EFFECT OF CONTRACT.] Any contract entered into by and between the State Highway Commission and any contractor for the construction of a State aid road according to the provisions of this Act shall be taken and held to confer upon the contractor the right to enforce in any appropriate legal action against the county wherein the improvement is located the payment of the portion of the cost thereof which the county is required to pay under the provisions of this Act.

§ 29a. For the purpose of assisting in the construction of the proposed system of State aid roads in any county, the board of supervisors or the county commissioners of such county are hereby authorized to accept donations from townships, cities, villages, corporations or individuals. Any such county may elect to pay a greater proportion than one-half of the cost of the improvement of any section of State aid road by passing a resolution designating the amount which the county will pay in excess of one-half of the said cost, and filing a copy of said resolution with the State Highway Commission at the time of filing the preliminary resolution for the improvement of said section.

The said section of State aid road shall be constructed in the manner heretofore provided in this Act; and all payments upon estimates shall be made in the respective proportion provided to be paid by the State and the county as shown by said resolution; and the road, when completed and accepted by the State, shall be taken over as a State aid road. [Added by an Act approved June 23, 1915.]

§ 30. ROADS CONSTRUCTED DIRECTLY BY THE STATE.] In case the State Highway Commission upon a second advertisement for bids or proposals for the construction or improvement of a State aid road shall not be able to let the contract for a sum, which, together with the value of materials, apparatus, implements and machinery to be furnished by the State determined as aforesaid, shall not exceed the estimate of the cost thereof previously made by the State Highway Engineer, the State Highway Commission may then proceed directly to construct such State aid road. In such case the county within which such proposed improvement shall be located, shall not be required to contribute thereto more than one-half the estimated cost thereof as aforesaid.

§ 31. COUNTY LINE ROADS.] State aid roads may be constructed or improved on county lines. In case two counties desire to secure the construction or improvement of a public highway situated upon or near the boundary line between them, the respective county boards thereof may, by appropriate resolutions, initiate proceedings therefor. To this end such county boards may, by concurring resolutions, fix the portion of the one-half the total cost of construction which should be borne by each county. Such resolutions when duly transmitted to the State Highway Commission shall be considered in such cases as the preliminary application therefor, as hereinbefore provided. If approved by the State Highway Commission, each county board may appropriate the portion of the cost to be borne by such county, or authorize the submission of the question of issuing bonds as hereinbefore provided.

In all proceedings contemplating the construction or improvement of a county line road as provided in this section, all acts of each county board relative thereto, together with the result of any vote upon the question of levying a tax or issuing bonds as provided herein, shall be communicated by the county clerk of each county to the county clerk of the other county, as well as to the State Highway Commission.

In case either county shall refuse to take the steps necessary to secure the construction or improvement of such county line road, as provided in this section, then all prior proceedings relative thereto on the part of the other county shall be regarded as suspended.

§ 32. REPAIR AND MAINTENANCE OF STATE AID ROADS.] Whenever any State aid road shall be constructed or improved in any county under the provisions of this Act, the State Highway Commission, either directly or through the State Highway Engineer, the Assistant State Highway Engineer or the county superintendent of highways, shall thereafter keep all such roads in proper repair, and the total cost of such maintenance shall be paid out of the State road and bridge funds upon the warrant of the Auditor, whenever such payment shall be ordered by the State Highway Commission. For the purpose of keeping such roads in proper repair, the State Highway Commission shall have authority to purchase all necessary tools, machinery, supplies and materials, and may employ, or authorize the State Highway Engineer to employ, all labor necessary therefor.

(A) For the purpose of improving, repairing and maintaining the proposed system of State aid roads in the respective counties under the provisions of this Act, and for the purpose of assisting the townships and road districts in improving, repairing and maintaining township and district roads, the board of supervisors or county commissioners in the respective counties are hereby authorized to purchase machinery and appropriate the necessary funds for carrying on such work and such boards of supervisors or county commissioners are further authorized to lease said machinery to the townships or road districts within the respective counties for the work of improving, repairing, and maintaining the roads in their respective



townships and road districts. [Amended by an Act approved June 29, 1915.]

§ 33. PUBLIC UTILITIES.] No steam or electric railroad company, telephone or telegraph company, or company laying or using pipe lines, shall have the right to locate or construct its road or place its poles or wires, or lay its pipe lines upon or along any State aid road, without the consent of the county board of the county wherein it is proposed to place or locate the same. Such consent may be granted for any period not longer than twenty years upon petition of the company, upon such terms and conditions, not inconsistent with this Act, as such county board shall deem for the best interests of the public: *Provided*, that before any such consent of the county board shall become effective the said county board shall receive the approval of the State Highway Commission to the use of the said State aid road for such purpose and the conditions upon which the same shall have been granted: *And, provided, further*, that no such consent shall be granted except upon the condition that the company will pay all damages to the owners of the property abutting upon said State aid road which they may sustain by reason of the location or construction of the said steam or electric railroad or the placing of the said telephone or telegraph poles or wires, or the laying of the said pipe lines, the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

## ARTICLE V.

### BRIDGES AND IMPROVEMENTS CONSTRUCTED AND REPAIRED BY A COUNTY OR AT THE JOINT EXPENSE OF A COUNTY AND ANY TOWN OR ROAD DISTRICT THEREIN.

§ 34. In case the county board shall deem it expedient to build a bridge in any town, road district, or city or village of less than fifteen thousand (15,000) population therein, the said county board may order the same built at the entire expense of such county. Such bridge shall in such case be constructed according to plans and specifications prepared by the county superintendent of highways, subject to the approval of the State Highway Engineer. [Amended by Act approved June 24, 1915.]

§ 35. When it is necessary to construct or repair any bridges over a stream, or any approach or approaches thereto, by means of an embankment or trestle work on a public road, in any town, district or city or village of less than fifteen (15,000) thousand population or on or near to or across a town, district or such city or village line, in which work the town, district or such city or village is wholly or in part responsible, and the cost of which will be more than twelve cents on the one hundred dollars on the latest assessment roll, and the levy of the road and bridge tax for two (2) years last past in said town or district was in each year for the full amount allowed by law to be raised therein for all roads and bridge purposes except for damages incurred in laying out, altering, widening or vacating roads, or for ditching to drain roads, the major part of which levy is needed for

the ordinary repair of the roads and bridges, or in such cities and villages where the levy for corporate purposes was for two years last past in said city or village for the full amount allowed by law to be raised therein for such corporate purposes, the commissioner of highways, the city council or the village board of trustees may petition the county board for aid, and if the foregoing facts shall appear, the county board shall appropriate from the county treasury a sufficient sum to meet one-half ( $\frac{1}{2}$ ) of the expenses of said bridge or other work, on condition the town or district, city or village asking aid shall furnish the other half of the required amount.

When it is determined by the county board to grant the prayer of the highway commissioners, city council or village board of trustees asking aid for the construction of such bridge or other expensive work, the county board shall thereupon enter an order directing the county superintendent of highways to prepare plans and specifications for such improvement. The contract for such improvement shall thereupon be let in the manner authorized by said county board, subject to the provisions of the law relating to the letting of contracts: *Provided, however,* that no county, town, road district, city or village shall be liable for any part of such expense or compelled to pay any part of its appropriation for such purpose until all of the work has been fully completed and accepted by the county superintendent of highways, and such acceptance properly certified to by said officer and presented to the county board at a meeting held after the completion of said work, which certificate shall contain an itemized account of the expenditures; and a copy thereof shall also be filed with the town, district, city or village clerk, as the case may be. [Amended by Act approved June 11, 1917.]

§ 36. BRIDGES BUILT BY TWO COUNTIES.] Bridges over streams which divide counties, and bridges on roads on county lines, and bridges within eighty rods of county lines, shall be built and repaired at the expense of such counties. And all such bridges over streams which form the boundary line between two counties, and all such bridges within eighty rods of such boundary line, when the cost of constructing the same shall be \$5,000 or over, shall be built by such counties respectively in the proportion that the taxable property in each county respectively bears to each other according to its assessed value as equalized at the time of constructing such bridge. And when any county desires to build any such bridge across any stream which is the boundary line between such county and another county, or desires to build any such bridge within eighty rods of such boundary line, and the cost of such bridge will equal or exceed \$5,000, and the county desiring to construct such bridge has appropriated its share of the cost of constructing the same, then it shall be the duty of such other county to make an appropriation for its proportion of the cost of said bridge on the basis of the assessed value of the property, real and personal, of each of said counties according to the last preceding assessment thereof as equalized, and if such other county fails or refuses to make an appropriation for its proper proportion of the cost of constructing



such bridge, any court of competent jurisdiction shall issue an order to compel such county to make such appropriation upon a proper petition for that purpose, and the cost and expense of maintaining and keeping the same in repair after the same is built and constructed shall be borne in the proportion of the assessed value of the property in each of said counties according to the latest equalized assessment thereof: *Provided*, that for the building and maintaining of bridges over streams near county lines in which both are interested and where the cost thereof is less than \$5,000, the expense of building and maintaining any such bridge shall be borne by both counties in such portion as shall be just and equitable between the counties, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioner in making contracts for the same, as provided for in section 37 of this Act.

§ 37. CONTRACTS BY COMMISSIONERS OF ADJOINING COUNTIES.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the county boards of such adjoining counties, to enter into joint contracts, and such contracts may be enforced in law or equity against such county boards, and such county boards may be proceeded against jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, for any damage growing out of such neglect.

§ 38. APPROACHES TO BRIDGES ON OR NEAR COUNTY LINES.] Approaches to all bridges built and constructed under and by virtue of the three preceding sections, shall be built, constructed and maintained by the respective counties within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed.

§ 39. SUIT ON JOINT CONTRACT.] If the county board of any such county, after reasonable notice in writing from such other county board shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the county board so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the county board so neglecting or refusing.

## ARTICLE VI.

### TOWN AND DISTRICT ORGANIZATION AND ADMINISTRATION FOR HIGHWAY PURPOSES.

#### SUBDIVISION I.

##### *Organization: Division Into Towns and Districts.*

§ 40. TOWN AND DISTRICT ORGANIZATION SIMILAR.] For all purposes relating to the construction, repair, maintenance and supervision of roads and bridges, the several towns in counties under township organization, and road districts in counties not under township organization, shall, as near as may be, and subject to the provisions of this Act, be regarded as analogous in corporate authority, and the powers

and duties of the highway officers thereof shall be similar in extent and effect.

§ 41. COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—DIVISION INTO DISTRICTS.] Counties not under township organization shall be divided into road districts by the county boards thereof, in the manner hereinafter set forth. All road districts, where it is practicable, shall be composed of territory not less than a congressional township. Fractional or whole townships may be added to other fractional or whole townships. The districts so formed shall be designated by some number.

(1) COUNTIES ALREADY DIVIDED INTO DISTRICTS.] In counties not under township organization, wherein road districts are already now laid out and established under the provisions of an Act approved May 4, 1887, in force July 1, 1887, entitled, "An Act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named," the road districts already laid out therein by the county boards thereof shall be continued in existence, unless the same shall be altered in the manner hereinafter set forth: *Provided, however*, that all incorporated cities, towns and villages which have heretofore been excluded from road districts in such counties shall hereafter be included therein, and in all cases where necessary therefor, the county boards of such counties shall make provision to create such city, town or village into a road district, or to make it a part of some road district already formed.

(2) COUNTIES NOT ALREADY SO DIVIDED.] In all counties not under township organization, and operating under the provisions of an Act approved May 10, 1901, entitled, "An Act in regard to roads and bridges, and to provide for the adoption of the same," and wherein road districts are not already laid out and established, it shall be the duty of the county boards thereof, at their first session after this Act shall be in force and effect, to divide such counties into road districts, as provided herein.

(3) CORPORATE NAME OF DISTRICT.] The corporate name of each district shall be "Road District No. . . . .," and all actions by or against such districts shall be in its corporate name.

(4) CORPORATE CAPACITY OF DISTRICT.] Every district so organized shall have corporate capacity to exercise the powers granted thereto, or necessarily implied and no others. It shall have power: (1) To sue and be sued. (2) To acquire by purchase, gift or devise, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same. (3) To make all such contracts as may be necessary in the exercise of the powers of the district.

(5) ALTERATION OF BOUNDARIES OF ROAD DISTRICTS.] The board of county commissioners of each county shall have full and complete power and jurisdiction to alter the boundaries of road districts and to change road district lines in their respective counties to suit the convenience to the inhabitants residing therein, but no such change shall be made under the provisions of this Act unless at least twenty of the



legal voters of such road district shall petition for such alteration or change; nor shall such alteration or change be made by such board of county commissioners without notice thereof having been given by posting up notices in not less than five of the most public places in each of the several towns or road districts interested in such proposed alterations or changes.

## SUBDIVISION II.

*Highway Officers: Their Election, Powers, Duties and Compensation.*

### § 42. TOWN AND DISTRICT ROAD OFFICERS—(A) COMMISSIONERS.]

In each township in counties under township organization, and in each road district in counties not under township organization, there shall be elected a highway commissioner who shall serve for a term of two (2) years and until his successor is duly elected and qualified, and who shall be elected in the manner hereinafter provided.

(B) CLERK.] In counties under township organization the town clerk shall act as the clerk for the highway commissioner in such town. In counties not under township organization there shall be elected in each road district, a district clerk who shall hold office for a term of two (2) years and until his successor is elected and qualified.

(C) TREASURER.] In counties under township organization the supervisor of each town shall be ex-officio treasurer of the road and bridge fund. In counties not under township organization the district clerk shall be ex-officio treasurer of such fund.

(D) WHO ELIGIBLE.] No person shall be eligible to the office of highway commissioner unless he shall be a legal voter and has been one year a resident of such town or district. In counties not under township organization the same limitation shall apply to the district clerk. [Amended by Act filed June 29, 1917.]

§ 43. ELECTIONS—PROVISIONS GENERALLY APPLICABLE.] In all counties under township organization the highway commissioner shall be elected at the annual town meeting following the passage of this Act, for a term of two (2) years. In all counties not under township organization, the highway commissioner and the district clerk shall be elected at an election to be held on the first Tuesday in April after the passage of this Act, to hold their offices for two (2) years. And every two years thereafter the highway commissioner of such township or district, and the district clerk of such district shall be elected to hold office for two years, and until his successor is elected and qualified. The official term of any highway commissioner elected under the provisions of sub-division 2 of Article VI of this Act, providing for the election of three township highway commissioners or holding office at the time of the adoption of this Act shall expire upon the qualification of the Highway Commissioner or elected at said next ensuing town meeting or road district election: *Provided*, that the commissioners elected under Article IX of this Act, as single highway commissioners shall hold their respective offices to the end of the term for which they were elected and until their successors are elected and qualified. [Amended by Act filed June 27, 1917].

§ 44. SAME—COUNTIES OPERATING UNDER SPECIAL ACT—PROVISIONS APPLICABLE TO FIRST ELECTION.] In counties not under township

organization which are operating under the optional act entitled, "An Act in regard to roads and bridges in counties not under township organization and to provide for the adoption of the same," approved May 10, 1901, and which counties therefore are not already divided into road districts as aforesaid, the county board of each said counties shall at least twenty (20) days before the first Tuesday in April next after this Act shall become effective, designate some central and convenient place in each district for the holding of the first district election, and shall also appoint three suitable electors of the district as judges of the election.

The county clerk shall thereupon make out notices stating the time (which shall be the first Tuesday in April thereafter) and place of holding the first district election and the names of the judges of the election so appointed, and deliver said notices to the sheriff of the county who shall cause the same to be posted in not less than three (3) of the most public places of the district, and not less than fifteen (15) days before the time of holding such election.

At such first election there shall be elected one commissioner of highways to hold his office for two (2) years and until his successor is elected and qualified. At such first election there shall also be elected a road district clerk who shall hold his office for two (2) years and until his successor is elected and qualified. After the canvass of the votes the judges shall make returns as provided in the general election laws of this State, to the county clerk, who shall make a canvass of the votes and immediately notify the persons elected of their election. The expenses of such first election shall be paid by the county. [Amended by act filed June 29, 1917.]

§ 45. ELECTIONS—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION—PROVISIONS RELATING TO THE CONDUCT THEREOF.] In all counties not under township organization the following provisions regarding elections shall be applicable.

The annual election of district officers shall be held on the first Tuesday in April of each year at the place designated by the commissioner of highways.

The commissioner of highways and two other persons to be named by the county board shall be judges and the clerk of the district shall be ex-officio clerk of all district elections, but before entering upon the discharge of their duties they shall take the oath of office prescribed by the general election laws of the State. In the absence of any of the above named officers, the vacancy shall be filled by appointment by the commissioner, if present, and if the commissioner be not present, the electors present shall appoint such judge or judges.

Notice of the time and place of holding any annual or special election shall be given by the district clerk, or in his absence by the commissioner, by posting written or printed notices, in at least three (3) of the most public places in the district, at least fifteen (15) days prior to such election. The district election shall be conducted in the same manner and subject to the same laws and regulations as prescribed for general elections; provided that no registration of voters shall be required.



All persons possessing the qualifications of voters who reside within the boundaries prescribed for such district, shall be entitled to vote at such election.

The judges shall immediately, upon closing the polls, make a canvass of the votes polled in the manner provided by the general election laws of the State, and make a written statement or certificate of the number of votes cast at such election for each person or proposition voted for, and the office for which such person received such vote, and shall within forty-eight hours thereafter, cause such certificate and poll list together with the ballots cast at such election, to be separately sealed up and transmitted to the district clerk to be filed and preserved by him.

The commissioner of highways, together with some justice of the peace to be designated by him, and the district clerk, shall, within five (5) days after any election is held, meet and canvass said returns and declare the result of said election, the canvass being completed a statement of the results shall be entered at large by the clerk of the election in the minutes of the proceedings to be kept by him as required by this Act, which shall be publicly read by him to the electors present, and such reading shall be deemed notice of the result of the election to every person whose name shall be entered on the poll list as a voter.

In case two or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot, under direction of the district clerk, but he shall give each party at least five (5) days' notice of the time and place of drawing lots.

The clerk, within ten (10) days after the canvass of the votes as hereinbefore provided in this section, shall transmit to each person elected to any district office, a notice of his election. He shall also file in the office of the county clerk a list of the names of all district officers elected at such election who have qualified, within twenty (20) days after such election shall be held. [Amended by act filed June 29, 1917.]

§ 46. OATH REQUIRED.] Every person elected or appointed to the office of commissioner of highways, and every district clerk in counties not under township organization, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath shall, within five days thereafter, be filed with the district or town clerk.

In counties under township organization, no additional oath shall be required of the town clerk, to enable him to enter upon the discharge of the duties of his office as ex-officio clerk of the board of highway commissioners.

NEGLECT TO TAKE OATH—REFUSAL TO SERVE.] If any person elected or appointed to either of the offices above enumerated, shall neglect to take and subscribe such oath, and cause the same to be filed as above required, such neglect shall be deemed a refusal to serve.

§ 47. WHEN TERM OF COMMISSIONER OR CLERK EXPIRES, SUCCESSOR TO DEMAND BOOKS, PAPERS, ETC.] When the term of any commissioner

of highways or clerk shall expire, and other persons shall be appointed to such office, it shall be the duty of such successor, immediately after he shall have entered upon the duties of his office, to demand of his predecessor all the books, papers, moneys and other property under his control, belonging to such office.

WHEN OFFICE BECOMES VACANT BY RESIGNATION OR OTHERWISE—DEMAND, ETC.] Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books, papers, moneys or other property.

DELIVERING UPON OATH ALL RECORDS, BOOKS, ETC.—OATH, BY WHOM ADMINISTERED.] It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver up on oath, all the records, books, papers, moneys and other property in his possession or in his control belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made.

§ 48. VACANCIES IN OFFICE—COUNTIES UNDER TOWNSHIP ORGANIZATION.] In counties under township organization the provisions of law applicable to resignations from town offices, and the filling of vacancies therein, shall apply to highway officers in the same manner as to other town officers.

§ 49. SAME—COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.] In counties not under township organization the following provisions shall be applicable relating to vacancies in road district offices:

VACANCY IN OFFICE—HOW FILLED—POWERS OF PERSONS APPOINTED.] Whenever any district shall fail to elect the proper number of district officers to which such district may be entitled by law, or when any person elected to any district office shall fail to qualify, or whenever any vacancy shall happen in any district, from death, resignation, removal from the district or other cause, it shall be the duty of the county board to fill such vacancy by certificate under the hand and seal of the county clerk; and the persons so appointed shall hold their respective offices until the next annual election, and until their successors are elected and qualified; and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected by the electors.

CERTIFICATE OF APPOINTMENT.] When any appointment shall be made, as aforesaid, the county clerk shall cause the certificate of appointment to be forthwith filed in the office of the district clerk, who shall immediately give notice to each person appointed.

JUSTICE OF PEACE MAY ACCEPT RESIGNATION OF OFFICER—NOTICE.] Any justice of the peace residing in such district, or if there be no justice residing in such district, then any justice in the county, may, for sufficient cause shown to him, accept the resignation of any district officer of his district, and whenever he shall accept any such resignation, he shall forthwith give notice thereof to the district clerk of the district, or in his absence, to the president of the board of commissioners of highways, who shall make a minute thereof upon the district



records. He shall also immediately give notice to the county clerk of any vacancy that may exist in any district office.

§ 50. MEETINGS, POWERS AND DUTIES OF HIGHWAY COMMISSIONERS —(A) MEETINGS.] The commissioner of highways in each town or road district shall on the second Tuesday next after the annual town meeting or road district election in each year, at the office of the town or district clerk, be present for the discharge of the duties of his office. He shall also be present at such office annually on the first Tuesday in September of each year for the purpose of determining the tax rate to be certified by him to the county board as herein provided. He shall also be present at such office at such time or times as he shall designate and as the duties of his office may require for the transaction of official business.

(B) The highway commissioner of each town or road district shall have power and it shall be his duty:

(1) To lay out, alter, widen or vacate roads as hereinafter provided.

(2) To cause such roads used as highways, as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for twenty (20) years but not recorded, to be ascertained, described and entered of record in the office of the district or town clerk.

(3) To determine the taxes necessary to be levied on property within the town or district for road and bridge purposes, subject to the limitations hereinafter provided.

(4) To direct the expenditure of all moneys collected in the town or road district for road and bridge purposes and to draw warrants on the town or district treasurer therefor.

(5) To direct the construction and repair of roads and bridges within the town or district, to let contracts, employ labor and purchase material and machinery therefor, subject to the limitations herein provided: *Provided, however,* that no contract shall be let for the construction or repair of any road or bridge or part thereof, in excess of an amount of \$200, nor shall any machinery or other appliances to be used in road construction, in excess of such amount, be purchased without the approval of the county superintendent of highways.

(6) To have general charge of the roads and bridges of his town or district, to keep the same in repair and to improve them so far as practicable.

(7) To take possession of and keep under shelter, when not in use, all scrapers, plows and other tools belonging to the town or district wherever the same may be found and not allow the same to go to waste, and not lend the same except to persons employed to work the roads by contract or otherwise.

(8) To cause to be erected and kept in repair at the forks or crossing place of the most important public roads, post and guide boards with plain inscription thereon, in letters and figures giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockleburs, mustard, yellow dock, Indian mallow and gypson [jimson] weed from seeding and to

extirpate the same so far as practicable; and to prevent all rank growth of vegetation in the public highway by causing the same to be cut and destroyed prior to the seeding of same, and at the farthest prior to September 1st in each and every year.

And said commissioner may, at his discretion, adopt any suitable and convenient mode of supplying water in troughs conveniently situated on the public highway for public use.

(9) To issue his warrant or order on the treasurer for the payment of all moneys paid out by such treasurer.

(C) The highway commissioner shall annually make report in writing, showing:

(1) The amount of poll tax assessed, how much paid and how much delinquent.

(2) The amount of road and bridge money received by him and a full and detailed statement as to how and where expended and the balance, if any, unexpended.

(3) The amount paid for damages in laying out, altering, widening or vacating roads and right-of-way for ditches.

(4) The amount of liabilities incurred and not paid; and if such liabilities are undetermined they shall be estimated.

(5) Any additional matter concerning the roads and bridges of the district he may think expedient and proper to report.

In counties under township organization such reports shall be made to the board of town auditors at the semi-annual meeting immediately preceding the annual town meeting. In counties not under township organization such reports shall be made not later than the last Tuesday in March to the district clerk, who shall file the same in his office and he shall record such report at large in the records of said road district. [Amended by act filed June 29, 1917.]

§ 51. DUTIES OF CLERK.] The town or district clerk shall have the custody of all records, books and papers of the town or road district, and he shall duly file all certificates or oaths and other papers required by law to be filed in his office. He is authorized to administer oaths and take affidavits in all cases required by law to be administered by town or district officers. The duties of the clerk shall further include:

(1) RECORDING ORDERS OF COMMISSIONERS.] He shall record in the book of records of his district, all orders and directions of the highway commissioners required by law to be kept, and as hereinafter provided for. All records and books required by law to be kept by such clerk shall be deemed public records and shall at all times be open to inspection without fee or reward. The clerk shall also meet with the highway commissioners whenever requested at any reasonable time to do so by the latter official.

(2) BOOKS AND STATIONERY FOR OFFICE.] The district clerk shall, from time to time as may be necessary, procure the proper books and stationery for his office and the cost thereof shall be paid out of the town or district treasury.

(3) COPY OF PAPERS AND TRANSCRIPTS FROM RECORDS—EVIDENCE.] Copies of all papers duly filed in the office of the town or district clerk



and transcripts from the town or district records certified to by him shall be evidence in all courts in like effect as if the originals were produced.

§ 52. TREASURER.] The treasurer of the road and bridge fund shall receive and have charge of all moneys raised in the town or district for the support and maintenance of roads and bridges therein, and for road damages, excepting such portions of the money as hereinafter directed to be paid to the authorities of incorporated villages, towns and cities. He shall hold such moneys at all times subject to the commissioners of highways, and shall pay them over upon the order of not less than two of them, and not otherwise. He shall keep an account in a book provided by the commissioners of all moneys received, and all moneys paid out, showing in detail to whom and on what account the same is so paid.

(1) BOND.] The supervisor or clerk, as the case may be, before becoming entitled to act as treasurer, and within ten days after his election, shall execute a bond in double the amount of moneys likely to come into his hands by virtue of this Act, conditioned that he will faithfully discharge his duties as such treasurer, that he will honestly and faithfully account for and pay over, upon the proper orders, all moneys coming into his hands as treasurer, and the balance, if any, to his successor in office. Such bond shall be payable to the town or district, and shall be in such sum as the commissioners of highways shall determine. Said bond shall be approved by the commissioners of highways, and shall be filed in the office of the county clerk with such approval endorsed thereon: *Provided*, that if from any cause the commissioners of highways shall deem the bond so given insufficient, they may require a new bond: *And, provided, further*, that the commissioners shall have the right to fix any other sum to be required in any new bond so given. The commissioners of highways shall have power to bring suit upon such bond for any loss or damage accruing to the town or district by reason of any non-performance of duty, or defalcation on the part of the said treasurer.

(2) ITEMIZED STATEMENT OF RECEIPTS AND DISBURSEMENTS.] The treasurer shall also present annually on the first Tuesday in April to the highway commissioners an itemized statement of receipts and disbursements which shall be sworn to.

§ 53. COMPENSATION OF OFFICERS—COMMISSIONERS.] The commissioners of highways shall receive for each and every day he is necessarily employed in the discharge of his duties a salary to be fixed by the county board in counties not under township organization, and by the board of town auditors in counties under township organization, not to exceed in counties of the first class three dollars (\$3.00) per day, in counties of the second class four dollars (\$4.00) per day, and in counties of the third class five dollars (\$5.00) per day, upon a sworn statement to be filed by such commissioner in the office of the town or district clerk, showing the number of days he was employed and the kind of employment and giving the dates thereof.

The town or district clerk shall receive three dollars per day for each day he shall be required to meet with the highway commissioner

and the same amount per day for the time he shall be employed as clerk of elections or in canvassing the returns of such election. He shall receive no other per diem. In addition to the above he shall also receive fees for the following services, to be paid out of the town or district fund, except where otherwise specified:

For serving notice of election or appointment upon district officers, as required by this Act, twenty-five cents each.

For posting up notices required by law, twenty-five cents each.

For copying any record in his office and certifying to the same, ten cents for every hundred words, to be paid by the person applying for the same.

The *ex-officio* treasurer shall in addition to the other compensation to which he is by law entitled, receives two (2) per cent on all moneys paid out by him, up to and including two thousand dollars (\$2,000) and one (1) per cent on all moneys paid out by him in excess of two thousand dollars (\$2,000), excepting such amounts as shall have been paid to his successor; also except all moneys paid out in payment of bonds or other borrowed money.

The justice of the peace whose services are required by this Act shall receive two dollars per day for his services. [Amended by act filed June 29, 1917.]

§ 54. OFFENSES AND PENALTIES.] If any highway commissioner shall wilfully refuse to perform any of the duties enjoined upon him by this Act, he shall forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against in the name of the town or district for the recovery of such forfeiture before any court of the proper county having jurisdiction.

### SUBDIVISION III.

#### *The Raising of Revenue for Highway Purposes and the Application Thereof.*

§ 55. POLL TAX.] At their annual meeting to be held on the second Tuesday after the annual town meeting or district election in each year, each board of highway commissioners shall make out a list of able-bodied men in their town or district between the ages of twenty-one (21) and fifty (50) years and deliver the same to the town or district treasurer on or before the first day of May in each year, and assess at such meeting against each person upon such list a sum of not less than one (1) nor more than three (3) dollars, as a poll tax for highway purposes, to be paid in cash to such treasurer by the first Monday of June of each year: *Provided*, that paupers, idiots, lunatics and such others as are exempt by law shall not be compelled to pay a poll tax for highway purposes. The commissioners shall also, within ten (10) days after such list is delivered to the treasurer of the road and bridge fund, cause written or printed notices to be posted, stating the time when and place where such tax must be paid, in ten of the most public places in the township; or road district as the case may be and if this poll tax shall not be paid by the first Monday of June in such year it shall be the duty of the commissioners of highways, in the name of the district or town, to bring suit therefor against such persons



before some justice of the peace having jurisdiction thereof. Summons shall be issued and returned in the same manner as provided by law in other cases. If judgment is rendered against defendant the court shall find in such judgment that the same is for poll tax unpaid, and shall endorse the same on the execution, if one is issued. No property belonging to the defendant shall be exempt from levy to satisfy such execution: *Provided, also*, that on petition of not less than twenty-five (25) legal voters of any town or district, asking to have the proposition to abolish the poll tax submitted to the legal voters of said town, or district, filed with the town or district clerk not less than fifteen (15) days before the annual town meeting or annual district election, then the town or district clerk shall state in the notice of the annual town meeting or district election that the legal voters of such town or district may vote by ballot for or against the payment of all poll tax, and if a majority of all the ballots cast are against the payment of a poll tax, then that part of this section which provides for the levying of a poll tax shall no longer be in force in such town or district. [Amended by Act approved June 25, 1917.

§ 56. GENERAL TAX LEVY FOR ROAD AND BRIDGE PURPOSES.] At a regular meeting to be held on the first Tuesday in September the board of highway commissioners in each town or road district shall annually determine and certify to the board of supervisors or board of county commissioners the amount necessary to be raised by taxation for the proper construction, maintenance and repair of roads and bridges in such town or road district. Such certificate shall be filed in the office of the county clerk, and by that official presented to the county board at their regular September meeting for their consideration. The amount so certified if approved by the county board, or such part thereof as the said board shall approve shall be extended by the county clerk as taxes against the taxable property of such town or district: *Provided, however*, that the county clerk shall not extend against the taxable property of any town or road district a rate in excess of sixty-one (61) cents on each one hundred dollars valuation of the taxable property of the town or district, and if the amount of taxes approved by the county board shall be in excess of such rate it shall be the duty of the clerk to reduce the same to said rate of sixty-one cents upon each one hundred dollars of the assessed valuation of said town or district.

§ 57. COPY OF CERTIFICATE TO BE PRESERVED.] The commissioners of highways of each town or district in addition to certifying to the county board the amount necessary to be raised by said town or district for road and bridge purposes therein, shall also within the dates aforesaid make out and deliver to the town or district clerk a copy of such certificate to be kept on file by such clerk for the inspection of the inhabitants of such town or district: *Provided, however*, that a failure to file such copy shall not affect the validity of the certificate filed with the county clerk, or of the tax levied pursuant thereto: *Provided, further*, that the town or district clerk shall not certify levies of road and bridge taxes to the county clerk.

§ 58. DAMAGES FOR LAYING OUT ROADS, ETC.—TAX LEVY FOR.] When damages have been agreed upon, allowed or awarded for laying

out, widening, altering, or vacating roads or for ditching to drain roads, the amounts of such damages, not to exceed for any one year twenty cents on each one hundred dollars of the taxable property of the town or district shall be included in the first succeeding tax levy, provided for in section 56 of this Act, and be in addition to the levy for road and bridge purposes; and when collected, shall constitute and be held by the treasurer of the road and bridge fund as a separate fund to be paid out to the parties entitled to receive the same. It shall be the duty of the commissioners of highways at the time of certifying the general tax levy for road and bridge purposes within their town or district to include and separately specify in such certificate the amount necessary to be raised by taxation for the purpose of paying such damages. Upon the approval by the county board of the amount so certified, as provided in the preceding section, the county clerk shall extend the same against the taxable property of said town or district, provided the amount thus approved shall not be in excess of twenty cents on each one hundred dollars of the taxable property therein.

§ 59. TAX RATE—EXTENSION AND COLLECTION OF TAXES.] All items of tax levy of any town or district authorized by sections 56 and 58 of this Act shall be extended by the county clerk as one tax upon the collector's book and when collected shall be paid to the treasurer of the commissioners of highways by the collector as fast as the same is collected, except such rate per cent as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in section 56 and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township under the direction of the corporate authorities of such village, town or city: *Provided, also*, that one-half the poll tax required to be assessed in section 55 and collected for road and bridge purposes shall be subject to the same provisions as are herein made applicable to the tax required to be levied in section 56: *And, provided, further*, that when any of said tax or poll tax is expended beyond the limits of said village, town or city, it shall be with the consent of the highway commissioners of the township or road district. [Amended by an Act filed July 8, 1915.]

§ 60. ROAD DAMAGES—ORDERS OUT OF TAX TO BE LEVIED.] Whenever damages have been allowed for roads or ditches, the commissioner of highways may draw orders on the treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, to be given to persons damaged.

§ 61. BONDS MAY BE ISSUED BY VOTE OF SPECIAL TOWN OR DISTRICT MEETING TO BUILD BRIDGE, ETC.] When the highway commissioners desire to expend on any bridge or bridges, or approaches thereto in any district a greater sum of money than is available to them by other means, the said commissioners may call a special town or district



election to vote on the proposition. Upon determining to call such election the highway commissioners shall order the town or district clerk, by an instrument in writing to be signed by them, to post up in ten of the most public places in said town or district notices of such special town or district election, which notice shall state the object, time and place of the election, the maximum sum to be borrowed and the manner in which the vote is to be had, which shall invariably be by ballot, and shall be: "For borrowing money to (here define the purpose)" or "against borrowing money to (here define the purpose)". Such special town or district election shall be held at the place of the last annual town or district meeting by said clerk giving at least ten days notice and the returns thereof shall be made in the same manner as other special town or district elections are now or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition, the said commissioners of highways, or town or district clerk, as the case may be, shall issue from time to time as the work progresses a sufficient amount in the aggregate of bonds of said town or district for the purpose of building said bridge or bridges and approaches, thereto, said bonds to be of such denominations, bear such rate of interest (not exceeding six per cent) upon such time, and be disposed of as the necessities and conveniences of said town or district officers require: *Provided*, that said bonds shall not be sold or disposed of for less than their par value and such town or district shall provide for the payment of such bonds by appropriate taxation. Each town or district shall for the purposes of the special town or district election mentioned in this section constitute an election precinct.

A register of all issues of said bonds shall be kept in the office of the county clerk of the county in which said township or district is located, showing the date, amount, rate of interest, maturity, and the purpose for which said bonds were issued, which information shall be furnished to the county clerk in writing, by the town or district clerk, and it shall be the duty of such county clerk to extend annually against the property in said township or road district, a tax sufficient to pay the interest of said bonds in each year and to discharge the principal thereof within the period for which such bonds have been issued. [Amended by Act approved June 27, 1917.]

§ 62. ROAD AND BRIDGE MONEY—HOW USED.] All road and bridge moneys of any town or road district shall be held by the treasurer of the road and bridge fund subject to the order of the commissioners of highways: *Provided*, that not less than three (\$3.00) dollars nor more than five (\$5.00) dollars per mile per annum shall be taken and appropriated from the road and bridge fund of each township, or district to be known as a road drag fund to pay for the work of dragging earth roads in the township or district as provided in section 107 hereof, and that the enforcement of the law as to what roads in the township or district shall be dragged and as to how often the same shall be dragged, shall be lodged in the hands of the commissioners or commissioner of highways. [Amended by Act approved June 24, 1915.]

## SUBDIVISION IV.

*Provisions Specially Applicable to Bridges and Improvements  
Constructed or Repaired at the Joint Expense of Two  
Adjoining Towns or Districts.*

§ 63. BRIDGES BUILT BY TWO TOWNS OR DISTRICTS.] Bridges over streams which divide towns or districts and bridges over streams on roads on town or district lines, and bridges within eighty rods of town or district lines over streams on roads extending from one town or district into another town or district and crossing town or district lines, shall be built and repaired at the expense of such towns or districts: *Provided*, that the expense of building and maintaining any bridge over a stream near town or district lines in which both are interested and where the cost thereof is less than \$5,000, shall be borne by both towns or districts in such portion as shall be just and equitable between said towns or districts, taking into consideration the taxable property in each, the location of the bridge, and the advantage of each, to be determined by the commissioners in making contracts for the same, as provided for in section 64 of this Act.

§ 64. CONTRACTS BY COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS.] For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of such adjoining towns, or districts, whether they be in the same or different counties to enter into joint contracts, and such contracts may be enforced in law or equity against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against jointly by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damage growing out of such neglect.

§ 65. APPROACHES TO BRIDGES ON OR NEAR TOWN OR DISTRICT LINES.] Approaches to all bridges built and constructed under and by virtue of the two preceding sections, shall be built, constructed and maintained by the respective towns or districts within which such approach or approaches may be located, and all approaches to any and all such bridges as have heretofore been built and constructed jointly by two or more districts or towns shall be maintained by the respective districts or towns within which such approach or approaches are now located.

§ 66. WHEN COMMISSIONERS OF ADJOINING TOWNS OR DISTRICTS REFUSE TO ENTER INTO JOINT CONTRACT, BRIDGE MAY BE BUILT AND BONDS ISSUED BY VOTE OF TOWN MEETING OR DISTRICT ELECTION.] Whenever the commissioners of either of such adjoining towns or adjoining districts, shall refuse to enter into such joint contracts to build and maintain such bridge or bridges, the commissioners of the other town or district may submit such question to the annual district election or town meeting or call a special district election or town meeting to vote upon the proposition as to whether such district or town shall proceed to build and maintain such bridge or bridges at its own expense. If such proposed bridge shall require a greater sum of



money to complete it than is available to the commissioners by other means, they may also submit the proposition to such annual or special district election or annual or special town meeting, to borrow money to build such bridge. The voting shall be by ballot, and if simply the question as to the building of the bridge is submitted, if the voter desires to vote for building the bridge, his ballot shall state "to build bridge," and if he desires to vote against the proposition, his ballot shall state "against the proposition to build bridge." If the proposition to borrow money to build such bridge shall be included in the notice the maximum amount to be borrowed shall be stated in the same, and the voter desiring to vote affirmatively shall state on his ballot "to build bridge and to borrow money to construct the same"; and if he desires to vote negatively, his ballot shall state "against the proposition to build bridge and to borrow money to construct the same." Such special election shall be called and held in the same manner as is provided in section 61 of this Act. If the proposition to build such bridge shall receive a majority of all the votes cast at such election or meeting the commissioners shall then have the power to contract for the building of such bridge and approaches thereto, the same as if the bridge was entirely located in such district or town, and shall have the power to acquire by purchase, lease or gift, any private bridge already built, suited to the purpose, or any land upon which to build the approaches, or may use for the purpose of such approaches any public highway, that may lead to the bank of the stream where said bridge is to be built on either side of said stream, whether such highway may be within the limits of said town or district or county or not. If the proposition to build such bridge and borrow money to build the same shall receive a majority of the votes cast at such special or annual election or meeting, the town or district clerk, under the direction of the commissioners, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town or district for the purpose of building such bridge and the approaches thereto, or to purchase any private bridge already built, as the case may be, said bonds to be of such denominations, bear such rate of interest, not exceeding 8 per cent, upon such time, and be disposed of as the necessities and conveniences of said commissioners may require. Such bonds shall not be sold for less than their par value, and such town or district shall provide for the payment of such bonds and interest by appropriate taxation.

§ 67. SUIT ON JOINT CONTRACT.] If the commissioners of either of such towns or districts, after reasonable notice in writing from the commissioners of any other such towns or districts, shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the commissioners so giving notice to build or repair the same, to recover, by suit, one-half (or such amount as shall have been agreed upon) of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the town or district so neglecting or refusing.

## SUBDIVISION V.

*The Letting of Contracts.*

§ 68. CONTRACTS OF SINGLE TOWN OR DISTRICT.] The commissioners of highways in each town or district is hereby authorized to contract for the construction and repairing of roads and bridges lying wholly within the limits of his [their] town or district; the cost whereof does not exceed \$200.00. When any contract shall be for a sum in excess of \$200.00, the said commissioners shall not let the same without the approval of the county superintendent of highways. The county superintendent shall keep a record of all contracts approved by him.

§ 69. CONTRACTS FOR IMPROVEMENTS TO BE CONSTRUCTED BY TWO TOWNS OR DISTRICTS.] Contracts for constructing and repairing roads and bridges on towns or district lines, or across streams on town or district lines, shall be let by the commissioners of the two towns or districts who shall meet and act together when taking action upon the letting of such contracts for the construction or repair of such roads and bridges, or acceptance of the work. When such contracts are for the expenditure of a sum exceeding \$200.00 they shall not let the same without the approval of the county superintendent as provided in the preceding section.

§ 70. CONTRACTOR TO FURNISH BOND.] No contract so made either at public or private letting shall be considered as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of the town or district, upon failure to comply with the conditions of his or their contract.

§ 71. WHEN CONTRACTS MADE PAYABLE.] All contracts for the construction or repair of roads, or building or repairing bridges shall be made payable as soon as the work on said contract is completed and accepted by the commissioners of highways.

§ 72. IN LETTING CONTRACTS, ETC., COMMISSIONERS MUST NOT HAVE ANY PECUNIARY INTEREST.] In letting contracts, employing labor, or in purchasing tools, machinery or materials, neither the highway commissioners nor the county superintendent of highways shall have, directly or indirectly, any personal pecuniary interest therewith.

## SUBDIVISION VI.

*Laying Out, Altering, Vacating, Widening Roads.*

§ 73. WIDTH OF ROADS.] All public roads established under the provision of this Act shall be of the standard width of 40 feet.

§ 74. REDUCING WIDTH OF ROADS.] The commissioners of highways of any town or road district may, in their discretion, reduce the width of any existing public highway in any town or road district to a width of forty feet when the same is petitioned for by a majority of the land owners along the line of said road within said town or district. When possible the land so vacated by reducing the width of the road shall be taken equally from both sides of the public highway. In cases of natural obstruction on one side of the public highway or



where the said road extends along the right-of-way of any railroad, river or canal, the commissioners are authorized to reduce the width of road on one side only, [ ;] *provided* [,] that any highway that has been heretofore laid out and dedicated to the public use and which has been set apart in any county by the proper authorities as a State aid road shall not be reduced in width without the consent in writing of the Department of Public Works and Buildings. [Amended by Act approved June 25, 1917.

§ 75. ALTERING, WIDENING, VACATING AND LAYING OUT ROADS—PETITION.] Existing roads may be altered, vacated or widened and new roads may be laid out in the manner herein provided for. Any number of land owners, not less than twelve, residing in any town or road district within two miles of the road to be altered, widened, vacated or laid out, or two-thirds of such land owners, may file a petition with the commissioners of highways of such town or district, praying for the altering, widening, vacation or laying out of said roads. Said petition shall set forth a description of the road and what part is to be altered, widened or vacated, and if for a new road the names of the owners of lands, if known, and if not known it shall so state, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near which it is to terminate. [Amended by Act approved June 24, 1915.

§ 75a. RAILROAD CROSSINGS.] Whenever the State Public Utilities Commission, or its successor, shall find and certify to the highway commissioners of any town or road district, that the reconstruction, alteration, relocation improvement or abolishment of any crossing of the track of any railroad company across any highway or public road, is necessary to preserve or promote the safety of the public or of the employees or passengers of such railroad, and that for that purpose it is necessary to relocate, divert or establish any highway or public road, it shall be the duty of such highway commissioners to relocate, divert or establish such highway or public road in accordance with such findings. The proceedings for that purpose shall be in accordance with the provisions of subdivision VI of this Act, except that the petition mentioned in section 75 shall not be necessary, but the findings and certificate of said commission shall stand in lieu of such petition. [Amended by an Act filed June 29, 1917.

§ 76. HEARING ON PETITION—NOTICE—PRELIMINARY ORDER.] Whenever the commissioners shall receive any such petition they shall fix a time when and a place where they will examine the route of such road and hear reasons for or against the altering, widening, vacating or laying out of the same, and they shall give at least ten days' notice of the time and place of such examination and hearing by posting notices in three of the most public places in the town or district in the vicinity of the road to be widened, altered, vacated or laid out. The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first hearing, adjourn the said hearing from time to time, but not for a longer period than ten days in all; and shall at such meeting, or such adjourned meeting,

decide and publicly announce whether they shall grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of such decision, to be signed by said commissioners and file within five days thereafter in the office of the town or district clerk.

§ 77. APPEAL.] In case the commissioners of highways shall deny the prayer of the petition, any three of the petitioners may appeal from such decision to the county superintendent of highways by joining in a notice of such appeal and filing the same in the office of the town or district clerk within ten days after the date of the decision appealed from. The clerk shall thereupon transmit the original petition for the altering, widening, vacating or laying out of such road, together with the said notice of appeal to the county superintendent of highways. Upon receipt thereof the said county superintendent of highways shall thereupon fix a time and place for a public hearing thereof, giving notice thereof and render his decision thereon in the manner hereinbefore provided in the case of the hearing upon said petition by the commissioners of highways of the town or district. Upon rendering his decision, the said superintendent of highways shall likewise endorse on said petition a memorandum of his decision and shall file the same in the office of the town or district clerk. Such decision of the commissioners of highways, or upon appeal such order of the county superintendent of highways, shall be regarded as a preliminary decision upon the advisability of the proposed improvement, and shall be subject to revocation in the manner hereinafter provided. [Amended by Act approved June 21, 1917.

§ 78. SURVEYS ORDERED.] If the commissioners of highways, or upon appeal from his [their] decision, the county superintendent of highways, shall enter a preliminary order as aforesaid that the prayer of the petitioner should be granted, the said highway commissioners or county superintendent of highways, as the case may be, shall cause a survey and plat of such road to be made by a competent surveyor who shall report such survey and plat to said commissioners of highways or county superintendent, as the case may be, giving the courses and distances and specifying the land over which said road is to pass; in which he may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in his judgment may require. Upon the petition of twelve land owners residing in the town or district where the road is situated, it shall be the duty of the said commissioners of highways or county superintendents, as the case may be, within a reasonable time to employ a competent surveyor and have any road designated in such petition to be once [re] surveyed.

§ 79. DAMAGES TO BE DETERMINED.] Whenever the commissioners of highways of any town or road district or upon appeal from their decision, the county superintendent of highways has entered a preliminary order as aforesaid for the establishment, vacation, widening or alteration of a road, and a survey therefor has been com-



pleted as hereinbefore provided, proceedings shall next be taken to fix the damages which will be sustained by the adjoining land owners by reason of such alteration, vacation, widening or laying out. In case such preliminary order was entered by the commissioners of highways, they shall act for the town or district in all matters relating to the fixing of damages, as well as the surveying of such road. But in case such order was entered by the county superintendent of highways on appeal, as aforesaid, the said county superintendent shall represent the said town or district in such matters.

§ 80. DAMAGES MAY BE AGREED UPON.] The damages sustained by the owner or owners of land by reason of the establishment, alteration, widening or vacation, as aforesaid, may be agreed upon by the owners of such lands if competent to contract, and the commissioners of highways or county superintendent, as the case may be. Such damages may also be released by such owners, and in such case the agreement or release shall be in writing, the same shall be filed and recorded with the copy of the order establishing, altering, widening or vacating such road in the office of the town or district clerk, and shall be a perpetual bar against such owners, their grantees and assigns for all further claim for such damages.

§ 81. INDUCEMENTS MAY BE OFFERED.] Any person or persons interested in the establishment, alteration, widening or vacation of any public road in this State, are hereby authorized to offer inducements to the commissioners of highways or county superintendent of highways, as the case may be, for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners or county superintendent, conditioned upon such establishment, alteration, widening or vacation, to pay money or other valuable thing to the town or district for the benefit of the road or bridge funds of the same; or to perform any labor, or construct any road, bridge or culvert on any road which said person or persons desire to be established, widened or altered. Any such contracts in writing made with said commissioners of highways or county superintendents shall be deemed good and valid in law and may be enforced by said commissioners or superintendent, or his or their successors in office, before any court having jurisdiction.

§ 82. SUMMONING JURY TO ASSESS DAMAGES—SUMMONS TO OWNERS.] In case such damages are not released or agreed upon as in the preceding section specified, the commissioners, or in case of appeal the county superintendent of highways, shall, within ten days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that he is about to establish, widen, vacate, or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such lands, if known, and if not known, stating the fact and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the peace of the county, who, on receipt of the same, shall, within five

days, issue a summons against the land owners concerned, which summons shall be in the following form as nearly as the case will admit, viz:

STATE OF ILLINOIS, }  
 .....COUNTY, }SS.

*The People of the State of Illinois, to any constable of said county—*  
 GREETING:

You are hereby commanded to summon.....to appear before me at.....on the.....day of.....at.....o'clock, and prove to a jury then and there to be empaneled, such damages as (he or they) may sustain on account of the establishing, altering, widening or vacating the road described in a certificate of the commissioners of the town of.....or road district No..... (or county superintendent of highways acting for said town or road district No.....) in said county, which certificate is now on file in my office.

Given under my hand and seal this.....day of....., 19....

.....  
*Justice of the Peace.*

In which summons the justice shall specify a certain place, day and hour for the trial, not less than six nor more than fifteen days from the date of such summons, at which the time and place such land owners are to appear. Such summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the land owners therein named.

§ 83. IF OWNER INFANT, ETC., HOW SERVED.] If any such owner is an infant, such summons shall be served by delivering a copy to the infant and its guardian, if any; if no guardian, the person with whom he or she resides. If any owner is a lunatic or habitual drunkard, having a conservator, or insane, by delivering a copy to his conservator, if any.

§ 84. NOTICE TO NON-RESIDENT OWNERS—CONTINUANCE.] In case it shall appear, either from the certificate of the commissioners or county superintendent of highways, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there are non-resident or unknown owner or owners who cannot be found and served within the county, such justice shall also cause notice to be delivered to the occupant of such lands, and the contents and nature thereof to be made known to such occupant and also to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least ten days before the time fixed in the summons for hearing proof of damages, stating the time and place, as stated in said summons, and describing the road to be established or altered, and the lands for which damages are to be assessed; and in case service is made upon any owner by posting notices as above provided, the justice shall continue said hearing for a period not exceeding twelve days.

§ 85. MANNER OF SELECTING JURY—CHALLENGE.] Such justice shall also forthwith issue a venire directed to any constable of the



county, to summon six persons having the qualifications of jurors to appear at such time and place as may be designated for the proving of such damages, whose competency shall be determined the same as in other civil cases before justices of the peace. Either party to the case shall have the same right of challenge as in other civil cases; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in such county: *Provided*, that not more than one-half of such jury shall be residents of the town or district liable to pay the damages assessed in the case: *Provided, further*, that changes of venue may be granted, if applied for before the commencement of the trial, in the same manner as in other civil causes before justices of the peace.

§ 86. OATH TO JURY—TRIAL TO BE CONDUCTED AS IN OTHER CIVIL CASES.] The jury shall appear before and be sworn by such justice faithfully and impartially to assess the damages of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted, according to law, to the best of their judgment and understanding; and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases.

§ 87. TRIAL—VERDICT—JUDGMENT—DAMAGES—BENEFITS.] The case shall be entitled, "Town of.....(or road district No.....) vs....." (whoever may be summoned as land owners), and the jury shall hear such lawful evidence touching the question of damages as may be presented to them; and they shall also, on request of the commissioners of highways or county superintendent of highways, as the case may be, or owners of lands whose damages are to be determined, in a body visit and examine the proposed location, alteration, widening or vacation of such road and the lands to be taken or affected thereby, and make a written verdict specifying the amount of damages, if any, which every such owner shall recover, and return the same to such justice, to be by him entered on his docket in the nature of a judgment: *Provided*, that in estimating the damages, except damages to land actually taken for a road, the jury may consider the benefits conferred; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 88. APPEAL.] Any person or persons interested in the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to the county or circuit court within ten days after such decision has been rendered, by filing a written petition with the justice of the peace, from whose decision they desire to appeal, asking for an appeal and stating on what grounds such appeal is taken.

§ 89. COSTS OF APPEAL—APPEAL BOND.] Any parties taking appeal from the verdict of the jury as aforesaid, shall file a sufficient bond with the justice of the peace, before taking such appeal, conditioned for the payment of the costs of such appeal in case the verdict of the jury is in all things sustained or the appeal dismissed; if the verdict

of the jury shall not be sustained, the district shall pay the costs of such appeal. When such appeal is taken from the verdict of the jury called by the justice of the peace to assess damages as aforesaid, and when the commissioners of highways or county superintendent, as the case may be, shall be unable to agree with the owners of lands in regard to such damages, then all proceedings shall cease until the amount of damages is settled by the county or circuit court on appeal as aforesaid.

§ 90. FINAL ORDER OF HIGHWAY COMMISSIONERS OR COUNTY SUPERINTENDENT OF HIGHWAYS.] Within twenty days after the damages likely to be sustained by reason of the proposed laying out, alteration, widening or vacation of any road shall have been finally ascertained, either by agreement of the parties or by trial in a court of the justice of the peace, or on appeal to the county or circuit court, or within twenty days after such damages may have been released, as aforesaid, the commissioners of highways shall hold a public hearing at which they shall hear and consider reasons for or against the proposed laying out, widening, alteration or vacation of such road, and at which time and place they shall publicly announce their final decision relative thereto. The commissioner [s] of highways shall give public notice of such public hearing by posting notices thereof in at least three of the most public places in the town or district for at least five days prior thereto. At such time and place the commissioners of highways shall determine upon the advisability of such proposed laying out, widening, alteration or vacation of such road and shall make an order for the same and shall within five days thereafter file such order in the office of the town or district clerk.

§ 91. APPEAL FROM FINAL COMMISSIONERS' ORDER.] From such order of the commissioners of highways finally determining the advisability of such proposed laying out, alteration, vacation or widening of any road, any three qualified petitioners who may have signed the petition for such proposed laying out, alteration, vacation or widening, or any three land owners residing in said town within two miles of any portion of such road proposed to be laid out, altered, vacated or widened, or any person interested therein, may appeal to the county superintendent of highways by filing a notice of such appeal in the office of the town or district clerk within ten days of the date of filing the decision appealed from. Thereupon such clerk shall at once transmit all papers relating to such proposed laying out, alteration, vacation or widening of such road to the county superintendent of highways, who shall within twenty days after the receipt of the same, hold a public hearing within such town or district to finally determine upon the laying [upon the laying] out, vacation, widening or alteration of such road. Such hearing shall be upon such notice and conducted in like manner as the hearing before the commissioners of highways relative to such final decision and from which appeal has been taken. The final order of the county superintendent of highways, relative to such proposed laying out, alteration, widening or vacation of such roads shall be filed with the town or district clerk



within five days from the date of such public hearing. [Amended by Act approved June 21, 1917.]

§ 92. EFFECT OF FINAL ORDER.] In case the commissioners of highways, or upon appeal from their decision the county superintendent of highways, shall finally determine as aforesaid against the advisability of the proposed laying out, alteration, widening or vacation of such road, such order shall have the effect to annul and revoke all proceedings and assessments, releases and agreements in respect to damages growing out of the proceedings upon the petition aforesaid. In case the commissioners or county superintendent shall not revoke such prior proceedings, he or they shall make an order to be signed by him or them, declaring such road to be altered, widened, vacated or laid out as a public highway and which order shall contain or have annexed thereto a definite description of the line of such road, together with the plat thereof. The commissioners of highways or county superintendent, as the case may be, shall within five days from the date of his final order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessment in respect to damages, to be deposited and filed in the office of the town or district clerk; who shall note upon such order the date of such filing. It shall be the duty of such clerk to record such order, together with the plat of the surveyor in a proper book to be kept for that purpose.

§ 93. PROCEEDINGS SUBSEQUENT TO FINAL ORDER.] After it has been finally determined that a road shall be laid out, widened, altered or vacated, either by the commissioner of highways, or upon appeal, by the county superintendent of highways, all proceedings subsequent thereto on behalf of the town or district shall be taken by the commissioners of highways thereof as hereinafter provided. And such commissioners of highways in such cases are hereby authorized and empowered to resort to all necessary proceedings not inconsistent with the provisions of this Act to secure the laying out, widening, alteration or vacation of any such road.

§ 94. RECORDS OF TOWN OR DISTRICT CLERK—EVIDENCE—EFFECT OF SAME.] The records of the town or district clerk, or a certified copy of such record and papers, relating to the establishment, location, alterations, widening or vacation of any road shall be *prima facie* evidence in all cases that all the necessary antecedent provisions have been complied with, and that the action of the commissioners or other persons and officers, in regard thereto, was regular in all respects.

§ 95. LIMITATIONS OF TIME TO OPEN.] All roads laid out as herein provided shall be opened within two years from the time of laying out the same. If the damages resulting from the establishing of such roads shall not be paid within ninety days from the time of the final determination to open the same as aforesaid, such new roads shall be deemed to be vacated.

§ 96. REMOVAL OF FENCES—NOTICE.] Whenever a public road is ordered to be established or altered, according to the provisions of this Act, which road shall pass through or on enclosed land, the

commissioners of highways shall give the owner or occupant of such land sixty days notice in writing, to remove the fences. If such owner or occupant does not remove the fence or fences within sixty days after such notice, the commissioners shall have the same removed, and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of the removal, and the same may be recovered by the commissioners of highways in any court of competent jurisdiction.

§ 97. CROPS—REMOVAL OF.] When any road opened according to the provisions of this subdivision shall pass over enclosed lands, the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the commissioners of highways to harvest crops and remove fences which may be on such lands before such road or cartway shall be opened.

§ 98. PRIVATE ROADS.] Roads for private and public use of the width of three rods or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from a lot of land to a public road, or from a lot of land to a public waterway, on petition to the commissioners by any person directly interested. Upon receiving such petition, proceedings shall be had respecting the laying out of such road as in the case of public roads. In case the commissioners of highways or upon appeal, the county superintendent of highways shall enter a preliminary order for the laying out of such road, the said highway officer or officers making such preliminary order shall, if possible, and the parties are competent to contract, agree upon the total amount of damages, together with the portion thereof to be paid by the town or district, as well as by each of the land owners benefited by such private road. In case such damages cannot be determined or apportioned by agreement, the same shall be fixed as in the case of public roads. The amount of such damages shall be paid by the persons benefited thereby, to the extent and in proportion that they are benefited as determined and declared by the court. The remainder of the amount of damages, over and above that to be paid by the parties aforesaid, shall be paid by the town or district as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. In all other respects the provisions of this Act relative to the opening, vacation, alteration or widening of public roads shall be applicable also to the laying out, alteration, widening or vacation of private roads.

§ 99. ROADS ON TOWN OR DISTRICT AND COUNTY LINES, ETC.] Public roads may be established, altered, widened or vacated on county or township or districts lines, or from one township or district to another, and in case a railroad right of way or stream of water joins the boundary line of such county line, then along the line of such railroad right of way or stream of water, in the same manner as other public roads, except that in such cases, a copy of the petition shall be posted up in and presented to the commissioners of each town or district interested; said petition to be as in other cases, and signed by not less



than twelve, or two-thirds of the owners of land residing thereon, in either township or district or county within two miles of the road to be so altered, widened, vacated, located or laid out. Whereupon it shall be the duty of the commissioners of the several towns or districts to meet and act together, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, alteration, widening or vacation, and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns or districts interested. In case the said commissioners are unable to agree, the county superintendent of highways shall act as arbitrator between them in case the towns or districts shall lie within the same county, and if in different counties the State Highway Commission or any person designated by him, shall so act. All appeals hereinbefore provided for may likewise *to* be taken to the county superintendent of highways, or in case the towns or districts shall lie in two or more counties, to the State Highway Commission.

§ 100. COMMISSIONERS TO ALLOT ALL OR PART OF ROAD TO EACH TOWN OR DISTRICT—ALSO TO DIVIDE DAMAGES AND EXPENSES—ARBITRATION.] The commissioners shall also, in case a new road is established, allot to each of such towns or districts the part of such road which each of such towns or districts shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town or district. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to the county superintendent of highways or in case the towns or districts shall lie in two or more counties, to the State Highway Commission, whose decision shall be final.

§ 101. ROADS HERETOFORE LAID OUT ON COUNTY OR DISTRICT OR TOWN LINES.] All roads heretofore or hereafter laid out upon town or district or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall be laid out on any county or town or district line, and in case a railroad right of way or stream of water forms the boundary line of town or district or county, or crowds the public road off from such town or district or county, then the road alongside such railroad right of way or stream of water, shall be held to be a road on a county or town or district line, although owing to the topography of the ground along such county or town or district line, or at the crossing of any stream of water the proper authorities in establishing or locating such road may have located a portion of the same to one side of such county or district or town line or railroad right of way, or stream of water, and the expenses of keeping in repair such road shall be assessed by each town or district or county interested.

§ 102. STATE LINE ROADS.] Roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

§ 103. WHERE ROAD PROPOSED ACROSS OR ALONGSIDE RAILROAD—NOTICE.] In addition to the notices now required by law in proceedings for laying out, locating or opening of public roads, similar notices shall be served on any railroad company across or alongside of whose railroad it may be proposed to locate a public road: *Provided*, that this Act shall not apply to the proceedings for opening streets in towns or cities.

§ 104. NOTICES ON RAILROAD COMPANIES—HOW SERVED.] The notices as provided by this Act shall be served by delivering a copy thereof to the station agent of any such railroad company nearest to the proposed location of such projected public roads.

§ 104a. REGISTRATION OF ROUTES.] Any association organized to promote the improvement of highways may, upon application to the Department of Public Works and Buildings, have registered in the office of the department, the name, detailed route, color combination and design used in marking any route laid out by such association. The board of highway advisors shall have power to determine priority of right in the use of any such name, color combination and designs.

The application for such registration shall be in the form prescribed by the Department of Public Works and Buildings and shall be properly acknowledged by the president and secretary of the association before a notary public or other officer authorized to take acknowledgment of deeds. Such application shall be accompanied by a registration fee of five dollars (\$5.00), which fee shall be returned to the association, if the application be not granted.

If the department shall, after investigation, adjudge the application meritorious and the route to be worthy of the protection of this Act, it shall issue to the association a certificate, which shall designate in detail the name, the starting and the terminal point, the color combination and designs used in marking the route, all of which facts shall be recorded as a part of the permanent records of the department, in a book to be kept for that purpose.

It shall be unlawful for any person or association of persons other than those granted the privilege, as provided herein, to use for similar purposes, the name or any recorded color combination or design so registered.

Any person who shall injure or deface any sign board, design or other markings designating routes so registered, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100).

When any such highway association ceases to exist, or when the interest in the route name and markings has ceased, the Department of Public Works and Buildings may, after proper investigation, cancel the records and registration of any such registered route and reassign the name, color combination, designs or other markings to any other association making application for their use, as provided herein.

Any person or officer of any association violating any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof, may be fined not less than five dollars (\$5.00) nor more



than one hundred dollars (\$100.00). [Amended by Act approved June 25, 1917.

## SUBDIVISION VII.

### *Repair and Maintenance of Roads and Bridges.*

§ 105. HOW ROADS TO BE GRADED—WALK—PENALTY FOR DRIVING ON CROSSINGS.] In grading roads, wherever practicable, it shall be done so as to leave not less than one-tenth of the width of the road on each side for a sidewalk; and the space between these points shall be made a regular oval grade so that the entire space can be used for traveling purposes; and it shall be unlawful to ride or drive on such walk; and any person so offending shall be subject to a fine of \$1.00 for each offense. Grading shall be done before the 1st of September in each year. Corner stones marking sectional or other corners shall not be disturbed, except to so grade the road that these, if in the line of travel shall not rise above the surface, and corner stakes shall be replaced by good and substantial stones. In grading public roads, if a ditch is made at the junction of roads, or at the entrance of gates or other openings of adjoining premises, the road authorities shall construct good and sufficient culverts, or other convenient crossings.

§ 106. SIDEWALKS IN UNINCORPORATED VILLAGES.] Highway commissioners are hereby authorized to build sidewalks in unincorporated villages out of any delinquent road tax belonging to the town or road district in which such village is located.

§ 107. ROAD DRAGS—AUTHORITY AND USE.] (A) The commissioners or commissioner of highways of their respective townships or district in the several counties of this State are hereby authorized to have earth roads dragged at all seasons of the year whenever the surface of the roads become rough so they will not properly shed the water which falls upon them.

It shall be the duty of the commissioners or commissioner of highways to designate from time to time what roads in the township or district shall be dragged. He shall cause the work to be done by giving the parties contracted with for the performance of such services such notice as shall be deemed sufficient; he shall on or before the 15th day of September in each year contract with as many suitable persons as he deems necessary to drag the roads in the township or district for that year, but shall not apportion the dragging of more than six miles of road to any one person. The commissioners or commissioner of highways may at any time cancel such contract or contracts for dragging the roads when the stipulations herein contained have not been properly complied with or when the work is not done in a satisfactory manner: *Provided, however,* that in making contracts for road dragging such contracts shall not be let for a sum exceeding one dollar (\$1.00) per mile for each time dragged: *Provided, further,* that the width required to be dragged shall be not less than 14 feet, if the width of the roadway will permit.

(B) OBSTRUCTING DRAINAGE.] It shall be unlawful for any person or persons to place loose earth, weeds, sods, or other vegetable matter on the portion of a road which has been dragged and so maintained in good condition, or to place any material in such a manner as to interfere with the free flow of water from the dragged portion of the road to the side gutters or ditches: *Provided*, that this restriction shall not apply to deposits of earth or other material that may be made by the authority of the proper road officials, if necessary for filing or raising the elevation of a given section of road or other necessary construction work.

(C) TRAVEL REGULATED.] It shall also be unlawful for any person or persons to drive or cause to be driven a vehicle of any description in or upon any portion of the highway immediately after the same has been dragged and before such portion of the highway shall have partially dried out or frozen: *Provided*, that nothing in this section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag or where a vehicle does not make a rut nearer than nine (9) feet from the center of the dragged portion of the road.

(D) Any violation of any of the provisions of this section by the commissioners or commissioner of highways or any person or persons who may be required under contract to drag district roads or neglect on the part of any township clerk to set aside the funds required by section 62 of this Act shall, on conviction thereof, subject the offender to be fined not less than ten dollars (\$10.00) nor more than twenty-five (\$25.00) for the first offense, and for each subsequent offense shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). [Amended by Act approved June 28, 1915.

#### SUBDIVISION VIII.

##### *Gravel, Rock and Macadam—Hard Roads.*

§ 108. PETITION FOR ROAD—NOTICE—ELECTION—VOTE—RATE PER CENT.] On the petition of twenty-five per cent of the land owners who are legal voters of any township to the town clerk thereof in counties under township organization or road districts in counties not under township organization, to the district clerk he shall, when giving notice of the time and place for holding the next annual town meeting or road district election, also give notice that a vote will be taken at said election or meeting for or against an annual tax not to exceed one dollar on each one hundred dollars assessed valuation of all the taxable property, including railroads, in the township or road district, for the purpose of constructing and maintaining gravel, rock macadam, or other hard roads, or for improving, maintaining or repairing earth roads by draining, grading, oil-treating or dragging. Said petition shall state the location and route of the proposed road or roads, and shall also state the annual rate per cent not exceeding one dollar on each one hundred dollars and the number of years not



exceeding five, for which said tax shall be levied. If in any such petition a special election shall be requested for such purposes it shall be called in the manner provided for calling special elections in section 112 of this Act. [Amended by Act approved June 27, 1917.

§ 109. BALLOTS.] The ballots at said election shall be substantially in the following form:

Shall a special tax for road purposes be levied?	Yes	
	No	

[Amended by Act approved June 27, 1917.

§ 110. DUTY OF COMMISSIONERS—TAX DONATIONS.] If a majority of all the ballots cast at said election on said proposition shall be in favor of said special tax, then it shall be the duty of the commissioner of highways of the township or road district to levy an annual tax in accordance with said vote and certify the same to the county clerk. He shall also cause a copy of such certificate of levy to be filed in the office of the town or district clerk as provided in section 57 of this Act. The county clerks shall cause such levy, thus certified to him to be extended on the tax books for the current year and for each succeeding year, as stated in the certificate so filed with him: *Provided*, that the length of time for which the special tax levy shall continue shall not exceed five years. The commissioner may also receive donations in money, labor, materials or other valuable things, to aid in the construction of said road.

§ 111. LEVY AND COLLECTION OF TAX.] The county clerk, when making out the tax books for the State and county tax for the collector, shall in each year for the number of years stated in such certificate extend the special tax in separate columns against each taxpayer's name or taxable property, as other taxes are extended, which shall be collected the same as State and county taxes, and known as the permanent road fund.

§ 112. BORROWING MONEY.] On the petition of the single commissioner of highways or of the commissioners of highways, in his or their official capacity, and of one hundred of the free holders of any town or district (or where there may be less than two hundred such free holders, then a majority of them,) to the town or district clerk requesting him, when giving notice of the time and place for holding the next annual town or road district election, to give notice also that a vote will be taken at said election on the question, "Shall bonds for road purposes be issued to the amount of \$. . . . .?" such clerk shall, when giving notice of the time and place for holding the next annual town or road district election, also give notice that a vote will be taken at said election on said question, "Shall bonds for road purposes be issued to the amount of \$. . . . .?"

If in any such petition a special election shall be requested for such purpose, it shall be called as follows:

Upon the filing of such petition the town or district clerk shall call such special town or district election, by posting up in ten of the most public places in said town or district, at least ten days prior to the day fixed for said special town or district election, notices of such special town or district election, which notices shall state the filing of said petition, the time and place of said special election, and that a vote will be taken at said election on the question, "Shall bonds for road purposes be issued to the amount of \$.....?"

Such special election shall be held at the place of the last annual town or district election and shall be conducted and returns thereof be made in the same manner as regular annual town or road district elections.

The vote at such regular or special election shall invariably be by a separate ballot and shall be in substantially the following form:

	Yes	
Shall bonds for road purposes be issued to the amount of \$.....?	No	

And if it shall appear that a majority of the legal voters voting at said election on said question voted in favor of said proposition, the commissioners of highways and the town or district clerk, as the case may be, shall issue (from time to time as the work progresses) a sufficient amount, in the aggregate, of the bonds of said town or district for the purpose of building or maintaining roads, or for the purpose of constructing or repairing any bridge or bridges, or for the purpose of constructing or repairing any other distinctive work on the road, as the case may be, in accordance with the prayer of said petition. Said bonds shall be of such denominations, upon such time and bear such rate of interest, not exceeding five per cent, and be disposed of, as the necessities and convenience of said town or district may require: *Provided*, that said bonds shall not be sold nor disposed of, either by sale or by payment to contractors for labor or materials, for less than their par value, and that such bonds shall be issued in not more than ten annual series, the first series of which shall mature not more than five years from the date thereof, and each succeeding series in succeeding years thereafter. A register of all issues of said bonds shall be kept in the office of the county clerk of the county in which said town or district is located, showing the date, amount, rate of interest, maturity, and the purpose for which said bonds were issued, which information shall be furnished to the county clerk in writing, by the town or district clerk, and it shall be the duty of such county clerk to extend annually against the property in said town or road district, a tax sufficient to pay the interest of said bonds in each year



prior to the maturity of such first series, and thereafter he shall extend a tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which coupons shall be signed with original or *fac-simile* signatures by the same officers who executed the bonds: *Provided, however*, that the amount, including the principal and interest to be voted upon, shall not exceed the amount which can be raised during a period of five years by a levy of one dollar per year on each one hundred dollars of taxable property, as taken for assessment purposes in such town or district; the proceeds of said bonds to be paid to the treasurer of such funds and to be disbursed by him upon the order of the commissioners of highways. [Amended by Act approved June 27, 1917.]

§ 113. DUTY OF TREASURER.] The treasurer of the road and bridge funds of any town or district before receiving any of said fund herein provided for, shall execute a good and sufficient bond, with two or more sureties, to be filed with the town clerk or district clerk, as the case may be, for the benefit of the town or district, in double the amount which will probably come into his hands by virtue of this subdivision of this Act.

§ 114. TAX COLLECTOR—DUTY—COMMISSION.] The tax, when collected, shall be paid to said treasurer as fast as collected, except such rate per cent as shall be allowed for collecting the same, and said tax shall be known and kept as the permanent road fund. The treasurer shall be allowed one per cent on all of said fund that comes into his hands.

§ 115. SURVEYS, ESTIMATES, ETC.] Whenever it shall be voted to construct gravel, rock, macadam or other hard roads or to improve dirt or earth roads and to oil treat the same or to oil treat the roads in any township or district it shall be the duty of the county superintendent of highways of the county in which said township so voting is located to at once survey (or cause to be surveyed) the route of the road thus to be improved and to prepare suitable maps, plans, specifications, and estimates of the cost of the proposed improvement. The county superintendent of highways shall divide the same into convenient sections, each of which shall be numbered. The county superintendent of highways, upon the completion of said maps, plans, specifications and estimates, shall file one copy of the same with the town or district clerk of the township wherein the proposed road is to be constructed and one copy with the commissioners of highways of said township, and in case of State aid road construction or improvement the county superintendent of highways shall also file copies of such maps, plans, specifications and estimates with the State Highway Commissioners. [Amended by Act approved June 25, 1915.]

§ 116. PLANS—BIDS—NOTICE.] When the plans and specifications are completed, the commissioners shall advertise for sealed bids for said work, by publishing a notice thereof for at least three weeks in some newspaper published in said township or road district. If there

is no newspaper published therein, then in the newspaper published nearest said township or road district, and also by posting notices in at least ten of the most public places in said town or road district.

§ 117. PLANS AND SPECIFICATIONS—WHAT TO CONTAIN.] The plans and specifications shall provide for the grading of a roadbed of not less than 20 feet in width on the surface, and so constructed as to drain freely to the sides and with all necessary side and lateral ditches and tile drains, bridges, and culverts, and a track laid with gravel, rock, macadam, or other hard and durable substance, not less than seven nor more than sixteen feet in width, and if constructed of gravel or broken stone, not less than ten inches thick in the center, and eight inches thick on the edges: *Provided, however*, this section shall be considered as directory only, and shall not prohibit the making of roads of different width or thickness, in the discretion of the commissioners.

§ 118. COMMISSIONERS—OPENING BIDS—FAILURE TO GIVE BOND.] The commissioners shall appear at the time and place appointed, for the purpose of opening the bids and shall proceed to let the contract publicly to the lowest responsible bidder or bidders by sections, with proper specifications of the various kind of labor or material on each section, and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners may provide, and each contractor shall be required to give bond with good and sufficient sureties for the performance of his contract, payable to the commissioners for the use and benefit of the town or district with the necessary specifications and stipulations on the part of the contractor entered therein: *Provided, however*, no contract in excess of the sum of two hundred dollars (\$200.00) shall be let by the commissioners of highways in any town or district without the approval of the county superintendent of highways. No commissioners shall be interested either directly or indirectly in any contract relating in any manner to said road.

§ 119. MAY REJECT BIDS.] If the commissioners of highways shall be of the opinion that the bids are too high, they may reject the same. No contract shall be deemed as let unless the contractor shall, within ten days after the letting, enter into contract and file a bond with two good and sufficient sureties with the commissioners, in the penal sum of double the amount of the contract, payable to the commissioners of highways upon the failure to comply with the conditions of his or their contract.

§ 120. ESTIMATE—PAYMENT OF CONTRACTOR.] The county superintendent of highways shall make estimates of the work done, and certify the same to the commissioners of highways of said township, not oftener than once in thirty days, as may have been provided in the contracts, and the said commissioners of highways shall then issue an order on the treasurer in favor of the contractor, reserving not less than 20 per cent of said estimates, to guarantee the completion of the contract. Upon the completion of the contract the commissioners and the county superintendent of highways shall make a thorough and complete examination and estimate of said work, and,



if found in accordance with the specifications of the contract, the commissioners, upon the certificate of the county superintendent of highways, shall issue his order on the treasurer for the full amount due the contractor.

§ 121. RECORD—REPORT—SETTLEMENT.] The commissioners shall keep a full and accurate record of all their proceedings under this Act, and shall, upon the completion of the road, file with the town or district clerk all records, papers, plans, plats, estimates, specifications and contracts, and shall make a full report to, and settlement with the board of town auditors or district clerk as provided in section 50 of this Act. If the commissioners fail to make such settlement, the supervisor or board of county commissioners shall cause an action to be instituted against them in the corporate name of the township or road district to enforce such settlement.

§ 122. CONSTRUCTION OF ROAD—MATERIAL.] The commissioners and the county superintendent of highways may, in their discretion, cause the road to be constructed wholly of earth, and by a thorough system of tile and other drainage, when gravel, stone and other suitable hard materials can not be obtained at a cost within the means in the hands of the commissioners or oil treat earth roads. [Amended by Act approved June 25, 1915.

§ 123. COMMISSIONERS MAY TAKE MATERIALS.] The commissioners, for the purpose of constructing, maintaining or repairing gravel, rock, macadam or other hard roads, as provided in this subdivision and for procuring materials therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction and repairing of said roads: *Provided*, that the commissioners of highways, their employees, or teams, shall not enter upon such lands for the purpose in this section stated, without having paid or tendered the amount of damage allowed or agreed upon: *Provided*, that the commissioners and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, cannot agree as to the amount of damage or value of material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 124. COMPENSATION OF COMMISSIONERS AND EMPLOYEES.] The commissioners shall receive the same compensation for their services under this subdivision of this Act as for services under the common road law: *Provided, however*, they shall not receive benefit for both kinds of service on the same day. The assistants or employees shall receive such reasonable compensation as may be agreed upon. The commissioners shall be paid out of the road and bridge fund of the town or district. The other employees shall be paid by the commissioners out of the permanent road and bridge fund and none other.

§ 125. EXTENSION OF ROAD WITHIN CITY OR VILLAGE.] Whenever a special tax shall have been levied under the provisions of this subdivision of this Act, the commissioners of highways of any town or district may, by agreement with the city council or board of trustees of

any city or village of less than 10,000 population, extend any road improved under the provisions of this subdivision within or through the corporate limits of such city or village: *Provided*, such extension within such city or village shall be of the same cost and kind of material as the road outside such city or village, to be paid for out of said special tax and after completion to be maintained by the municipal authorities of such city or village at the cost of such city or village.

§ 126. POWERS OF COUNTY BOARD.] The several county boards of counties in this State are hereby vested with the same powers for constructing, repairing and maintaining roads in their respective counties, as the commissioners of highways, acting severally or together, with the several county superintendents of highways, according to the provisions of this Act. The county board of any county may also assist any town or road district in such county in the construction of roads, under the provisions of this Act, to the extent of twenty-five per cent of the cost thereof: *Provided, however*, that the question of raising a special road tax or of issuing bonds for the purposes set forth in this Act shall first be submitted to the legal voters of the county, at any regular election for county officers, or at a special election which the county board is hereby authorized to call for such purpose, on the petition of one hundred land owners who are legal voters in said county, to the county clerk, previous to time for posting the notices of a regular or of a special election; said petition and notices, if for a special road tax, shall designate the road or roads to be improved, or the town or towns or the road district or road districts to be assisted, the annual rate per cent not exceeding fifty cents on each one hundred dollars assessed value, the number of years, not exceeding five, for which such tax shall be levied, and said petition and notices, if for the issue of bonds, shall designate the amount of bonds to be issued, the rate of interest thereon and the number of annual series thereof not less than five nor more than twenty from the date of issue.

All elections hereunder shall be called and held and returns made in substantially the manner provided for under the general election laws of this State. [Amended by Act approved June 27, 1917.]

§ 127. BALLOTS—ELECTION—TAX.] The ballots to be used at elections provided for in the preceding section, if for a special road tax, shall be in substantially the following form:

Shall a special tax for road purposes be levied?	Yes	
	No	

And if for the issue of bonds the ballots shall be in substantially the following form:



Shall county bonds for road purposes be issued to the amount of \$.....?	Yes	
	No	

If a majority of all ballots cast on the first proposition mentioned in this section at any such election shall be in favor of such proposition, it shall be the duty of the county board to direct the county clerk to extend such tax against all the taxable property, including railroads, in said county, in accordance with the prayer of the petition therefor; if a majority of all ballots cast on the second proposition mentioned in this section at any such election shall be in favor of such proposition, it shall be the duty of the county board to issue the amount of bonds voted for; and then in either case it shall be the duty of such county board to carry out the purposes for which said tax or bonds were voted, in the same manner as provided for the guidance of commissioners of highways in their respective towns or districts. [Amended by Act approved June 27, 1917.

§ 128. ROADS TO BE FREE.] All roads constructed under the provisions of this subdivision of this Act, either by towns or districts or counties shall be free for public travel and kept in repair by the proper authorities thereof.

§ 129. SURPLUS FUND.] All surplus funds remaining in the hands of the treasurer of the town or district after the completion of any road provided for under this subdivision of this Act shall be turned over to the common road fund of said town or road district, as the case may be, except so much thereof as the commissioners may order retained for the purpose of repairing said permanent road.

## ARTICLE VII.

### CERTAIN PROVISIONS APPLICABLE GENERALLY TO HIGHWAY OFFICIALS.

§ 130. TILE DRAINS—CONTRACT WITH OWNERS.] Whenever the commissioners of highway are about to lay a tile drain along any public road other than a State aid road, or the State Highway Commission or county superintendent of highways is about to lay such tile drain along a State aid road, the said highway commissioner [s], State Highway Commission, or county superintendent of highways, as the case may be, shall have the power to contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the road, and to permit connection therewith by such contracting parties to drain their lands: Provided, that all such contracts on roads other than State aid roads for a sum in excess of \$200.00 shall be made on behalf of any town or road district by the highway commissioners thereof, with the consent of the county superintendent of highways.

§ 131. WILLOW HEDGES—PUBLIC NUISANCE.] Where willow hedges, or a line of willow trees have been planted along the margin of a road, so as to render tiling impracticable, the commissioners of highways if the road be other than a State aid road, and the State Highway Commission or the county superintendent of highways, if the road be a State aid road, may contract with the owner for their destruction; and they shall be destroyed before tiling. The planting of these trees hereafter on the margin of roads is hereby declared to be a public nuisance.

§ 132. CARRIAGES MAY BE KEPT OFF HIGHWAYS—WHEN.] The proper highway officials are hereby authorized to keep carriages and vehicles of every kind off the public highways wherever necessary to properly repair the same.

§ 133. COMMISSIONERS MAY ENTER LANDS TO OPEN DITCHES, ETC.—WHEN OWNER WILL NOT CONSENT—PROCEEDINGS.] The highway commissioners of the towns and road districts are hereby authorized to enter upon any land adjacent to any highway in their respective towns or districts for the purpose of opening any ditch, whenever it shall be necessary to open a water course from any highway to the natural water course; and to dig, open and clean ditches upon said land for the purpose of carrying off the water from said highways; or to drain any slough or pond on said highways: *Provided*, that unless the owner of such land, or his agents, shall first consent to the cutting of such ditches, the commissioners shall apply to any justice of the peace of the county in which such road is situated for a summons, directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five or more than fifteen days from the date thereof, for the purpose of having the damages assessed which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of such justice and be served in the same manner as summons is now served in civil actions before justices of the peace. On the return of such summons, a venire shall be issued for a jury, as in other cases in the trial of civil actions before justices of the peace, which jury shall assess such damages and render a verdict therefor. Whereupon judgment shall be entered by the justice in accordance with the verdict. If either party shall feel aggrieved by such judgment, an appeal may be taken as in other cases: *Provided*, bond is filed within five days from the time of entering of the judgment. If no appeal is perfected within five days the amount so awarded shall be paid before the commissioners of highways shall be warranted and empowered to enter upon such lands and dig, open and clean such drains, ditches and water courses as aforesaid for the purposes contemplated in this Act. The commissioners are authorized to use the poll tax and road money of their town or district for the payment of such judgment: *Provided*, that not more than one-half of such jury shall be residents of the town or district which is liable to pay the damages: *Provided, further*, that in case the owner of said lands is a non-resident, service may be had by leaving a



copy with the occupant or agent, or by notice in the same manner as prescribed in section 84 of this Act.

§ 134. MATERIAL FOR CONSTRUCTING ROADS—EMINENT DOMAIN.] The State Highway Commission, the State Highway Engineer, the county superintendent of highways, and the commissioners of highways of any town or district, for the purpose of constructing, maintaining or repairing gravel, rock or other roads, and for procuring material therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction or repair of said roads: *Provided*, that such State Highway Commission, State Highway Engineer, county superintendent or commissioners of highways, their employees or teams shall not enter upon such lands for the purpose stated in this Act without having paid or tendered the amount of damages allowed or agreed upon. *And, provided, further*, if such State Highway Commission, State Highway Engineer, county superintendent of highways or commissioners of highways and the party or parties owning or controlling the lands to be entered upon, or from which material is to be taken, can not agree as to the amount of damage or value of such material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

§ 135. AUTHORITY TO STRAIGHTEN WATER COURSES.] Whenever any public road shall be petitioned for, and located, in part, in the bed of any stream, the highway commissioners of the several towns or districts are hereby authorized to enter upon the adjacent land on which said stream is located, for the purpose of changing the current of the said stream, so that it will not flow upon or over such proposed roadway; and to dig any necessary ditches for such purpose: *Provided*, that in case the owner of such land or his agent shall not consent to such straightening of said stream, then the commissioners shall first proceed to have the damages assessed and paid, in the same manner as is now provided for the assessment and payment of damages in proceedings to open ditches for the drainage of public highways.

§ 136. RIGHT OF OWNERS TO MAKE CROSSINGS—COSTS.] Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, said person shall erect at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of said bridge; said bridge to be not less than sixteen feet wide, and to be approved in the case of a State aid road by the State Highway Commission, State Highway Engineer or county superintendent of highways, and in the case of any other than a State aid road, to be approved by the commissioners of highways of the town or district in which said bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, the construction subject always to the consent and approval of said State Highway Commission, State

Highway Engineer, county superintendent of highways or commissioners of highways, as the case may be: *And, Provided, further,* that in case such crossing is made on any waterway or natural channel for water and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required to pay for or construct any more of said crossings than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 137. TO KEEP DOWN WEEDS.] The commissioners of highways in their respective towns or road districts, shall annually, at the proper season, to prevent the spread of the same, destroy or cause to be destroyed, all cocklebur, Canada thistles, Russian thistle and all other kinds of thistles, or other noxious weeds, growing brush or plants growing on or upon all public roads other than State aid roads within their respective towns or districts. The State Highway Engineer or the county superintendent of highways shall attend to the destruction of such weeds, thistles and plants upon all State aid roads. It is also hereby made the duty of the highway officers aforesaid to seasonably mow and keep down all weeds or other vegetation growing along the highways under their respective jurisdictions.

PENALTY.] Any highway officer failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00 or more than \$25.00 for each season in which he shall neglect the requirements of this Act.

§ 138. CAPACITY OF BRIDGES AND CULVERTS.] It shall be unlawful hereafter to construct any bridge or culvert upon any ravine, creek or river upon a public highway or street in any town, county or city in this State unless such bridge or culvert shall have the capacity of sustaining a weight of at least one hundred pounds to the square foot.

PENALTY.] Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed \$200.00.

## ARTICLE VIII.

### LAW OF THE ROAD—OFFENSES AND PENALTIES.

§ 139. CERTAIN ROADS DECLARED PUBLIC HIGHWAYS.] All roads in this State which have been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which have been established by dedication or used by the public as highways for fifteen (15) years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 140. THE TERM CARRIAGE.] The term "carriage" as used in this Act shall be construed to include stagecoaches, wagons, carts, sleighs, sleds, automobiles, motorcycles, motor vehicles and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 141. NOTICE AGAINST FAST DRIVING OVER BRIDGE.] The commissioners of highways, the State Highway Commission, the State High-



way Engineer, or the county superintendent of highways, when they deem it advisable, may put up and maintain in conspicuous places at each end of any bridge a notice with the following words in large characters. "Five dollars fine for riding or driving on this bridge faster than a walk." If any person shall ride or drive over any bridge, upon which such notice has been placed, faster than a walk, he shall forfeit the sum of five dollars for every such offense.

§ 142. DESTROYING OR DEFACING GUIDE BOARDS, ETC.] For destroying or defacing any guide board, post or milestone, or any notice or direction put up on any bridge or otherwise, by or with the authority of the State Highway Commission, State Highway Engineer, county superintendent of highways, or the commissioners of highways of any town or district, the offender shall forfeit a sum of no [not] less than three dollars, nor more than fifty dollars.

§ 143. DEPOSITING IN ROAD WEEDS, GARBAGE, ETC.] It is hereby declared unlawful for any person to deposit in a public road weeds, trash, garbage or other offensive matter or any broken bottles, glass, boards, containing projecting nails or any other thing likely to cause punctures in the tires of automobiles or motor vehicles; and any person so offending shall be liable to a penalty of not less than three dollars nor more than ten dollars: *Provided, however,* that this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the roads.

§ 144. INJURING SIDEWALKS, BRIDGES, ETC.] If any person shall purposely destroy or injure any sidewalk, public bridge, culvert, or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more than one hundred dollars, and shall be liable for all damages occasioned thereby and all necessary costs for rebuilding or repairing the same.

§ 145. TURN TO THE RIGHT.] That whenever any person traveling with any carriage, shall meet on any turnpike, road or public highway in this State, the persons so meeting shall seasonably turn their carriages to the right of the beaten track, so as to permit each carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party aggrieved: *Provided,* this section shall not be construed to apply to a case where it is impracticable from the nature of the ground for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 145a. GRADE CROSSING.] At all grade crossings of public highways over railroads outside the corporate limits of any city or village, the highway commissioners shall remove, or cause to be removed from the highways all removable obstructions to the view of such grade crossings, such as brush and shrubbery, and trim, or cause to be trimmed, all hedges and trees upon the highway for a distance of not less than three hundred (300) feet from each side of such crossings.

It shall be the duty of the highway commissioners to erect and maintain such signs as the Public Utilities Commission may prescribe alongside the roadway on the highway at a distance of three hundred

(300) feet on either side from every grade crossing located in the various townships or road districts of the State, designated as "extra hazardous" by the Public Utilities Commission. Such signs shall be erected upon a substantial post or pedestal at a height of approximately five (5) feet above the level of the highway at the point where such sign is located. No advertising or other signs shall be placed upon the highway or upon the railroad right-of-way within fifty (50) feet of any signs required by law to be placed at or near grade crossings.

It shall be unlawful for any person, firm or corporation to place, or to cause to be placed, any sign at a public highway within a distance of three hundred (300) feet of any grade crossing, except signs or signals required by law or the Public Utilities Commission for the protection of such crossings.

Any person who unlawfully removes, throws down, injures or defaces any sign required by law to be maintained at or near any railroad crossings on the public highway, shall be liable to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

If, in the case of any such crossing it appears that the presence of such signs is unnecessary, the Public Utilities Commission, on petition of the highway commissioners of the township or road district in which such crossing is situated, may release such township or road district of the obligation of placing or maintaining such signs on the highway near such crossing.

It shall be the duty of the highway commissioners to maintain any and all signs placed or erected on any such highway by or through the order of the Public Utilities Commission of this State. With respect to State Aid roads, the duties hereby imposed on the highway commissioners shall be performed by the authorities in charge of such State Aid roads.

Any official who shall fail or neglect to perform any duty created by this section shall be liable to a fine of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each such offense. [Amended by Act filed June 29, 1917.

§ 145b. STOP AT GRADE CROSSINGS.] Upon approaching any highway crossing a railroad at grade, the person controlling the movement of any self-propelled vehicle shall reduce the speed of such vehicle to a rate of speed not exceed [ing] ten (10) miles per hour. At all grade crossings at which "Stop" signs are placed, the person controlling the movement of any self-propelled vehicle shall bring such vehicle to a full stop at such "Stop" sign before proceeding over the railroad tracks. Failure to bring such vehicle to a full stop at such a crossing before passing over the tracks of the railroad, as herein provided, shall be deemed a misdemeanor and the person guilty of such misdemeanor shall be subject to a fine not to exceed ten dollars (\$10); the proceeds of fines so collected to be paid into the county treasury and used to maintain the highways of such county. [Amended by Act filed June 29, 1917.



§ 146. DRUNKEN DRIVER—PENALTY.] No person owning any carriage, running or traveling upon any road in this State for the conveyance of passengers, shall knowingly employ, or continue in employment, any person to drive such carriage who is addicted to drunkenness or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, he shall forfeit at the rate of \$5.00 per day for all the time he shall keep such driver in his employment. Any person driving his own team, or the team of another, on the public highway when intoxicated, shall be subject to a fine of not less than \$3.00, nor more than \$25.00 for each offense.

§ 147. DRUNKEN DRIVER, DISCHARGE OF.] If any driver, while actually employed in driving any such carriage shall be guilty of intoxication, to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, forthwith to discharge such driver from his employment; and every such owner who shall retain, or have in his employ, within thirty days after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

§ 148. RUNNING HORSES, ETC., ON PUBLIC ROADS.] No person driving any carriage upon any turnpike, road or public highway within the State, with or without passengers therein, shall run his horses, or carriage or permit the same to run, upon any occasion, or for any purpose whatever, except in case of necessity; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding \$100.00 or imprisoned not exceeding sixty days, at the discretion of the court.

§ 149. TEAM TO BE HITCHED.] It shall not be lawful for the driver of any carriage, used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein, without making such horse fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of \$20.00 to be recovered by action, to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

§ 150. OWNERS LIABLE FOR DAMAGES—DRIVER OF STAGE, ETC., GUILTY OF MISDEMEANOR.] The owner [s] of every carriage running upon any turnpike, road or public highway, for the conveyance of passengers, shall be liable, jointly or severally to the party injured, in all cases, for all injuries or damages done by any person in the employment of such owners as a driver while driving such carriage, to any person, or to the property of any person, and that whenever the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable. Any driver of any

mail stagecoach, or any other vehicle for the conveyance of passengers, wilfully offending against the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding \$300.00, or imprisoned not exceeding four months.

§ 151. INJURING OR OBSTRUCTING ROADS, ETC.] If any person shall injure or obstruct a public road by felling a tree or trees, in, upon or across the same, or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereon, for more than ten days, he shall forfeit for every such offense a sum not less than three dollars, nor more than ten dollars; and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by the commissioners of highways, or in case the road is a State aid road, after he has been ordered to remove the same by the State Highway Commission, State Highway Engineer or county superintendent of highways. Any person feeling himself aggrieved may make complaint under this section: *Provided, however,* this section shall not apply to any person who shall lawfully fell any tree for use and shall immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and who shall give due notice to the proper highway officials of such intention: *And, provided, further,* that the commissioners of highways, State Highway Commission, State Highway Engineer, or county superintendent of highways, as the case may be, after having given reasonable notice (to the owners) of the obstruction, or persons so obstructing, or plowing, or digging ditches upon such road, of the obstruction, may remove any such fence or other obstruction, fill up any such ditch or excavation, except ditches necessary to the drainage of an adjoining farm emptying into a ditch upon the highway, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by the highway officials having jurisdiction of the road whereon such offense was committed.

§ 152. OBSTRUCTING PERSON IN HIGHWAY.] If any person shall wilfully and unnecessarily hinder, obstruct or delay, or shall wilfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any public highway in this State, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten (10) nor more than twenty-five (25) dollars; and shall also be liable for all damages occasioned to any person by reason of a violation of this section.

§ 153. ITINERANT CAMPING ON PUBLIC HIGHWAYS UNLAWFUL.] It shall be unlawful for any itinerant person or persons on any public highway in this State to either hitch or turn loose any stock, cows, horses or other animals for purpose of feeding same or for purpose of



temporary camping on such public highways of this State for a period to exceed twelve hours in any one township or district.

Any legal voter or resident in this State may enter complaint before any court having jurisdiction against any person or persons found violating this section and it shall be the duty of such court to issue a warrant for the arrest of such violators and have them brought forthwith before said court for examination, and if found guilty of such violation as charged, shall be fined in a sum not less than ten dollars (\$10.00) or exceeding fifty dollars (\$50.00) for each such offense, or committed to the county jail not exceeding thirty days, at the discretion of such court. It shall be the duty of the commissioner of highways to enforce the provisions of this section and to that end procure warrants for the arrest of all violators hereof. [Amended by Act approved June 24, 1915.

§ 154. ENGINES ON PUBLIC HIGHWAYS.] It shall be the duty of persons in charge of any steam, or gasoline or oil traction engine, being propelled over the highways of this State, to stop said engine whenever they meet any person or persons going in the opposite direction on said highway with horses or other animals, until said horses or other animals shall have passed by; and said engine shall be stopped when it is one hundred (100) yards distant from said horses or other animals, and sooner in case said horses or other animals become frightened at said engine before arriving at said distance. The owner or driver of said engine shall also keep a good, trusty man not less than fifty (50) nor more than two hundred (200) yards in advance of said engine, to assist in controlling any horses or other animals being driven or used on said highway; until said horses or other animals shall have passed by said engine; and it shall be the duty of the man thus sent in advance to use all reasonable care and diligence to prevent the occurrence of any accidents which might result in case said horses or other animals become frightened at said steam engine.

WHEN UNLAWFUL TO BLOW WHISTLE.] It shall be unlawful for any person to blow the whistle of said engine while on the public highway.

PENALTY.] Any owner of a steam, or gasoline or oil traction engine, who, by himself, agent or employee, violates the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction, and shall also be liable for all damages that may be sustained by persons or property by reason of his failing to comply with the provisions of this section.

§ 155. SUITS FOR RECOVERY OF FINES OR PENALTIES UNDER ACT, HOW BROUGHT—APPLICATION OF FINES.] All suits for the recovery of any fine or penalty under this Act, including as well such offenses as may be committed upon or in relation to State aid roads as upon other roads, shall be brought in the name of the town or district in which the offense is committed, before any justice of the peace within the county, who shall have jurisdiction in such cases, to the extent

of their jurisdiction in other cases, or before any other court of competent jurisdiction: *Provided*, that all suits or fines and penalties, incurred under this Act, on town or district and county line roads, shall be brought in the name of the town or district to which that part of the road shall have been allotted, before any justice of the peace who shall have jurisdiction in such cases to the extent of their jurisdiction in other cases or before any other court of competent jurisdiction; and it shall be the duty of the State Highway Commission, State Highway Engineer, county superintendent of highways and commissioners of highways to seasonably prosecute for all fines and penalties under this Act; but in case of failure of said officers to so prosecute, complaint may be made by any person: *Provided*, said person shall before bringing suit in the name of the town or district, give bond for costs, as is provided for in case of a non-resident. But whenever any person shall enter complaint to any of said highway officials, it shall be the duty of such highway official to at once proceed to investigate as to the reason of such complaint, and if such complaint is found to be just, he shall at once proceed to prosecution.

§ 156. FINES—HOW DISPOSED OF.] All fines and penalties recovered under the provisions of this Act for offenses committed upon or in relation to State aid roads, shall, unless otherwise provided, be paid over to the county treasurer, and by him transmitted to the State Treasurer to become a part of the State road and bridge fund. All fines and penalties recovered under the provisions of this Act for offenses committed upon or in relation to all other roads shall, unless otherwise provided, be paid over to the treasurer of the road and bridge fund of the town or district where the offense is committed to be expended upon the roads and bridges in said district or town. The judgment or docket entry of the court or justice imposing a fine or penalty for violation of this Act as aforesaid, shall in each instance specify whether such offense was committed upon or in relation to a State aid road or a road other than a State aid road.

§ 157. RESTRICTION—JURISDICTION.] Nothing contained in this Act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. Justices of the peace shall have jurisdiction of all cases arising under this Act, where the penalty does not exceed their jurisdiction.

## ARTICLE IX.

OPTIONAL—SINGLE HIGHWAY COMMISSIONER SYSTEM PROVIDED FOR.

Sections 158, 159, 160, 161, 162, 163, 164, 165, 166 and 167 repealed by an Act filed June 29, 1917.

## ARTICLE X.

ACT CONSTRUED—STATUTES REPEALED.

§ 168. PART INVALID.] The invalidity of any portion of this Act shall not affect the validity of any portion thereof which can be given effect without such invalid part.



§ 169. CERTAIN ACTS REPEALED.] The following Acts and parts of Acts are hereby repealed:

“An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named,” approved June 23, 1883: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

“An Act to provide for the organization of road districts, the election and duties of the officials therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an Act and parts of Acts therein named,” approved May 4, 1887: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

“An Act in regard to roads and bridges in counties not under township organization and to provide for the adoption of the same,” approved May 10, 1901: *Provided, however,* that all officials now holding office under said Act shall continue to exercise and enjoy their respective rights, powers, duties and emoluments as therein provided until the first election of highway officials held under and pursuant to the provisions of this Act.

“An Act requiring the destruction of cockleburrs, weeds or plants,” approved May 31, 1879.

“An Act to amend sections one (1) and two (2) of an Act entitled, ‘An Act requiring the destruction of cockleburrs, weeds or plants,’ approved May 31, 1879, and by adding thereto sections three (3), four (4) and five (5),” approved June 2, 1895.

“An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads,” approved June 18, 1883.

“An Act to protect persons and property from danger from steam engines on public highways,” approved June 26, 1885.

“An Act to enable commissioners of highways to condemn lands under the right of eminent domain for the purpose of procuring rock, gravel or other material for building or repairing public roads,” approved June 21, 1895.

“An Act authorizing the highway commissioners of any township to construct sidewalks in unincorporated villages,” approved June 21, 1895.

“An Act concerning travel upon public highways,” approved June 21, 1895.

“An Act to regulate the construction of bridges and culverts,” approved June 21, 1899.

“An Act to provide for appointment of a good roads commission and to make an appropriation therefor,” approved May 15, 1903.

“An Act entitled ‘An Act to enable commissioners of highways in

counties not under township organization to straighten water courses in the construction of public roads," approved May 16, 1905.

"An Act authorizing the commissioners of highways in any township in counties under township organization and the commissioners of highways or boards of county commissioners in counties not under township organization, to maintain earth roads with a drag and to contract for the use of the same and provide penalty for injury to work so done," approved May 31, 1907.

"An Act making it the duty of counties under township organization and towns in counties under township organization to build, construct and maintain approaches to bridges located on or near town and county lines," approved June 4, 1907.

"An Act to protect turnpike and gravel or macadam roads and to provide a penalty for its violation," approved June 5, 1911.

"An Act to authorize counties changing from township organization to county organization to assess a poll tax, road labor and road tax at any meeting of county commissioners during the first year after such change," approved May 28, 1879.

"An Act in regard to itinerant camping on public highways," approved April 21, 1899.

"An Act to establish a State Highway Commission defining the duties thereof and to make an appropriation for experimental purposes," approved May 18, 1905.

"Section 16 of an Act entitled, 'An Act to revise the law in relation to township organization,'" approved March 4, 1874, and as amended by an Act approved May 10, 1901.

"An Act to provide for the election of the commissioners of highways in counties under township organization, and to legalize the election and official acts of such as were elected in the years 1874 and 1875, and to fix the compensation of the treasurer of such commissioners," approved April 15, 1875.

Article IX, sections 158, 159, 160, 161, 162, 163, 164, 165, 166 and 167 repealed by Act filed June 29, 1917.

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## INDEBTEDNESS—AUTHORITY TO BORROW MONEY AND ISSUE BONDS.

*AN ACT to authorize townships or road districts to borrow money, and issue bonds therefor, with which to pay all indebtedness heretofore incurred by the highway commissioners of such townships or districts in repairing or rebuilding roads or bridges within such townships or districts and to provide for the payment of such bonds by appropriate taxation.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That, in case the highway commissioners of any township or road district in the State of Illinois have heretofore caused all money raised by general and special taxa-*



tion for road purposes to be expended for such purposes, and in addition thereto have borrowed money and expended the same for building, repairing and maintaining the road and bridges in such township or road district, and such indebtedness has not been paid by such township or district, and no funds are lawfully available to pay the same, then and in that case such township or road district is hereby authorized and empowered to assume and pay such indebtedness in the following manner: The highway commissioners of such township or district shall call a special township or district election to vote on the proposition, which shall be clearly stated in the petition substantially as follows: "to borrow..... dollars to pay indebtedness incurred by highway commissioners for road purposes." Upon determining to call such election, the highway commissioners shall order the town or district clerk, by an instrument in writing to be signed by them, to post up, in ten of the most public places in said township or district, notices of such special township or district meeting; which notices shall state the object, time and place of meeting, the sum to be borrowed to pay such indebtedness and the manner in which the voting is to be had, which shall invariably be by ballot, and shall be "for borrowing money to pay indebtedness incurred by highway commissioners for road purposes," or "against borrowing money to pay indebtedness incurred by highway commissioners for road purposes." The special township or district election shall be held at the place of the last township or district meeting or election by giving at least ten days' notice and the returns thereof made in the same manner as other special township or district elections are now, or may hereafter be provided by law; and if it shall appear that a majority of two-thirds of the legal voters voting at said election shall be in favor of such proposition, the said commissioners of highways and town or district clerk, as the case may be, shall issue the bonds of said township or district for the purpose of assuming and paying such indebtedness in the manner provided in section 2 of this Act.

§ 2. The bonds to be issued in pursuance to section 1 of this Act shall be of such denomination, bearing such rate of interest not exceeding six per cent, upon such time, not exceeding twenty years from the date of issuing said bonds, and shall be disposed of as the necessity and convenience of said township or district officers require, but no bonds shall be sold or disposed of for less than their par value. A register of any bonds so issued shall be kept in the office of the county clerk of the county in which said township or district is located, showing the date, amount, rate of interest, maturity and the purpose for which said bonds were issued, which information shall be furnished to the county clerk, in writing, by the town or district clerk, and it shall be the duty of such county clerk to extend annually, against the property in said township or road district, a tax sufficient to pay the interest of said bonds in each year prior to the maturity thereof, and thereafter he shall extend the tax in each year sufficient to pay such bonds as they mature, to-

gether with interest thereon, and with the interest upon the unmatured bonds outstanding.

§ 3. The amount of indebtedness incurred by such township or road district in issuing the bonds above provided for in sections 1 and 2 of this Act, including all existing indebtedness, if any, shall not, in the aggregate, exceed five per cent on the value of the taxable property in such township or district, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

APPROVED JUNE 25, 1915.

### ROAD AND BRIDGE BONDS LEGALIZED.

AN ACT to legalize bonds of counties, or other municipalities, voted for the purpose of aiding in the construction of roads and bridges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where the people of any county, or other municipality, in this State have voted in favor of issuing the bonds of such county, or other municipality, for the purpose of aiding in the construction of roads and bridges in such county, or other municipality, all such elections and proceedings shall be, and the same are hereby, made legal and valid, and any bonds which have been or may hereafter be issued in pursuance of such elections and proceedings shall be, and the same are hereby, made the legal, valid and binding obligations of such county, or other municipality, notwithstanding any objection which, except for the passage of this Act, could have been made to the legality of such bonds or such bond elections, or such bond proceedings, or to the taxes levied or to be levied and collected for the payment of the principal of, and the interest on, such bonds, and any and all suits now pending in any of the courts of this State, attacking the legality of any such bonds, or such bond elections, or such bond proceedings, are hereby abated.

APPROVED JUNE 25, 1915.

### COUNTY BONDS FOR CONSTRUCTION OF ROADS AND BRIDGES LEGALIZED.

§ 1. Elections and proceedings providing for county road and bridge bonds, and any bonds issued thereunder made legal and valid—power of county board.

AN ACT to legalize and make valid any county bonds voted, or attempted to be voted, for the purpose of raising money to be appropriated and used in the construction of county highways, or in aiding in the construction of roads and bridges in any part of a county, or in the improvement in any manner of any public highway or highways of a county, and to confer upon county boards full power and authority to issue any such bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where, at any election held in any county in this State, a proposition to issue county bonds for the purpose of raising money to be appropriated and used in the construction of county highways, or in aiding in the construction of



roads and bridges in any part of such county, or in the improvement in any manner of any public highway or highways of such county, has been submitted to the legal voters of such county, under any law, or laws, purporting to authorize the issue of county bonds in any manner or for any purpose, or under any power or duty, either discretionary or mandatory, express or implied, and a majority of the voters voting at such election on such proposition, have voted in favor of issuing county bonds of such county for any such road improvement purpose or purposes, all such elections and proceedings shall be, and the same are hereby, made legal and valid and sufficient to authorize a county board to issue any such bonds, and any bonds which have been or may hereafter be issued in pursuance of any such elections and proceedings shall be, and the same are hereby, made, whenever issued by the county board of such county, the legal, valid and binding obligations of such county, and full power and authority shall be, and the same is hereby, given to and conferred upon the county board, of any such county, to issue any such bonds, or to ratify and accept as binding obligations of such county any such bonds that have been issued or authorized to be issued by any proceedings of such county board; notwithstanding any objection which, except for the passage of this Act, could have been made to the power, or the duty, of a county board to issue such bonds, or to the legality of such bonds, or to such bond elections, or to such bond proceedings, or to the taxes levied or to be levied and collected for the payment of the principal of and the interest on such bonds.

APPROVED JANUARY 21, 1916.

TOWNSHIP ELECTIONS FOR BONDS LEGALIZED.

AN ACT to legalize elections held under and by virtue of section 61, of an Act entitled, "An Act to revise the law in relation to roads and bridges," approved June 27, 1913, in force July 1, 1913, and all Acts upon and proceedings taken by virtue of such elections.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all elections held under and by virtue of section 61 of an Act entitled, "An Act to revise the law in relation to roads and bridges," approved June 27, 1913, in force July 1, 1913, where any such elections in any town or district were held and conducted at the place of the last annual town or district meeting in any such town or district, are hereby made and held to be legal, valid and binding, notwithstanding that any such town or district had theretofore been divided into two or more election precincts, and any bonds which have been or may hereafter be issued in pursuance of such elections and proceedings shall be and same are hereby, made the legal, valid and binding obligations of any such town or district, notwithstanding any objection which, except for the passage of this Act, could have been made to the legality of such bonds, or such elections, or such bond proceedings or to the taxes levied or to be levied and collected for the payment of the principal of, and the interest on, such bonds. [Amended by Act approved June 11, 1917.]

## TOWNSHIP AND ROAD DISTRICT BONDS LEGALIZED.

AN ACT to legalize bonds of townships or road directrics heretofore voted for the purpose of paying indebtedness incurred by highway commissioners of such township or road districts in repairing or rebuilding roads or bridges therein.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where the people of any township, or road district in this State have heretofore voted in favor of issuing the bonds of such township or road district for the purpose of paying the indebtedness incurred by the highway commissioners of such township or road district in repairing or rebuilding roads or bridges within such township or district, all such elections and proceedings shall be and the same are hereby made legal and valid, and any bonds which have been issued in pursuance of such elections and proceedings shall be and the same are hereby made the legal, valid and binding obligations of such townships or road districts notwithstanding any objection which, except for the passage of this Act, could have been made to the legality of such bonds or such bond elections or such bond proceedings, or to the taxes levied or to be levied and collected for the payment of the principal of and the interest on such bonds. [Filed June 28, 1917.]

## RURAL POST ROADS.

AN ACT in relation to the construction and maintenance of rural post roads under and in accordance with an Act of Congress entitled, "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11th, 1916, and known as the Federal Aid Road Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the General Assembly, constituting the Legislature of the State of Illinois, hereby assents to the provisions, terms, conditions and purposes of the Act of Congress, approved July 11th, 1916, (39 Stat. 1. 355), entitled, "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," known as the Federal Aid Road Act.

§ 2. The good faith of the State is hereby pledged to make available, funds sufficient to equal the sums apportioned to this State by the United States for each of the five years in which Federal funds are appropriated by the said Act of Congress, and to maintain the roads constructed under the provisions of said Act, and to make suitable and adequate provision for maintenance of such roads.

§ 3. The Department of Public Works and Buildings is hereby authorized and instructed to enter into all agreements with the Secretary of Agriculture relating to the selection, construction and maintenance of rural post roads under the provisions of the said Act of



Congress, to submit such scheme or project of selection, construction and maintenance as may be required by the Secretary of Agriculture, and to do all things necessary fully to carry out and make effective the co-operation contemplated and provided for by said Act. All such rural post roads shall be known as Federal Aid Roads.

§ 4. All sums of money which may have accrued or may hereafter, before the 1st. day of July, A. D. 1919, accrue to the State of Illinois, under the provisions of said Act of Congress, are hereby appropriated to the Department of Public Works and Buildings to be paid out only for the construction of Federal Aid Roads in accordance with the provisions of said Act, and whenever any portion of said money shall be received by the State Treasurer, it shall immediately be placed to the credit of a fund to be known as the Federal Aid Road Fund to be paid out only for the construction of Federal Aid Roads in accordance with the provisions of said Act upon order or certification of the Department of Public Works and Buildings.

§ 5. There is hereby appropriated to the Department of Public Works and Buildings the sum of six hundred and sixty-three thousand dollars (\$663,000.00) to be available July 1st, 1917, and the sum of six hundred and sixty-three thousand dollars (\$663,000.00) to be available July 1st, 1918, to be known as the Federal Aid Road Fund, for the purpose of meeting the apportionment which has been made to the State of Illinois under the said Act of Congress, and to be used only in construction of such roads as may be agreed upon by the Department of Public Works and Buildings and the Secretary of Agriculture, as provided in the said Act, and to be paid out upon order or certification of the Department of Public Works and Buildings.

§ 6. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant or warrants on the State Treasurer for the sums hereby appropriated, payable only out of the 'road fund' upon itemized bills, certified to by the Department of Public Works and Buildings and approved by the Department of Finance.

§ 7. The Department of Public Works and Buildings is hereby authorized and empowered to prepare, in accordance with the regulations of the Secretary of Agriculture, the project statements, sketch maps, surveys, plans, specifications, estimates, bid forms, contracts and bonds to be used in connection with the construction of any of the Federal Aid Roads in this State. Any contracts that may be entered into for the construction of Federal Aid Roads shall be let after due public advertisement to the lowest responsible bidder, or bidders, upon terms and conditions to be fixed by said Department of Public Works and Buildings, subject to the approval of the Department of Finance, and said Department of Public Works and Buildings shall also require the successful bidder, or bidders, to furnish good and sufficient bonds to insure proper and prompt completion of such work in accordance with the provisions of said contracts.

§ 8. The Department of Public Works and Buildings is hereby given power and authority to construct any work provided for herein

and to purchase and supply any labor, tools, machinery, supplies and materials needed for any such work. Such construction work and labor provided for in this Act shall be done and performed in accordance with the general laws of this State, and under the direct supervision of the Department of Public Works and Buildings, subject to the inspection and approval of the Secretary of Agriculture and in accordance with his rules and regulations. Partial payments to an amount not exceeding ninety per centum of the work done may be made as the work progresses.

§ 9. Whenever the making of any part of said proposed improvement, or the locating of a route or any part thereof, or the obtaining of road building materials for the work provided for herein, will require that private property be taken or damaged, said Department of Public Works and Buildings, in its name, shall have the right to purchase the necessary land from the owner thereof, or if compensation therefor can not be agreed upon, to have such just compensation ascertained and to acquire and pay for such property in the same manner, as near as may be, as provided for in the Act of this State entitled, "An Act to provide for the exercise of the right of eminent domain," approved April 10th, 1872, in force July 1st, 1872, and the amendments thereto: *Provided, however,* that said Department of Public Works and Buildings shall not be required, in any case, to furnish bond.

§ 10. The Department of Public Works and Buildings is hereby authorized, empowered and directed to take whatever steps may be necessary, after said roads have been completed, to cause said roads to be properly maintained in accordance with the requirements of said Federal Aid Road Act.

§ 11. No railroad, railway, telegraph, telephone, pipe line or any other public utility company or person shall locate, place or construct its track, rails, poles, wires, pipe lines or any other equipment in, upon or along any Federal Aid Road, without the consent of the Department of Public Works and Buildings. Such consent may be granted for any period not longer than twenty years upon petition of the company or person desiring to use such road, upon such terms and conditions, not inconsistent with this Act, as said Department of Public Works and Buildings shall deem for the best interests of the public: *Provided,* that not such consent shall be granted except upon the condition that such petitioner will pay to the owners of the property abutting upon such Federal Aid Road all damages which such owners may sustain by reason of the location, placing or construction of any such track, rails, poles, wires, pipe lines, or other equipment in, upon or along such Federal Aid Road, such damages to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

APPROVED JUNE 27, 1917.



## STATE WIDE SYSTEM.

AN ACT in relation to the construction by the State of Illinois of a State-wide system of durable hard-surfaced roads upon public highways of the State and the provision of means for the payment of the cost thereof by an issue of bonds of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a State-wide system of durable hard-surfaced roads be constructed by the State of Illinois, as soon as practicable, upon public highways of the State along the hereinafter described routes, as near as may be, and that the State of Illinois (acting through its officers) be, and is hereby, authorized and empowered to issue and sell, and provide for the retirement of, bonds of the State of Illinois to the amount of Sixty Million Dollars (\$60,000,000.00) for the purpose of providing means for the payment of the cost of the construction of said system of roads: *Provided, however,* that before this law, which hereby authorizes such debt to be contracted and levies the tax for the payment of the principal and interest of the bonds to be issued as an evidence of such debt, shall go into full force and effect it shall, at the general election in November, A. D. 1918, be submitted to the people and receive a majority of the votes cast for members of the General Assembly as such election.

§ 2. That the issuance, sale and retirement of said bonds and the construction of said State-wide system of roads and all work incidental thereto shall be under the general supervision and control of the Department of Public Works and Buildings, subject to the approval of the Governor of this State; and said Department of Public Works and Buildings in hereby authorized, empowered and directed to take whatever steps may be necessary to cause said bonds to be issued and sold and to cause said system of roads to be constructed at the earliest possible time, consistent with good business management, after this Act becomes fully operative. Said Department of Public Works and Buildings shall have power to make and shall make all final decisions, affecting the work provided for in this section, and all the rules and regulations it may deem necessary for the proper management and conduct of said work and for carrying out all of the provisions of this Act in such manner as shall be to the best interest and advantage of the people of this State. The Director of Public Works and Buildings shall make it the special duty of the Superintendent of Highways, acting under the direction, supervision and control of said director, to see that such provisions are so carried out in good faith. Said Department of Public Works and Buildings is hereby given power and authority to purchase and supply any labor, tools, machinery, supplies and materials needed for said work. All contracts let for the construction of said work shall be let to the lowest responsible bidder, or bidders, and all of said State bonds shall be sold to the highest and best bidder, or

bidders, by said Department of Public Works and Buildings, on such terms and conditions, and on open competitive bidding after public advertisement in such manner and for such times, as may be prescribed by said Department of Public Works and Buildings, subject to the approval of the Department of Finance. Successful bidders for the construction of said work shall enter into contracts furnished and prescribed by said Department of Public Works and Buildings and shall give good and sufficient bonds to insure the proper and prompt completion of said work in strict accordance with the provisions of said contracts.

§ 3. That for the purpose of carrying out the provisions of this Act said sum of Sixty Million Dollars (\$60,000,000.00) to be derived from the sale of said bonds, be, and is hereby, appropriated to said Department of Public Works and Buildings, such money to be payable out of the State Bond Road Fund, hereinafter provided for; that for the purpose of raising said sum so appropriated to carry out the provisions of this Act, said bonds of the State of Illinois to an amount not exceeding said sum of Sixty Million Dollars (\$60,000,000.00) shall be issued and sold as herein provided; that said bonds shall bear interest, payable annually, from the date of their issue, at the rate of three and one-half per centum per annum, unless financial conditions make a different rate advisable, in which case said Department of Public Works and Buildings may, with the Governor's approval, issue part or all of said bonds at any other rate of interest not exceeding four per centum per annum; that said bonds shall be serial bonds and be dated, issued and sold from time to time as said road building work progresses and in such amounts as may be necessary to provide sufficient money to pay for said work and the expenses incidental thereto; and that each one of said bonds shall be made payable within twenty years from the date of its issue. Each one of said bonds shall be in the denomination of \$500.00, or some multiple thereof. Said bonds shall be engraved and printed by said Department of Public Works and Buildings, under the direction of the Governor, and be signed by the Governor and attested by the Secretary of State under the seal of the State and countersigned by the State Treasurer and by the Auditor of Public Accounts. Interest coupons with lithographed fac-simile signatures of such officers, may be attached to said bonds. Said bonds may, at the request of owners, be registered with the Auditor of Public Accounts. Said bonds shall be deposited, until sold, with the State Treasurer; and when sold, the proceeds of said bonds shall be paid into the State Treasury and be kept in a separate fund which shall be known as the State Bond Road Fund.

§ 4. That all payments for work done or obligations incurred under the provisions of this Act shall be made by the State Treasurer out of said State Bond Road Fund (and said fund shall be used only for the purposes mentioned in this Act) upon warrants drawn by the Auditor of Public Accounts, based upon bills of particulars and vouchers certified by the proper official of said Department of



Public Works and Buildings, having knowledge of the facts upon which such vouchers are based, and audited and approved by the Superintendent of Highways and the Director of Public Works and Buildings, and approved by the Governor, acting through the Department of Finance.

§ 5. That said Department of Public Works and Buildings shall, on or before the 1st day of February each year, make a full report to the Governor of all business transacted by said department in carrying out the provisions of this Act, during the year ending on the preceding 31st day of December. The Governor may cause the books and affairs of said department, relating to the work provided for herein, to be audited in each year.

§ 6. That each year, after this Act becomes fully operative, and until all of said bonds shall have been retired, there shall be included in and added to the tax levied for State purposes, a direct annual tax for such amount as shall be necessary and sufficient to pay the interest annually, as it shall accrue, on each and every bond issued under the provisions of this Act, and also to pay and discharge the principal of such bonds at par value, as such bonds respectively fall due; and the respective amounts of such direct annual tax are hereby appropriated for that specific purpose: *Provided, however,* that moneys in the "Road Fund" created by and under the provisions of the Motor Vehicle Law of this State, approved June 10, 1911, and all Acts amendatory thereof, shall first be appropriated and used for the purpose of paying and discharging annually the principal and interest on such bonded indebtedness then due and payable. The required rate of such direct annual tax shall be fixed each year by the officers charged by law with fixing the rate for State taxes on the valuation of real and personal property in this State subject to taxation, in accordance with the provisions of the statutes in such case: *Provided, however,* that if money from other sources of revenue has been appropriated and set apart for the same purpose for which said direct annual tax is hereby levied and imposed, then said officers shall, in fixing said rate of said direct annual tax, make proper allowance and reduction for any such money so appropriated and set apart from other sources of revenue. Said direct annual tax shall be, and it is hereby, levied and imposed, as herein provided, and such direct annual tax shall be assessed, levied and collected in the manner prescribed by law in the case of general State taxes, and shall be paid into the treasury of the State by the officers legally entrusted with the duty of collecting and accounting for such general State taxes: *Provided, however,* that no such direct annual tax shall be so levied for any year in which a sufficient amount of money from other sources of revenue has been appropriated and set apart to pay the interest, as it shall accrue, on said bonds for that year and also to pay and discharge the principal of any of said bonds falling due during such year."

§ 7. That said proposed state-wide system of roads shall be constructed in strict accordance with the plans, specifications, estimates

of cost and contracts of said Department of Public Works and Buildings. Said Department of Public Works and Buildings shall construct upon and along said roads durable hard-surfaced roadways which will in the judgment of said Department of Public Works and Buildings and its chief highway engineer remain in good condition, with low reasonable maintenance cost, until after all of said State bonds have matured. Said hard-surfaced parts of said roads shall be constructed of sufficient widths to meet the requirements of the reasonably expected traffic thereon, such widths, except in extreme cases, to be not less than ten feet nor more than eighteen feet. *Provided*, that where the contour of the surface permits and is practicable that in making fills, excavations and gradings for and in construction of such hard-surfaced roads, the surface of the earth alongside shall be so left that vehicles may drive over same and such surface shall be of such grade that vehicles can turn on or off such hard-surfaced roads with safety and convenience. The old bridges which form parts of the present roads, shall, wherever such bridges are in proper condition, be used in said proposed system. Said Department of Public Works and Buildings shall immediately after this Act has been approved by the people and before entering into contracts for the construction of said roads, cause to be made reconnaissance surveys and maps, plans and specifications of said roads, together with approximate estimates of the cost of constructing said roads.

§ 8. That said Department of Public Works and Buildings shall divide said roads into convenient sections for construction purposes, and shall make all reasonable efforts to have the entire State-wide system of roads completed within five years after the first construction contracts therefor are awarded. The construction work shall, so far as practically possible, be commenced in the different sections of the State at approximately the same time and be carried on continuously until all work is completed.

§ 9. That the general location of the routes upon and along which said proposed roads are to be constructed shall be substantially as described in this section, so as to connect, with each other, the different communities and the principal cities of the State: *Provided, however*, that said Department of Public Works and Buildings shall have the right to make such minor changes in the location of said routes as may become necessary in order to carry out the provisions of this Act; and, *provided*, also, that said Department of Public Works and Buildings shall not improve hereunder, any road or part thereof which lies within any incorporated city, town or village in which the building of State aid roads may be prohibited by the Act of this State entitled, "An Act to revise the law in relation to roads and bridges," approved June 27, 1913, and the amendments thereto:

#### ROUTE No. 1.

Beginning in a public highway at the southern limits of the city of Chicago and running along such highway in a general southerly direction to Metropolis, affording Chicago, Chicago Heights, Watseka,



Danville, Paris, Marshall, Robinson, Lawrenceville, Mt. Carmel, Albion, Grayville, Carmi, Harrisburg, Vienna, Metropolis and the intervening communities reasonable connections with each other.

#### ROUTE No. 2.

Beginning in a public highway near Beloit, Wisconsin, and running along such highway in a general southerly direction to Cairo, affording Rockford, Oregon, Dixon, Mendota, Peru, LaSalle, El Paso, Bloomington, Clinton, Decatur, Pana, Vandalia, Centralia, DuQuoin, Carbondale, Anna, Cairo and the intervening communities reasonable connections with each other.

#### ROUTE No. 3.

Beginning in a public highway at Morrison and running along such highway in a general southerly direction to Chester, affording Morrison, Prophetstown, Moline, Rock Island, Aledo, Monmouth, Macomb, Rushville, Beardstown, Virginia, Ashland, Alexander, (running over Route No. 10 between Alexander and Jacksonville), Jacksonville, White Hall, Carrollton, Jerseyville, Alton, East St. Louis, Waterloo, Chester and the intervening communities reasonable connections with each other.

#### ROUTE No. 4.

Beginning at the intersection of 48th and Ogden Avenues in the Town of Cicero, Cook County, and running in a general southwesterly direction to East St. Louis, affording Chicago, Cicero, Berwyn, Riverside, Lyons, Joliet, Dwight, Pontiac, Bloomington, Lincoln, Elkhart, Williamsville, Springfield, Carlinville, Edwardsville, Granite City, East St. Louis and the intervening communities reasonable connections with each other.

#### ROUTE No. 5.

Beginning in a public highway at the northwesterly limits of the City of Chicago and running along such highway in a general northwesterly direction to East Dubuque, affording Chicago, Elgin, Marengo, Rockford, Freeport, Galena, East Dubuque and the intervening communities reasonable connections with each other.

#### ROUTE No. 6.

Beginning in a public highway at the westerly limits of the city of Chicago and running along such highway in a general westerly direction to Fulton, affording Chicago, Wheaton, Geneva, Elburn, DeKalb, Rochelle, Dixon, Sterling, Morrison, Fulton and the intervening communities reasonable connections with each other.

#### ROUTE No. 7.

Beginning in a public highway at Joliet and running along such highway in a westerly direction to East Moline, affording Joliet, Morris, Ottawa, LaSalle, Peru, DePue, Princeton, Geneseo, East Moline and the intervening communities reasonable connections with each other.

## ROUTE No. 8.

Beginning in a public highway at the Indiana State line east of Sheldon and running along such highway in a general westerly direction to the Mississippi River opposite Burlington, Iowa, affording Watseka, Chenoa, El Paso, Eureka, Peoria, Farmington, Elmwood, Yates City, Galesburg, Monmouth, and the intervening communities reasonable connections with each other.

## ROUTE No. 9.

Beginning in a public highway at the Indiana State line east of Hoopeston, and running along such highway in a general westerly direction to Route No. 24, on the east side of the Illinois River between Pekin and East Peoria, thence over Route No. 24, to Peoria, and thence in a westerly direction to Hamilton, affording Hoopeston, Paxton, Bloomington, Carlock, Goodfield, Deer Creek, Morton, Peoria, Canton, Prairie City, Bushnell, Macomb, Carthage, Hamilton, and the intervening communities reasonable connections with each other.

## ROUTE No. 10.

Beginning in a public highway at the Indiana state line east of Danville and running along such highway in a general westerly direction to Jacksonville, affording Danville, Urbana, Champaign, Monticello, Bement, Decatur, Springfield, Jacksonville and the intervening communities reasonable connections with each other.

## ROUTE No. 11.

Beginning in a public highway at the Indiana state line east of Marshall and running along such highway in a general south-westerly direction to East St. Louis, affording Marshall, Greenup, Effingham, Vandalia, Greenville, Baden Baden, Highland, East St. Louis and the intervening communities reasonable connections with each other.

## ROUTE No. 12.

Beginning in a public highway at the Indiana state line east of Lawrenceville and running along such highway in a general westerly direction to East St. Louis, affording Lawrenceville, Olney, Flora, Salem, Carlyle, Lebanon, East St. Louis and the intervening communities reasonable connections with each other.

## ROUTE No. 13.

Beginning in a public highway at Shawneetown and running along such highway in a general westerly direction to Murphysboro, thence in a northwesterly direction to East St. Louis, affording Shawneetown, Harrisburg, Marion, Carbondale, Murphysboro, Pinckneyville, Sparta, Belleville, East St. Louis and the intervening communities reasonable connections with each other.

## ROUTE No. 14.

Beginning in a public highway at Carmi and running along such highway in a general westerly direction to Duquoin, affording Carmi,



McLeansboro, Benton, Christopher, Duquoin and the intervening communities reasonable connections with each other.

#### ROUTE No. 15.

Beginning in a public highway at Albion and running along such highway in a general westerly direction to Belleville, affording Albion, Fairfield, Mt. Vernon, Ashley, Nashville, Okawville, Belleville and the intervening communities reasonable connections with each other.

#### ROUTE No. 16.

Beginning in a public highway at Paris and running along such highway in a general southwesterly direction to Route 4, at or near Staunton, affording Paris, Charleston, Mattoon, Shelbyville, Pana, Hillsboro, Litchfield, Mount Olive, Staunton and the intervening communities reasonable connections with each other.

#### ROUTE No. 17.

Beginning in a public highway at the Indiana state line east of Grant Park and running along such highway in a general westerly direction to Lacon, affording Grant Park, Momence, Kankakee, Dwight, Streator, Eagle Church Corners, Garfield, Wenona, Custer, Varna, and Lacon and intervening communities reasonable connections with each other.

#### ROUTE No. 18.

Beginning in a public highway at the western limits of the city of Chicago and running along such highway in a southwesterly direction to Princeton, affording Chicago, Aurora, Oswego, Yorkville, Plano, Sandwich, Earlville, Mendota, Princeton and the intervening communities reasonable connections with each other.

#### ROUTE No. 19.

Beginning in a public highway at the westerly limits of the city of Chicago and running along such highway in a general northwesterly direction to Harvard, affording Chicago, Barrington, Woodstock, Harvard, and the intervening communities reasonable connections with each other.

#### ROUTE No. 20.

Beginning in a public highway at the west limits of the city of Waukegan at the end of Belvidere Street and running along such highway in a general westerly direction to Woodstock, affording Waukegan, Grays Lake, McHenry and Woodstock and intervening communities reasonable connections with each other.

#### ROUTE No. 21.

Beginning in a public highway at the northerly limits of the city of Chicago and running along such highway in a general northwesterly direction to the Wisconsin state line, affording Chicago, Libertyville, Antioch and the intervening communities reasonable connections with each other.

## ROUTE No. 22.

Beginning in a public highway at the Indiana state line east of Chicago Heights and running along such highway to Lake Forest, affording Chicago Heights, Joliet, Aurora, Geneva, Elgin, Dundee, Carpenterville, Barrington, Lake Forest and the intervening communities reasonable connections with each other.

## ROUTE No. 23.

Beginning in a public highway at the Wisconsin state line, north of Harvard and running along such highway in a general southerly and southwesterly direction to Streator, affording Harvard, Marengo, Sycamore, DeKalb, Ottawa, Streator and the intervening communities reasonable connections with each other.

## ROUTE No. 24.

Beginning in a public highway at Peoria and running along such highway in a general southerly and southeasterly direction to Pana, affording Peoria, Pekin, Green Valley, Mason City, Greenview, Athens, Springfield, Pana and the intervening communities reasonable connections with each other.

## ROUTE No. 25.

Beginning in a public highway at Kankakee and running along such highway in a general southerly direction to Fairfield, affording Kankakee, Gilman, Paxton, Champaign, Tuscola, Mattoon, Effingham, Toliver, Louisville, Flora, Fairfield and the intervening communities reasonable connections with each other.

## ROUTE No. 26.

Beginning in a public highway at Freeport and running along such highway in a general southerly direction to Dixon, affording Freeport, Polo, Dixon and the intervening communities reasonable connections with each other.

## ROUTE No. 27.

Beginning in a public highway at Polo and running along such highway in a general westerly direction to Savanna, affording Polo, Mt. Carroll, Savanna and the intervening communities reasonable connections with each other.

## ROUTE No. 28.

Beginning in a public highway at Galesburg and running along such highway in a general northeasterly direction to Sheffield, affording Galesburg, Kewanee, Sheffield and the intervening communities reasonable connections with each other.

## ROUTE No. 29.

Beginning in a public highway at Peoria and running in a northerly direction to DePue, affording Peoria, Chillicothe, Henry, DePue and the intervening communities reasonable connections with each other.

## ROUTE No. 30.

Beginning in a public highway at Peoria and running in a northwesterly direction to Galva, affording Peoria, Princeville, Wyoming,



Galva and the intervening communities reasonable connections with each other.

ROUTE No. 31.

Beginning in a public highway at Canton and running in a south-westerly direction to Quincy, affording Canton, Lewistown, Rushville, Mt. Sterling, Quincy and the intervening communities reasonable connections with each other.

ROUTE No. 32.

Beginning in a public highway at Windsor and running in a northerly direction to Cerro Gordo, affording Windsor, Sullivan, Lovington, Ulrich Station, Lake City, Cerro Gordo and the intervening communities reasonable connections with each other.

ROUTE No. 33.

Beginning in a public highway at Effingham and running to Robinson, affording Effingham, Newton, Robinson and the intervening communities reasonable connections with each other.

ROUTE No. 34.

Beginning in a public highway at Harrisburg and running through Herod and thence along the most practictl route to the road leading from Elizabethtown to Golconda with branches into Elizabethtown and Golconda, giving Elizabethtown and Golconda connection with each other and each of said towns connection with Harrisburg.

ROUTE No. 35.

Beginning in a public highway at Route No. 2 north of Cairo and extending in an easterly direction to Mound City, affording Mounds, Mound City and the intervening communities reasonable connections with each other.

ROUTE No. 36.

Beginning in a public highway at Carthage and running in a southerly and easterly direction to Jacksonville, affording Carthage, Bowen, Ursa, Quincy, Payson, Barry, Pittsfield, Winchester, Jacksonville and the intervening communities reasonable connections with each other.

ROUTE No. 37.

Beginning in a public highway at Mt. Vernon and extending in a southerly direction to Marion, affording Mt. Vernon, Benton, Marion and the intervening communities reasonable connections with each other.

ROUTE No. 38.

Beginning in a public highway at Jerseyville and running along such highway in a westerly direction to a public highway on the east side of the Illinois River opposite the City of Hardin and then beginning at Hardin and running in a northerly direction to Kampsville, affording Jerseyville, Hardin, Kampsville and the intervening communities reasonable connections with each other.

## ROUTE No. 39.

Beginning in a public highway at Champaign and running in a northwesterly direction to Bloomington, affording Champaign, Mahomet, Mansfield, Farmer City, Leroy, Bloomington and the intervening communities reasonable connections with each other.

## ROUTE No. 40.

Beginning in a public highway on the north line of the city of Sterling and running in a northwesterly direction to Milledgeville, thence to Chadwick, thence north to connect with Route No. 27, and beginning at a highway on the north line of the city of Mt. Carroll and running north to Stockton.

## ROUTE No. 41.

Beginning in a public highway at Galesburg, and connecting with Route No. 8 therein, and running thence in a southern direction to Abingdon, thence in a southern direction to Avon, thence in a southern direction, connecting with Route No. 9 at or near Prairie City, affording Galesburg, Abingdon, Avon, Prairie City and the intervening communities reasonable connections with each other.

## ROUTE No. 42.

Beginning in a public highway at the northern limits of the city of Chicago and running along the Sheridan Road in a general northerly direction to the Wisconsin State line, affording Chicago, Waukegan, Zion City and the intervening communities reasonable connections with each other.

## ROUTE No. 43.

Beginning in a public highway at Havana and running in an easterly direction to Route No. 24. at Mason City, affording Havana, Mason City and the intervening communities reasonable connections with each other.

## ROUTE No. 43A.

Beginning in a public highway at Petersburg and running easterly to and connecting with Route No. 24.

## ROUTE No. 44.

Beginning in a public highway at Joliet, and running to Kankakee, Illinois, via Manhattan and Wilton Center so as to afford the intervening communities reasonable connections with each other.

## ROUTE No. 45.

Beginning in a public highway in Route No. 17, at a point at Garfield and running due south to Dana.

## ROUTE No. 46.

Beginning in a public highway at the eastern limits of Arlington Heights, thence running in a southeasterly direction to Oaklawn, affording Arlington Heights, Mount Prospect, Des Plaines, Franklin Park, River Grove, Maywood, Broadview, LaGrange Park, LaGrange,



Lyons, Summit, Oaklawn, and the intervening communities reasonable connections with each other.

If any available money from any source remains in the State bond road fund after the above described roads are completed and paid for, said Department of Public Works and Buildings shall use such money to construct other similar roads so as to extend said system in such a way as to be of the greatest benefit, in the judgment of said Department of Public Works and Buildings, to the people of the State.

§ 10. That wherever one of the above described roads runs through or into a county over a paved road that has been constructed by such county and the State, jointly, or by such county alone and accepted by the State, then, in such case, said Department of Public Works and Buildings shall, if such paved road is of proper durable hard-surfaced type to make it practicable to do so, utilize such paved road in said State-wide system of roads. If said Department of Public Works and Buildings does utilize and make such a paved road of a county a part of said State-wide system of roads, then, and in that case, the actual cost of said paved road shall be determined, in the manner hereinafter provided for, and an amount of money equivalent to the share of such cost that was paid by such county, shall be set apart and allotted by said department to such county to be used, at the option of such county, either in the payment of any county bonds issued by such county and used to improve its State Aid Roads, or in the improvement of any one or more of its improved or unimproved State Aid Roads, by constructing thereon a durable hard-surfaced road, under the direction and to the satisfaction of said Department of Public Works and Buildings. In determining such cost of such a paved road of a county, so utilized in said State-wide system of roads, the Chief Highway Engineer shall make a careful examination of the Department's State Aid Road records which show the actual cost of all such State Aid Roads, and present to said Department of Public Works and Buildings, in writing, a statement, approved by the Superintendent of Highways, showing the actual cost of such paved road of such county; and the amount of such cost paid by such county, as shown by said statement, shall be the amount of money so to be allotted to said county by said Department of Public Works and Buildings to be used by said County in the manner hereinabove provided for."

§ 11. That whenever the making of any part of said proposed improvement, or the locating of a route or any part thereof, or the obtaining of road building materials for the work provided for herein, will require that private property be taken or damaged, said Department of Public Works and Buildings, in its name, shall have the right to purchase the necessary land from the owner thereof, or if compensation therefor can not be agreed upon, to have such just compensation ascertained and to acquire and pay for said property in the same manner, as near as may be, as provided for in the Act of this State entitled, "An Act to provide for the exercise of the right of eminent

domain," approved April 10, 1872, and the amendments thereto: *Provided, however*, that said Department of Public Works and Buildings shall not be required, in any case, to furnish bond.

§ 12. That the public highways upon which said roads are being constructed shall, during the construction period and continuously thereafter, be under the jurisdiction and control of said Department of Public Works and Buildings, but the duty of maintaining such highways shall rest on the local authorities until said construction work has been completed. No public utility company or person shall be granted any right, privilege or franchise in, on or along any such highway without the consent of said Department of Public Works and Buildings. After a road in said State-wide system has been completed and taken over by said Department of Public Works and Buildings said road shall thereafter be maintained by the State, under and in accordance with the provisions of Section 32 of Article IV of the Act of this State entitled, "An Act to revise the law in relation to roads and bridges," approved June 27, 1913, and the amendments thereto.

§ 13. That this Act, authorizing the State to contract the debt for the purpose set forth herein and, as an evidence of such debt, to issue bonds of the State of Illinois to the amount of sixty million dollars (\$60,000,000.00) and levying a direct annual tax sufficient to pay the interest annually on such bonds, as such interest shall accrue, and also to pay and discharge the principal of such bonds at par value, as such bonds respectively fall due, but providing that such payments may be made from other sources of revenue, shall be submitted to the people of this State at the general election to be held on Tuesday next after the first Monday of November, A. D. 1918; that said Act shall be so submitted on a separate ballot, which shall be in substantially the following form:



## (ROAD IMPROVEMENT BALLOT).

Shall an Act of the General Assembly of Illinois, entitled, "An Act in relation to the construction by the State of Illinois of a State-wide system of durable hard-surfaced roads upon public highways of the State and the provisions of means for the payment of the cost thereof by an issue of bonds of the State of Illinois," which, in substance, provides for construction by the State, acting through its Department of Public Works and Buildings, subject to the Governor's approval, of a State-wide system of hard roads on routes described; for control and maintenance, and for conditional compensation for roads already paved; gives such department full power to execute Act; authorizes State to contract a debt for such purpose and to issue \$60,000,000.00 of serial bonds, bearing interest annually at not to exceed 4%; appropriates said sum to said department; levies a tax sufficient to pay said interest annually, as it shall accrue, and to pay off said bonds within 20 years from issuance, but provides that such payments may be made from other sources of revenue and requires moneys in the Motor Vehicle Law "Road Fund" to be first used for such payments and such direct tax to be omitted in any year in which sufficient money from other sources of revenue has been appropriated to meet such payments for such year; provides for publication and for submission to the people; makes the provisions for payment of such interest and bonds irrevocable; and pledges faith of State to the making of such payments; go into full force and effect?

YES

NO

That this question shall be so submitted at said general election, and said election on said question shall be held and returns thereof be made, where not otherwise provided herein, at the same time and in the same manner and by the same officials, as in the case of the election of State officers and in accordance, as near as may be, with the provisions of the general election laws of this State; that the Secretary of State is hereby authorized, empowered and directed to certify to the county clerk of each county the form of said ballot and also to take every step required by this Act and by the general election laws of this State to be taken in such cases; that the respective persons whose duty it is, under the general election laws of this State, to cause notices of election to be given and ballots to be printed, and the elections to be held and the results thereof to be ascertained and declared, are hereby authorized, empowered and directed to

take every step required by the statutes of this State to be taken in such cases, so as to cause this question to be properly submitted to the people of this State.

§ 14. That the Secretary of State be, and he is hereby, authorized, empowered and directed to cause publication of this Act to be made, once each week, for three months at least before the vote of the people shall be taken upon such Act; and that such publication shall be made in at least two daily newspapers, one of which shall be published in the city of Springfield and one in the city of Chicago.

§ 15. That the provisions in this Act for the payment of the principal of said bonds at maturity and of the interest thereon annually, as it shall accrue, by a direct annual tax which has been levied herein for said purpose, or from other sources of revenue appropriated for that purpose, shall be irrevocable until such debt and interest be paid in full, and for the making of such payment the faith of the State of Illinois is hereby pledged.

§ 16. That the publication of this law in the above mentioned newspapers and in the Session Laws of Illinois is hereby declared to be due notice to the people of this State of the provisions of this law and of its submission to them and that if this law receives at said general election the required majority of votes, then the will of the people so expressed or attempted to be so expressed shall not be defeated nor set aside on account of the failure, negligence or carelessness of any officer, or person, in the performance of his duty, but the law shall immediately go into full force and effect.

APPROVED JUNE 22, 1917.

#### REGISTRATION FEES FOR MOTOR VEHICLES SHOWING RATES EFFECTIVE IN 1918-1919 AND 1920.

	1918	1919	1920
10 H. P. and less.....	\$ 4 50	\$ 4 50	\$ 6 00
25 H. P. and more than 10.....	6 00	6 00	8 00
35 H. P. and more than 25.....	9 00	9 00	12 00
50 H. P. and more than 35.....	16 00	16 00	20 00
More than 50 H. P.....	20 00	20 00	25 00
Motor bicycle.....	3 00	3 00	4 00
Electric vehicles to and inc. 2 tons....	10 00	10 00	12 00
Electric vehicles over 2 tons.....	20 00	20 00	25 00

#### MOTOR VEHICLES—DISPOSITION OF REGISTRATION FEES.

§ 19. All moneys received by the Secretary of State as registration fees and for the examination and licensing of chauffeurs as provided in this Act shall be deposited in the State treasury and set apart as a special fund to be known as the road fund. The road fund shall, if and when the State of Illinois shall incur any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the



principal and interest on such bonded indebtedness then due and payable and for no other purpose, and the surplus, if any, after the payment of the principal and interest on such bonded indebtedness then annually due, shall be used for the improvement of the highways of the State in accordance with the provisions of Article IV of an Act entitled, "An Act to revise the law in relation to roads and bridges," approved June 27, 1913, in force July 1, 1913, and all Acts amendatory thereof.



SCHNEPP & BARNES, STATE PRINTERS  
SPRINGFIELD, ILL.

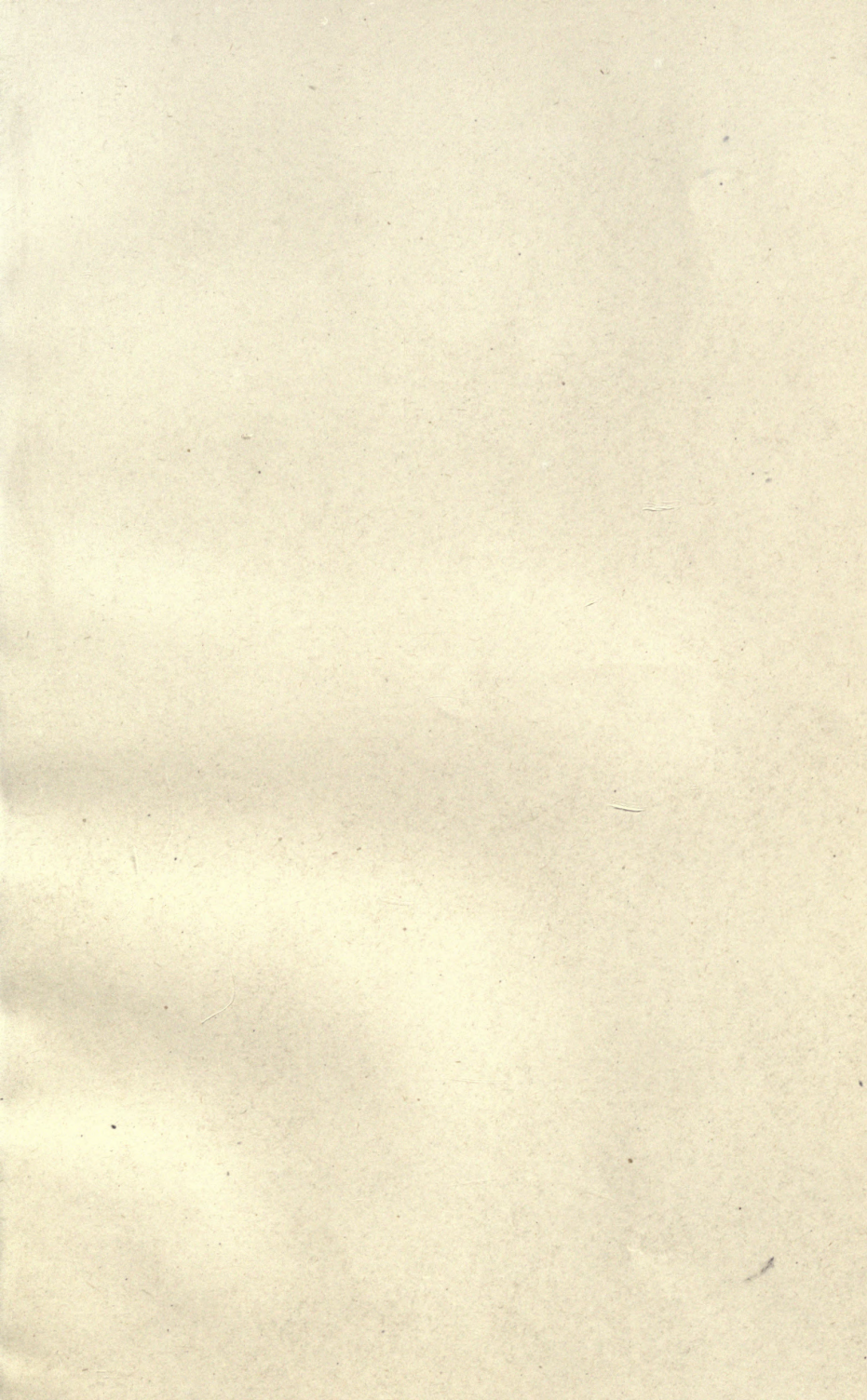
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Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.



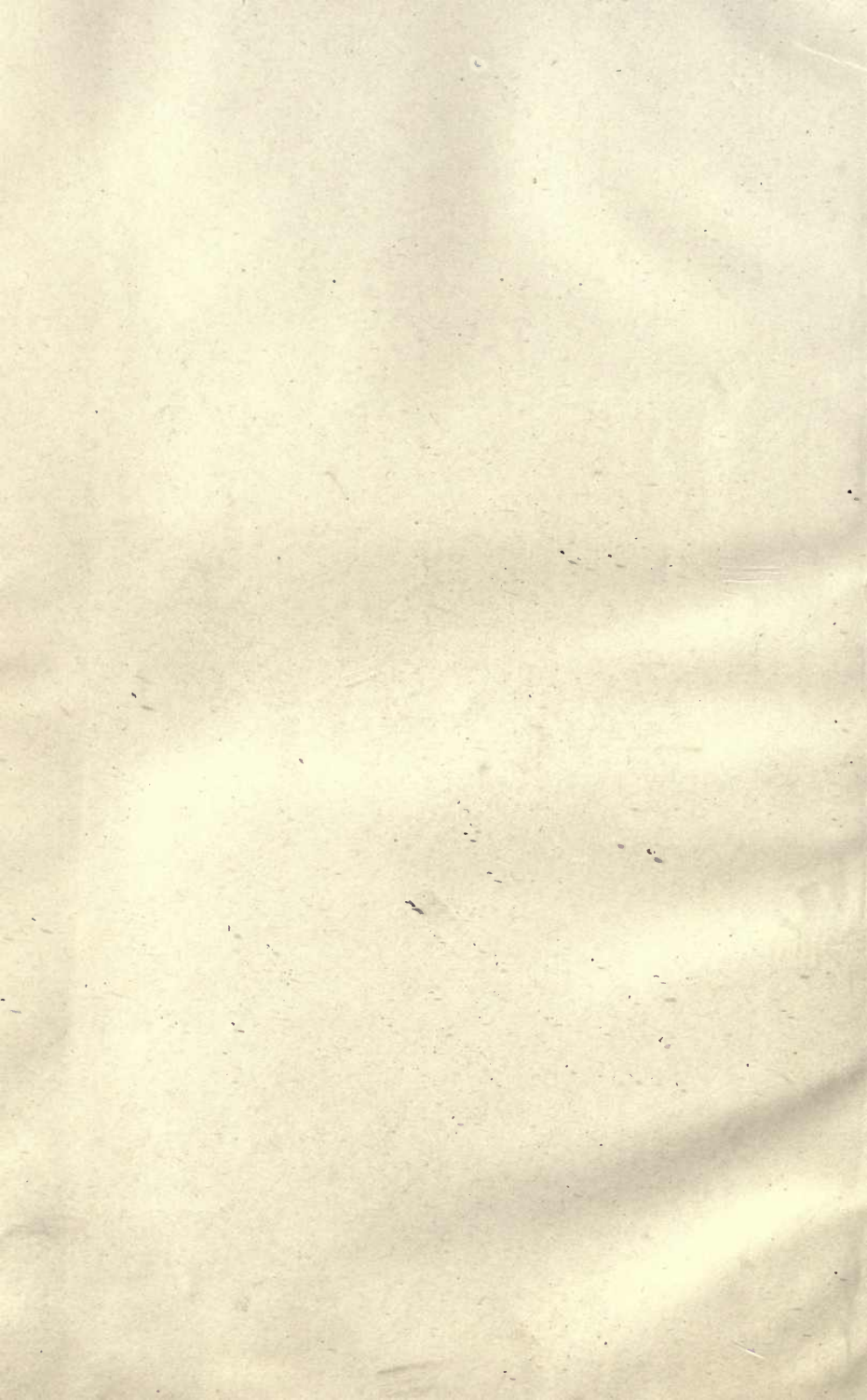














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