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TWENTY-EIGHTH GENERAL ASSEMBLY,

FIRST SESSION.

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LAWS OF ILLINOIS.

ADMINISTRATION OF ESTATES.

- § 1. *Amend act approved April 1, 1872; in force July 1, 1872.*
§ 2. *In force March 19, 1873.*

AN ACT to amend an act entitled "An act in regard to the administration of estates," approved April 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section eighty-one of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, be and the same is hereby amended so that the same shall read as follows: "If any executor or administrator, or other person interested in any estate, shall state upon oath, to any county court, that he believes that any person has in possession, or has concealed or embezzled any goods, chattels, moneys or effects, books of account, papers, or any evidences of debt whatever, or titles to land belonging to any deceased person; or that he believes that any person has any knowledge or information of or concerning any indebtedness or evidences of indebtedness, or property titles or effects, belonging to any deceased person, which knowledge or information is necessary to the recovery of the same, by suit or otherwise, by the executor or administrator, of which the executor or administrator is ignorant, and that such person refuses to give to the executor or administrator such knowledge or information, the court shall require such person to appear before it by citation, and may examine him on oath, and hear the testimony of such executor or administrator, and other evidence offered by either party, and make such order in the premises as the case may require."*

§ 2. Whereas there are estates of deceased persons which cannot be properly settled in consequence of a defect in the law in respect to compelling persons to give information in their possession, an emergency is deemed to exist: therefore this act shall be in force from and after its passage.

APPROVED March 19, 1873.

AGRICULTURE.

- § 1. *Re-organization of agricultural societies.*
- § 2. *Property to vest in county board.*
- § 3. *Borrow money on mortgage or deed of trust.*
- § 4. *All acts heretofore done declared legal.*
- § 5. *In force April 18, 1873.*

AN ACT concerning the re-organization of county agricultural societies, in conformity to "An act to create a department of agriculture in the state of Illinois," approved April 15, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be lawful for any agricultural society now existing in this state to change its name and alter its organization, so as to conform to and comply with the act to create a department of agriculture, approved April 15, 1871; such change of name and organization to be made by the directors or other managers of such county society, upon the consent of a majority of the life or permanent members of the same, evidenced in writing or by a vote taken at a meeting, held after giving not less than ten days' notice of the time and place of such meeting, and of the business to be acted upon: Provided, that if such society shall be a stock company, the consent of the parties owning a majority of such stock shall be obtained before such change can be made: And, provided, further, that all re-organizations under this act shall be in accordance with, and in conformity to, the requirements of the by-laws of the state board of agriculture, as provided by the act to create a department of agriculture in the state of Illinois.*

§ 2. Whenever any agricultural society, being the owner of lands, or holding a lease of any lands, shall change its title and organization to conform to the act to create a department of agriculture, approved April 15, 1871, and shall become a county agricultural board, the lands, leasehold and other property owned by the society making such change, shall vest in and become the property of the county agricultural board, for its original uses and purposes, and for the benefit of the original owners or members thereof.

§ 3. It shall be lawful for the directors of any county agricultural board, in order to pay or secure to be paid the indebtedness of such board or of its predecessor, an agricultural society, or for the purpose of purchasing real estate for the use of such board, or to procure means to be expended in the improvement of its fair grounds, to make and execute notes or other legal contracts binding such board, and to secure such notes or contracts by mortgage or deed of trust on the real estate now or hereafter owned by said board; such mortgage or deed of trust to be executed under the seal of the county agricultural board making the same, and signed by the president and secretary thereof.

§ 4. All changes of name and organization of county agricultural societies heretofore made in conformity to "An act to create a department of agriculture," and of the by-laws of the state board of agriculture in pursuance thereof, and where such action has been reported to the secretary of said state board of agriculture, are hereby declared legal and effectual; and such county agricultural boards heretofore

organized shall be entitled to all the benefits of this act as fully as if hereafter organized.

§ 5. Whereas, it is necessary that certain agricultural societies in this state should make changes immediately in their organization, to conform to the act making appropriation for the benefit of county agricultural boards, approved January 5, 1872, and to bring themselves within reach of aid hereafter appropriated by the general assembly of the state; therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 18, 1873.

ANIMALS.

§ 1. *Amend act approved January 13, 1872 ; in force Oct. 1, 1872.
In force July 1, 1873.*

AN ACT to amend section two of an act entitled "An act to prohibit domestic animals from running at large in this state," approved January 13, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of "An act to prohibit domestic animals from running at large in this state," approved January 13, 1872, be amended to read as follows: "Any owner or owners violating section one of this act shall, on conviction before any justice of the peace having jurisdiction, pay a fine not less than three dollars nor more than ten dollars for each and every offense, to the common school fund of the township. Any person who is or may be the owner of land, or who has or may have control of the same, may take up any domestic animal or animals when found near to or upon such land, such animal or animals being at large in violation of section one of this act. The taker up of such animal or animals shall, within two days from the time of the taking up, make complaint and institute a suit under the provisions of this act against the owner or owners of such animals; and if, upon the trial, judgment shall be for the people, execution shall issue immediately upon the judgment, and the animal or animals taken up shall be liable to levy and sale upon the execution, the same as in other cases, anything in the exemption laws of this state to the contrary notwithstanding."

APPROVED May 2, 1873.

§ 1. *Towns to prohibit domestic animals from running at large.*
§ 2. *Establishing and maintaining pounds.*
In force July 1, 1873.

AN ACT to enable towns to prohibit domestic animals from running at large in counties where they are not prohibited by law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any county in this state which has adopted township organization, or which may hereafter adopt town-

ship organization, and where domestic animals are not prohibited from running at large by law, that, on petition of not less than twenty legal voters of any town to the town clerk, it shall be the duty of the town clerk to give notice, with the notice of the annual town meeting, that the question of voting for and against domestic animals or any species of the same running at large, will be submitted to the legal voters of such town at such town meeting; which vote shall be by ballot, which ballots shall be printed or written, or partly written and partly printed, on the ballots voted for town officers; and if a majority of the votes cast at such town meeting shall be against domestic animals or any species thereof from running at large, then it shall be unlawful for such animals to run at large in such town: *Provided*, that if sufficient time does not elapse after this act takes effect to give the required notices for the question to be voted on at the annual town meeting in April, 1873, the town clerk of any such town shall, on a like petition, call a special town meeting for that purpose, notice of which special town meeting shall be given for the length of time and in the manner for the annual town meetings.

§ 2. In case a majority of votes at such annual or special town meeting is against domestic animals running at large, the electors may provide by a vote of the majority at such meeting, to be ascertained in some convenient manner—

First—To establish and maintain a pound or pounds at such places within the town as may be deemed necessary and convenient. When any pound is erected, it shall be under the care and direction of a pound master.

Second—To determine the number of pound masters and prescribe their duties, and choose the same in such manner as they may determine.

Third—To authorize the distraining, impounding and sale of cattle, horses, mules, asses, swine, sheep or goats, for penalties incurred and costs of proceedings: *Provided*, that the sale of animals distrained or impounded shall be conducted, as nearly as may be, according to the law regulating sales of property by constables under execution: *And, provided, also*, the owners of such animals shall have the right to redeem the same from the purchaser thereof, at any time within three months from the date of the same, by paying the amount of the purchaser's bid, with reasonable costs for their keeping, and interest on the amount bid at the rate of ten per cent. per annum.

Fourth—To apply all penalties, when collected, in such manner as may be deemed most to the interest of the town.

APPROVED April 11, 1873.

§ 1. *Amending act of Jan. 13, 1872, by adding section five of this act. In force May 1, 1873*

AN ACT to amend an act entitled "An act to prohibit domestic animals from running at large in this state," approved January 13, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That said act be and the same is hereby amended, by adding the following section thereto, viz:*

“Section 5. It shall be unlawful for domestic animals, or any species thereof, to run at large in any town, city or precinct in this state, where such animals were lawfully restrained from running at large before or at the time the act to which this is an amendment took effect, until permitted to do so by the lawful authority of such town or city, or by a majority vote of such precinct.”

Whereas, in some counties in this state, many towns, cities and precincts had lawfully restrained domestic animals from running at large, previous to the passage of the act to which this is an amendment, and therefore abandoned fencing; and whereas, under the provisions of said act, the majority vote in some of such counties was against restraining such animals from running at large, leaving many farms unprotected by fence, at the mercy of such animals, thereby creating an emergency: therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 1, 1873. .

APPROPRIATIONS.

BLIND.

- § 1. *Erection of center or main building, \$75,000.
In force July 1, 1873.*

AN ACT to provide for the erection of buildings necessary for the education of the blind of the state of Illinois.

WHEREAS the institution for the education of the blind, located at Jacksonville, in the state of Illinois, was burned, and since its destruction the trustees of said institution, without any appropriation therefor from the state treasury, did erect a small wing for a future edifice on the site of the old institution; and whereas, said wing is not of capacity to receive and accommodate more than about one-third of the youthful blind of the state; now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of seventy-five thousand dollars is hereby appropriated out of the state treasury to erect a center or main building for the education of the blind, on the premises owned by the state at Jacksonville, in Morgan county, and state of Illinois—said sum to be paid in quarterly payments, beginning on the first day of July, A. D. 1873, and to be paid by the auditor of public accounts drawing his warrants on the treasurer for said quarterly payments, upon orders of the board of trustees of said institution, signed by the president and attested by the secretary of said board of trustees of said institution.

APPROVED May 3, 1873.

§ 1. *Seventeen thousand five hundred dollars per annum.
In force July 1, 1873.*

AN ACT making appropriations for the Illinois Institution for the Education of the Blind, for the years 1873 and 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of seventeen thousand five hundred dollars per annum is hereby appropriated, payable out of the treasury, in quarterly payments, in advance, from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next general assembly, to defray the ordinary expenses of the Illinois Institution for the Education of the Blind.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for said sums, upon orders of the board of trustees of said institution, signed by the president and attested by the secretary of said board of trustees with the seal of said institution, accompanied by satisfactory vouchers, approved by the governor, for the expenditure of the last quarterly or other installment of the appropriations herein or heretofore made, for ordinary expenses.

APPROVED April 24, 1873.

DAM AND LOCK.

- § 1. *Net proceeds appropriated.*
- § 2. *Treasurer to invest net earnings.*
- § 3. *When commissioners may contract.*
- § 4. *Advertise for proposals.*
- § 5. *Estimates to be made and approved by the governor before construction can commence.*
- § 6. *Commissioners cannot obligate the state for any sum in excess of appropriation.*
- § 7. *Commissioners to make monthly statements to governor.*
- § 8. *Commissioners to receive no portion of this appropriation for services.
In force July 1, 1873.*

AN ACT authorizing the board of canal commissioners to construct a dam and lock at or near Copperas creek, and to make an appropriation for such improvement.

WHEREAS, in pursuance of an act approved February 25, A. D. 1869, entitled "An act to amend an act approved February 28, A. D. 1867," and an act additional thereto, approved March 7, A. D. 1872, under and by authority of which acts the improvement of the navigation of the Illinois river has been commenced, by the construction of a lock and dam in the town of Henry, in Marshall county, which has been completed, and which is a part of a system of locks and dams, to the number of five, projected by engineers for the complete improvement of the navigation of the Illinois river; and whereas no further progress can be made in the improvement of the navigation of said river without further appropriation, such appropriation being now necessary for the building of a lock and dam at or near Copperas creek, which, when completed, will add fifty-nine miles of river transportation, and thus

tend to the reduction of freights to the head waters of Lake Michigan, and to the Mississippi river; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated the net proceeds of the revenue derived from the Illinois and Michigan canal, and the lock at Henry, on the Illinois river, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly, to be expended by the canal commissioners in the construction of a lock and dam across the Illinois river at or near Copperas creek, and necessary work in connection therewith; said lock to be not less than three hundred and fifty feet in length and seventy-five feet in width.

§ 2. It shall be the duty of the state treasurer to invest the net earnings received by the state from the Illinois and Michigan canal, and the lock at Henry, on the Illinois river, in United States or other interest bearing bonds, as may be designated by the governor, which interest shall be added to the principal, or re-invested, as aforesaid, until there shall be in the hands of such treasurer at least one hundred thousand dollars of such funds, which funds shall be designated as the "Illinois River Improvement Fund."

§ 3. Said commissioners, as soon as there shall be in the hands of the state treasurer the sum of one hundred thousand dollars of the said Illinois River Improvement Fund, are hereby authorized to take efficient and proper measures for the commencement of the improvements named in this act, and shall put such parts of them as they may deem proper under contract, as herein provided, and shall have the management, care and superintendence thereof. They may employ a general superintendent, and may also employ such and as many engineers, draughtsmen, and other persons as they may deem necessary to enable them to discharge their duties, and may pay such compensation as they may deem reasonable to each person so employed: *Provided*, that no contract shall be made until the necessary survey shall have been made, and plans adopted: *And, provided, further*, that the cost of said improvements, when completed, including plans and surveys and all incidental expenses, shall not exceed the sum of four hundred and thirty thousand dollars. The work may be divided, or let in sections, as may be deemed advisable, by said canal commissioners.

§ 4. No contract for the doing of said work shall be let until the same shall have been advertised in a daily paper, published in each of the cities of Chicago and Peoria, for at least four weeks prior to the time named for letting such contract; and all bidding shall be by sealed proposals, and those of the lowest responsible bidder shall be accepted. Said commissioners shall require all parties taking contracts to furnish bonds for the completion of the work undertaken by them, and shall name the amount to be inserted in such bonds at the time the contracts are awarded.

§ 5. Said commissioners are hereby strictly forbidden to commence the construction of said lock and dam, by contract or otherwise, as provided for in this act, unless they shall first ascertain, from the estimate of a competent engineer, that the same, including all incidental expenses, can be completed for a less sum of money than four hundred and thirty thousand dollars; which estimate shall be approved by the governor and filed with the auditor, before the appropriation herein named can be drawn.

§ 6. Said commissioners shall not obligate the state for the payment of any sum of money in excess of the appropriation made for the purposes herein named. The account of the expenditures of said commissioners shall be certified by said commissioners, or a majority of them, approved by the governor, and audited by the auditor; the auditor shall, thereupon, draw his warrant upon the treasurer therefor, to be paid out of the fund hereinbefore provided.

§ 7. The said commissioners, at the end of each month, shall make up a statement of all work done during such month, and the amount agreed to be paid for the same, together with all expenses pertaining to the prosecution of the work, and with the certificate of the engineer in charge; which statement shall be sworn to by the commissioners, or a majority of them, and presented to the governor for his approval. Such statement, so approved, shall be authority for the auditor to draw his warrant upon the state treasurer for the sum so approved by the governor; said money to be paid to the contractors and others in charge of the work, by the treasurer of said board of canal commissioners, for which vouchers shall be taken, and sent to the auditor of state; and the auditor of state and treasurer shall, from time to time, as requested by the president of said board of canal commissioners, furnish him with a statement of the amount of money in the treasury which may be used in the construction of said improvements.

§ 8. No portion of the moneys provided for in this appropriation shall be used in payment of the salaries of said canal commissioners; neither shall said commissioners be entitled to any additional compensation because of the extra labor required by the construction of the improvements contemplated in this act.

APPROVED April 17, 1873.

DEAF AND DUMB.

§ 1. *Chapel, dining room, school buildings, \$79,500.*
In force July 1, 1873.

AN ACT for the erection of a chapel, dining room and school buildings for the Illinois Institution for the Education of the Deaf and Dumb.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of the erection of a chapel, dining room and school buildings for the deaf and dumb, which the inadequate accommodation of the institution, and the law governing the admission of pupils, and a true regard for the interests of the deaf and dumb imperatively demand, the sum of sixty thousand dollars (\$60,000) or so much thereof as may be necessary for the erection of said buildings, is hereby appropriated out of the treasury, payable to the contractor or person or persons to whom the same is due. And that there be and is hereby appropriated the sums of seventeen thousand dollars (\$17,000) for warming and lighting the said buildings and the erection of a boiler house; two thousand five hundred dollars (\$2,500) for the erection and fitting up of a laundry, payable out of the levy of 1873.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the said sums, upon the order of

the board of directors of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president and attested by the secretary of said board with the seal of the institution; but no warrant shall issue unless the orders of said board of directors shall be accompanied with satisfactory vouchers approved by the governor; and the sum hereinabove appropriated shall be in full for the completion of said buildings and improvements.

APPROVED May 3, 1873.

§ 1. *Support of the institution, \$72,000 per annum; and \$9,750. In force July 1, 1873.*

AN ACT for the support of the Illinois Institution for the Education of the Deaf and Dumb.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly, the sum of seventy thousand dollars (\$70,000) per annum be and is hereby appropriated, payable quarterly out of the treasury; and that there be and is hereby appropriated the further sum of two thousand dollars (\$2,000) per annum, for repairs; three thousand seven hundred dollars (\$3,700) for the renewal and furnishing of bedding; three thousand eight hundred and fifty dollars (\$3,850) for the renewal of the roof of the main building and north wing; eight hundred dollars (\$800) for the renewal and repairs of floors; one thousand four hundred dollars (\$1,400) for repainting the wood work of the main building and north wing of said institution: Provided, that after payment for one quarter has been made, no warrants shall be issued in favor of said institution until satisfactory vouchers shall have been filed with the auditor of public accounts by the superintendent of said institution, approved by the trustees and by the governor, showing in detail the amount and nature of each and every expenditure made out of the preceding quarterly installment of said appropriation, verified by the affidavit of the principal.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the said sums, upon orders of the board of directors of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president and attested by the secretary of said board with the seal of the institution.

APPROVED April 29, 1873.

EYE AND EAR INFIRMARY.

- § 1. *Payments to be made out of the levy of 1872 and 1873.*
- § 2. *Plans and specifications to be submitted to the governor.*
- § 3. *Advertise for proposals.*
- § 4. *Time and place of opening proposals.*
- § 5. *Bond to be approved by governor ; how payments are to be made.*
- § 6. *Contract to be signed by president, countersigned by secretary, and deposited in the office of the secretary of state.*
- § 7. *Trustees may accept bids for particular portions of the work.*
- § 8. *Trustees authorized to receive gifts and donations of labor, material or service.*
- § 9. *Unexpended balance to be used for other purposes.*
- § 10. *Money to be paid to the party direct.*
In force July 1, 1873.

AN ACT making an appropriation in aid of the erection and for the completion of a building for the Illinois Charitable Eye and Ear Infirmary.

WHEREAS, in the disastrous Chicago fire which occurred on the ninth day of October, 1871, the building occupied by the Illinois Charitable Eye and Ear Infirmary was wholly consumed, with its contents, and the said institution has since that date occupied leased premises; and whereas, the Chicago Relief and Aid Society has made a donation to the said infirmary of the sum of twenty thousand dollars, for the purchase of a site and the erection of a building thereon; and whereas, the said infirmary has now in possession land and cash accruing from this and other private gifts, valued at thirty-three thousand dollars, to be used for the purpose aforesaid, of which the state of Illinois will receive the entire benefit, as soon as the said building can be erected; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of erecting a building for the use of the said Illinois Charitable Eye and Ear Infirmary, in the city of Chicago, and for plumbing, heating and ventilation of the same, and to fit the same for occupancy by one hundred patients, the sum of twenty-eight thousand dollars (of which ten thousand dollars shall be payable out of the levy of 1872, and eighteen thousand shall be payable out of the levy of 1873), is hereby appropriated, to be paid out of any moneys not otherwise appropriated, as hereinafter provided.

§ 2. The trustees of the said institution are hereby authorized and required to cause to be prepared suitable plans and specifications, in accordance with the first section of this act, by a competent architect, (for which the usual percentage shall be allowed, payable in monthly installments, as the work upon the said building progresses,) which shall be submitted to the governor for his approval, before acceptance; and the said plans and specifications shall in no case be accepted, unless accompanied by a written and signed certificate of the architect, stating that in his professional judgment the said building can be completed for a sum not exceeding forty-five thousand dollars.

§ 3. Whenever the plans and specifications provided for in this act shall have been approved by the governor and adopted by the trustees, the trustees shall cause to be inserted, in at least five of the daily newspapers published in the city of Chicago, an advertisement for sealed

bids for the construction of the building herein authorized; and they shall furnish a printed copy of this act and of the specifications to all parties interested who may apply therefor. And all parties interested, who may desire it, shall have free and full access to the plans, with the privilege of taking notes and making memoranda, and the trustees shall furnish answers to all inquiries addressed to them, on the subject of the proposed building, to the best of their ability and belief.

§ 4. Not less than thirty days after the publication of the said proposals for bids, on a day and at an hour to be specified in the said advertisement, in the city of Chicago, at the infirmary, in the presence of the trustees and of the bidders, or of so many of them as may be present, the bids received shall be opened for the first time, and the contract for building shall be let to the lowest and best bidder: *Provided*, that with the consent and approval of the governor, any and all bids may be rejected, for sufficient cause: *And, provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond, in the penal sum of one thousand dollars, signed by at least three sureties of known ability and integrity, as a guaranty for the ability and good faith of the bidder.

§ 5. The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the governor before acceptance; and the said contract shall provide for the appointment of a superintendent of construction, who shall carefully and accurately measure the work done and the materials upon the grounds, at least once in every month; and for the payment of the contractor upon the aforesaid measurements; and for the withholding of fifteen per cent. of the value of the work done and materials on hand, until the completion of the building, as a guaranty of its completion; and for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed, after the time specified in the contract for its completion, unless such delay shall be due to the act of the trustees themselves; and for the full protection of sub-contractors, by withholding payment from the contractor, and by paying the sub-contractors directly for all work done by them, in case of failure or refusal on the part of the contractor to fulfill his engagement with them; and for the settlement of all disputed questions as to the valuation of alterations and extras, or any other disputed questions which may arise under the contract, by arbitration, as follows: one arbitrator to be chosen by the trustees, one by the contractor, and one by the governor of the state—all three of the said arbitrators to be practical mechanics and builders; and for the reservation by and to the trustees, of the right, under the contract, to order changes in the plans and detailed drawings, at their discretion, and the right to refuse to accept any work which may be done, and not be fully in accordance with the letter and spirit of the plans, specifications and detailed drawings, and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the contract price of all alterations ordered by the trustees, which may and do diminish the cost of the building.

§ 6. The said contract shall be signed by the president of the board of trustees, in behalf of the board, after a vote authorizing him so to sign shall have been entered upon the minutes of the board; and it shall be attested by the counter-signature of the secretary of the board and by the seal of the institution. It shall be drawn in duplicate, and one copy of the same shall be deposited in the office of the secretary of state.

§ 7. All bids shall show the estimated cost of the work to be done, of each description, in detail; and the trustees shall have the right and power, at their discretion, to accept bids for particular portions of the work, if for the advantage of the state; and all measurements and accounts, as the work progresses, shall show, in detail, the amount and character of the work for which payment is made.

§ 8. The trustees are authorized to receive gifts and donations of labor, materials or services in aid of the proposed building, and the value of the same, as agreed upon between the trustees and the contractor, shall be deducted from the amount due the contractor, upon final settlement.

§ 9. In case the whole amount herein appropriated shall not be needed for the completion of the building herein proposed, in consequence of gifts from private persons, or for other cause, the surplus remaining after final settlement with the contractor may be applied to the purchase of furniture, fixtures, apparatus or other appliances for the use and comfort of the patients in the said infirmary.

§ 10. The moneys herein appropriated shall be paid to the parties to whom they may become due and payable, directly from the treasury of the state, on the warrant of the auditor of public accounts; and the auditor is hereby authorized and directed to draw the said warrants for moneys due under this act, upon the order of the board of trustees, accompanied by vouchers approved by the governor.

APPROVED May 7, 1873.

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- § 1. *Ordinary expenses, \$12,000 per annum.*
 - § 2. *Satisfactory vouchers to be filed with auditor.*
 - § 3. *Annual report to show exact receipts and expenditures.*
 - § 4. *Pauper patients to be received on certificate of their absolute inability.*

In force July 1, 1873.

AN ACT making an appropriation for the ordinary expenses of the Illinois Charitable Eye and Ear Infirmary, and for furniture.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Illinois Charitable Eye and Ear Infirmary, at Chicago, for the payment of the board of pauper patients from the several counties of this state, the sum of nine thousand five hundred dollars per annum, one thousand five hundred dollars per annum to pay the rent of buildings temporarily occupied by the infirmary until a permanent building can be erected, and one thousand dollars per annum for furniture; all the foregoing sums payable on or before the tenth day of July, A. D. 1873, and A. D. 1874, respectively.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said sums, upon order of the board of trustees, signed by the president and attested by the secretary of said board with the corporate seal of the institution: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail,

approved by the governor, have been filed with the auditor for the expenditure of the last quarterly or other installment of appropriations herein or heretofore made.

§ 3. An exact account of the manner in which this money drawn from the state treasury shall be expended, shall be printed in the annual reports of the infirmary, and that a statement of all the receipts and expenditures of the infirmary shall be made annually to the governor.

§ 4. The money herein appropriated for the board of pauper patients shall be expended for the support of needy patients from the state of Illinois suffering from diseases of the eye or ear, who shall present the superintendent of the infirmary written certificates of their place of residence, and their absolute inability to pay for their board or treatment, signed by the supervisor of the town where they reside, or by their family physician.

APPROVED April 29, 1873.

EXECUTIVE MANSION.

- § 1. *Repairing and refurnishing executive mansion and grounds.*
 § 2. *Expenditures to be reported to general assembly.*
In force July 1, 1873

AN ACT making an appropriation for repairing and refurnishing the executive mansion and grounds and for fitting the same for use and occupation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of repairing and refurnishing the executive mansion and grounds, and for fitting the same for use and occupation, the following sums:

First—For repairing the executive mansion, out-buildings, plumbing and gas fixtures, nine thousand five hundred dollars.

Second—For furnishing the executive mansion, six thousand dollars.

Third—For heating apparatus, and putting in the same for use, two thousand five hundred dollars.

Fourth—For care of the grounds, one thousand dollars per annum, for two years: *Provided,* that should there be any excess of money for any of the specific objects named in any of the first three clauses, such excess may be used for any other of the specific objects mentioned in any of said first three clauses.

§ 2. The governor shall keep an itemized account of all moneys expended by him under this act, and shall report such expenditures at the next session of the general assembly, with vouchers, for all moneys paid out by him by virtue hereof.

§ 3. Said money shall be subject to the order of the governor, and shall be used by him for the purposes aforesaid. The auditor of public accounts shall, on the presentation of such order of the governor, draw his warrant on the treasurer therefor, and the treasurer is hereby directed to pay the same.

APPROVED May 3, 1873.

FEEBLE-MINDED CHILDREN.

- § 1. *Support of the institution, \$24,500 per annum.
In force July 1, 1873.*

AN ACT making appropriations for the support of the Illinois Institution for the Education of Feeble-minded Children.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of twenty-four thousand dollars (\$24,000) per annum is hereby appropriated, from the first of July, eighteen hundred and seventy-three (1873), until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly, for ordinary expenses, for the Illinois Institution for the Education of Feeble-minded Children; also, the sum of five hundred dollars (\$500) per annum, for insurance and furniture, from the first of July, eighteen hundred and seventy-three (1873), until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly, for the same institution; and said sums shall be paid in quarterly installments, in advance, from the state treasury: Provided, that after payment for one quarter has been made, no warrants shall be issued in favor of said institution, until satisfactory vouchers shall have been filed with the auditor of public accounts, by the superintendent of said institution, approved by the trustees, showing in detail the amount and nature of each and every expenditure made out of the preceding quarterly installment of said appropriation, verified by the affidavit of the superintendent.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrants on the treasurer of state for the said sums, upon orders of the board of trustees of the Illinois Institution for the Education of Feeble-minded Children, signed by the president and attested by the secretary of said board with the seal of the institution.

APPROVED April 24, 1873.

GEOLOGICAL.

- § 1. *Number of copies to be published; engravings, \$7,500.*
 § 2. *Same style and quality as former volumes.*
 § 3. *Distribution of the same.*
 § 4. *Removal of state collections, \$125*
 § 5. *Salary of state geologist, \$2,500 per annum.
In force July 1, 1873.*

AN ACT providing for the publication and distribution of the sixth volume of the report of the state geologist, to fix the amount of his salary, and provide for removing the state collection of geological specimens into the new state house.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the publication of three thousand copies of the sixth volume of the report of the state geologist is hereby authorized, and the sum of seven thousand five hundred dollars, together with any unexpended balance of the appropriation to defray the*

cost of engraving for the fifth volume that may remain after the said fifth volume is published, is hereby appropriated to defray the cost of engraving the necessary plates, maps and diagrams for the sixth volume; said engraving to be done under the direction of the state geologist, who shall first obtain bids for doing the work from several different engravers, and shall submit such bids to the governor, who shall first approve the bid most favorable to the state, and order the state geologist to make a contract on the terms of said bid, payment to be made on vouchers approved by the governor and the state geologist.

§ 2. The secretary of state is hereby required to procure the paper necessary for the said sixth volume, of a quality not inferior to that used in the volumes of the report already published, and to have the said sixth volume printed under the state contract for public printing, and bound by the public binder in the same style and quality as the former volumes of this report, at a rate to be fixed, before delivered to him, by the secretary of state, auditor and treasurer, with the aid of experts, as now provided by law; and the amount necessary to defray the expenses of the same is hereby appropriated.

§ 3. The secretary of state is hereby authorized to distribute the said sixth volume, when published, as follows: One copy to each college, educational, historical and literary institution in the state, as now provided by law; two hundred and fifty copies to the state geologist, for foreign distribution and exchange—a list of which shall be submitted to the governor for his approval—and the balance of said volumes to the members of the twenty-eighth general assembly, to be by them distributed in their respective counties and districts, as far as practicable, to those persons who have sets of the preceding volumes.

§ 4. The state geologist is hereby required to move the state collection of geological specimens, now in the basement of the post office building in this city, into the room prepared for its reception in the new state house, and the sum of one hundred and twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expense of removal.

§ 5. The salary of the state geologist shall be twenty-five hundred dollars per annum, for two years, from and after the first day of July, A. D. 1873, and his necessary office and traveling expenses, not to exceed six hundred dollars per annum; and he shall be allowed the further sum of five hundred dollars per annum, from said date, to defray the salary of an assistant, who shall be paid at that rate only for the time actually employed—all of which sums shall be payable quarterly—and he shall be allowed the further sum of fifteen hundred dollars for drawings for the sixth and final volume of his report; all of which sums are hereby appropriated.

APPROVED April 23, 1873.

INDUSTRIAL UNIVERSITY.

- § 1. *For payment of taxes, \$1,500.
In force July 1, 1873.*

AN ACT making an appropriation in aid of the Industrial University, and for payment of taxes on land held by the state for use of said institution.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Industrial University, at Urbana, in aid of the experiments in progress upon the experimental farm, the sum of fifteen hundred dollars. For the payment of taxes accruing in the years 1872 and 1873 on lands owned and held by the state for the use of said institution, in the county of Gage, in the state of Nebraska, and in the counties of Pope, Kandigoh and Renville, in the state of Minnesota, the sum of three thousand dollars per annum.*

§ 2. The auditor of state is hereby authorized and directed to draw his warrant upon the treasurer for the sum herein appropriated, upon the order of the board of trustees, signed by the president and attested by the secretary with the corporate seal of the institution: *Provided*, that no part of this money shall be due and payable to the said institution, until satisfactory vouchers, in detail, approved by the governor, have been filed with the auditor for the expenditure of all sums previously drawn.

§ 3. This appropriation shall be and continue in force from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next general assembly.

APPROVED April 29, 1873.

INDUSTRIAL UNIVERSITY.

- § 1. *Governor to appoint trustees.*
 § 2. *Terms of office; vacancies, how filled.*
 § 3. *Who shall not hold office or be interested in contracts.*
 § 4. *Termination of fiscal year; annual reports to be made.*
 § 5. *Election of president.*
 § 6. *What branches of education shall be taught.*
 § 7. *Endowment fund, how invested.*
 § 8. *Illinois Central Railroad Company—freights.*
 § 9. *Appropriation.
In force July 1, 1873.*

AN ACT to regulate the Illinois Industrial University, and to make appropriations therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of the governor, within ten days after the taking effect of this act, to appoint nine trustees—three in each of the three grand divisions of this state—who, together with the governor and the president of the state board of agriculture for the time being, shall constitute the board of trustees of the*

Illinois Industrial University, and shall succeed to and exercise all the powers conferred by the act entitled "An act to provide for the organization and maintenance of the Illinois Industrial University," approved February 28, 1867, except as is herein or may be hereafter provided by law. The said appointments shall be subject to approval or rejection by the senate, at its present or next session thereafter, and the appointees shall be and are hereby authorized to act as trustees of the said university from the time of such appointment, unless in case of rejection by the senate, until their successors shall be appointed by the governor, and such appointment shall be approved by the senate.

§ 2. The members of the board of trustees, and their successors, shall hold their office for the term of six years each: *Provided*, that at the first regular meeting of said board, after such appointment, the said members shall select by lot three of their number to hold office for two years, three to hold office for four years, and three to hold office for six years, from the time of convening of the present general assembly. The governor, by and with the advice and consent of the senate, shall fill all vacancies which may at any time occur by expiration of term of office, or otherwise, in said board, by appointment of suitable persons resident in the respective grand divisions in which such vacancies may occur. Said board of trustees may appoint an executive committee of three, chosen out of their own number, who, when said board is not in session, shall have the management and control of the said university and of its affairs, and for that purpose shall have and exercise all the powers hereby conferred on said board which are necessary and proper for such object, except in so far as the said board may and does reserve such powers to itself; and any powers granted at any time, by said board, to said executive committee, may be by them at any time revoked.

§ 3. No member of said board shall hold or be employed in or appointed to any office or place under the authority of the board of which he is a member, nor shall any member of said board be directly or indirectly interested in any contract to be made by said board for any purpose whatever.

§ 4. The fiscal year of the said university is hereby declared and required to terminate on the thirty-first day of August in each year, and all reports of the university, except catalogues and circulars, shall be addressed to the governor, and the annual reports shall contain a full account of the financial and other transactions of the university to the close of the fiscal year, as aforesaid, together with a full statement of the then condition of the endowment fund, and shall be presented to the governor on or before the fifteenth day of October in each year: *Provided*, that no less number of said reports be published annually than is now authorized by law.

§ 5. The trustees of the said university shall elect, annually, from their own number, a president, who shall also be one of the executive committee of three authorized by this act, in case such committee should be chosen and appointed by the said board; and no money shall be drawn from the treasury of the university, except by order of the board of trustees or of the executive committee aforesaid, on the warrant of the president of the said board, countersigned by the recording secretary.

§ 6. All pupils attending the said university shall be taught, and shall study, such branches of learning as are related to agriculture and the mechanic arts, and as are adapted to promote the liberal and prac-

tical education of the industrial classes in the several pursuits and professions of life, without excluding other scientific and classical studies, and including, for all male students, military tactics.

§ 7. The treasurer of the said university and the said board are hereby required in future to invest the principal of the funds arising from the endowment of the United States, in interest-bearing bonds of the United States, or of this state, or of other states which did not participate in the late rebellion. They are hereby prohibited from changing the securities in which said fund may be invested, without the express permission of the general assembly, except that county bonds, in which some of said funds are now invested, may be sold, and the proceeds thereof invested in interest-bearing bonds of the class and character specified above in this section.

§ 8. All charges for freights heretofore or hereafter accruing over the Illinois Central railroad for the use or benefit, directly or indirectly, of the said university, shall be applied on the subscription of fifty thousand dollars to the funds of said university, until the said subscription shall be exhausted, and no such freights shall be paid in money by the trustees to any person or corporation, nor shall any money be drawn from the treasury of the state on account thereof, nor on account of such application.

§ 9. There is hereby appropriated, for the full payment of the architect, superintendent, and the entire completion of the main university building of the said industrial university, the sum of fifteen thousand dollars; for heating apparatus for the same, eighteen thousand dollars; for gas fixtures, including street main connection, one thousand two hundred dollars; for fitting and furnishing said building, seven thousand three hundred and fifty dollars; for furniture and apparatus for the physical laboratory, three thousand dollars; or so much of the sums specified for each of the above named purposes as may be necessary.

§ 10. The auditor of public accounts is hereby authorized and directed to draw his warrant upon the treasurer for the moneys herein appropriated, in favor of the parties to whom the same may be and become due, upon proper vouchers, signed by the president of the board of trustees, and attested by the secretary, with the corporate seal of the university attached, and approved by the governor.

APPROVED May 7, 1873.

INSANE ASYLUM, ELGIN.

- § 1. *Erection of south wing, etc.*
 - § 2. *Payments to be made out of the revenue of 1873.*
 - § 3. *When payments are to be made.*
- In force July 1, 1873.*

AN ACT making appropriations for the erection of the south wing of the Northern Illinois Hospital and Asylum for the Insane, at Elgin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the erection of the south wing of the Northern Illinois Hospital and Asylum for the Insane, at Elgin, according to the plan adopted by the board of trustees of said institu-*

tion, in compliance with an act entitled "An act to establish a Northern Illinois Hospital and Asylum for the Insane," approved April 16, 1869, the sum of one hundred and sixty thousand dollars, or so much thereof as may be necessary to construct the same, is hereby appropriated. For the purpose of furnishing heating apparatus, fixtures and furniture necessary to put the same into practical use, the further sums are hereby appropriated, to-wit :

For plumbing, heating and ventilating.....	\$12,500
For sewerage and rain-water conductors	1,000
For lightning rods	400
For gas fixtures	625
For the necessary furniture.....	12,500

§ 2. The appropriations named in this act are made payable from and out of the revenue received from taxes levied for the year A. D. 1873.

§ 3. The auditor of public accounts is hereby authorized and requested to draw his warrant upon the treasurer, not exceeding the amount herein stated, after the first day of April, A. D. 1874, upon requisition of the board of trustees of the Northern Illinois Hospital and Asylum for the Insane, attested by the secretary of said board, with the seal of said institution attached thereto: *Provided*, said requisition is approved by the governor.

§ 4. No requisition shall exceed the amount necessary to be expended for the two months next ensuing the date of such requisition; and each requisition shall be accompanied by a statement showing the amount of money on hand, and the manner in which the sum last drawn was expended, or so much thereof as has been expended. And any unexpended balance previously drawn shall be taken into account in providing for the amount required by the new requisition.

APPROVED May 7, 1873.

§ 1. *Deficiency from January 1, to June 30, 1872.
In force April 29, 1873.*

AN ACT to provide for the payment of a deficiency in the ordinary expenses of the Northern Hospital and Asylum for the Insane, at Elgin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated to the Northern Hospital and Asylum for the Insane, at Elgin, the sum of twenty-three thousand dollars, to provide for a deficiency in the ordinary expenses of said institution, from the 1st day of January to the 30th day of June, 1873.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for said sum, upon requisition of the trustees, signed by the president and attested by the secretary of said board, with the corporate seal of the institution attached: *Provided*, said requisition is accompanied with a full statement of expenditures, and is approved by the governor.

Whereas it is necessary to provide for the ordinary expenses of said institution, this act is hereby declared an emergency act, and shall be in force from and after its passage.

APPROVED April 29, 1873.

§ 1. *Ordinary expenses and repairs, \$103,250 per annum.
In force July 1, 1873.*

AN ACT making appropriations for the ordinary expenses of the Northern Hospital and Asylum for the Insane, at Elgin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Northern Hospital and Asylum for the Insane, at Elgin, for ordinary expenses, the sum of forty-six thousand two hundred and fifty dollars per annum, from the 1st day of July, 1873, to the completion of the central building of said hospital, and its occupation by the institution; and the sum of fifty-five thousand dollars per annum thereafter, and two thousand dollars per annum for necessary repairs, payable monthly in advance.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrants upon the treasurer for the said sums, upon order of the trustees, signed by the president and attested by the secretary of said board, with the corporate seal of the institution attached: *Provided*, that no second or subsequent warrant shall be drawn until satisfactory vouchers, in detail, approved by the governor, have been filed with the auditor for the expenditures of the last preceding month, as other installments of appropriations herein or heretofore made.

§ 3. This appropriation shall be and continue in force until the expiration of the first fiscal quarter after the adjournment of the next general assembly.

APPROVED April 29, 1873.

§ 1. *Superintending, constructing, furnishing and incidental expenses,
\$132,625.
In force July 1, 1873.*

AN ACT making appropriations for the Northern Illinois Hospital and Asylum for the Insane, at Elgin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated to the Northern Illinois Hospital and Asylum for the Insane, at Elgin, for the purposes herein specified, and for no other:*

First—For furnishing the rear building, erecting a brick coal house, providing hose and fire apparatus for the rear building and north wing, the sum of seven thousand four hundred and fifty dollars (\$7,450).

Second—For construction of the central building, including steam heating, ventilating, plumbing, gas fixtures, lightning rods, sewerage and rain water conductors, the sum of eighty-one thousand two hundred and fifty dollars (\$81,250).

Third—For furnishing the central building, the sum of seven thousand dollars (\$7,000).

Fourth—For outside improvements, including cost of water works, carpenter's shop, with tools and fixtures, corn barn, vegetable cellar and general store room, grading, shade trees, walks, earthen pipe for

rain water and laying the same, and excess in the cost of barn built of brick instead of wood, the sum of thirteen thousand and ninety dollars (\$13,090).

Fifth—For expense of superintending, architect's commissions on north wing, rear building and other work, office rent, published reports, books, papers, etc., together with trustees' per diem and expenses from 1869 to January 1, 1873, the sum of sixteen thousand one hundred and eighty-five dollars (\$16,185).

Sixth—For other incidental expenses, including additional furniture for thirty (30) extra patients not heretofore appropriated for, horses, carriages and sleighs, with equipments, for the use and benefit of patients, library and musical instruments for patients, and other necessary furniture, including a safe for valuable papers, the sum of seven thousand six hundred and fifty dollars (\$7,650). Total, \$132,625.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said sums, upon monthly requisitions of the board of trustees of the Northern Illinois Hospital and Asylum for the Insane, signed by the president, attested by the secretary of said board, with the seal of the institution attached, and approved by the governor: *Provided*, said requisitions are accompanied by the certified vouchers for work performed, or material furnished by the contractors or other authorized persons, during the preceding month, and for which the requisition is made.

APPROVED April 29, 1873.

INSANE ASYLUM, JACKSONVILLE.

- § 1. *Ordinary expenses, \$100,000 per annum.*
 § 2. *Repairs and improvements, \$8,000 per annum.*
In force July 1, 1873.

AN ACT appropriating money to defray the ordinary expenses of the Illinois State Hospital for the Insane, located at Jacksonville, Illinois, and for making needed repairs and improvements to said hospital.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of defraying the ordinary expenses of the Illinois State Hospital for the Insane, located at Jacksonville, Illinois, the sum of one hundred thousand dollars (\$100,000) per annum be and is hereby appropriated to said hospital, from July 1, 1873, to July 1, 1875, payable monthly in advance: Provided, that before issuing his warrant for such monthly payments, the auditor of public accounts shall require that there be filed in his office a statement, showing in detail the expenditures during the preceding month; such statement to be verified by the affidavit of the superintendent, and approved by the governor.*

§ 2. That for the purpose of making needed repairs and improvements, the sum of eight thousand dollars (\$8,000) per annum is hereby appropriated to said hospital, payable out of the state treasury as shall be required for use, certified by the superintendent on bills of particulars, and approved by the governor.

§ 3. The auditor of public accounts is hereby authorized and required to draw his warrant upon the state treasurer for the said sums, upon order of the board of trustees of the Illinois State Hospital for the Insane, signed by the president and attested by the secretary of said board with the corporate seal of the institution.

APPROVED April 29, 1873.

INSANE ASYLUM, ANNA.

§ 1. *Completion of the center building, \$99,000.*
In force July 1, 1873.

AN ACT making an appropriation for the completion of the central building of the Southern Insane Asylum.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated to the Southern Insane Asylum, at Anna, for the completion, heating, ventilation and furnishing of the centre building, the sum of ninety-nine thousand dollars, payable out of the levy of 1873, in amounts as required for use.

§ 2. The moneys herein appropriated shall be paid to the parties to whom they may become due and payable, directly from the treasury of the state, on the warrant of the auditor of public accounts; and the auditor is hereby authorized and directed to draw the said warrants for moneys due under this act, upon the order of the board of trustees, signed by the president and attested by the secretary with the corporate seal of the institution, accompanied by vouchers approved by the governor.

APPROVED May 3, 1873.

§ 1. *Ordinary expenses, \$100,000 per annum.*
In force July 1, 1873.

AN ACT making an appropriation for the ordinary expenses of the Southern Insane Asylum.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated to the Southern Insane Asylum, at Anna, for ordinary expenses, the sum of forty-five thousand dollars per annum, payable quarterly in advance, from the date of the opening of the north wing for the reception of patients, as determined by the proclamation of the governor announcing the fact, until the completion and opening of the centre building; and of fifty-five thousand dollars thereafter, per annum, payable quarterly in advance; and the further sum of four thousand dollars, for the necessary opening expenses.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said moneys, upon the order of the board of trustees, signed by the president and attested by the secretary of said board with the corporate seal of the institution:

Provided, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail, approved by the governor, have been filed with the auditor for the expenditure of the last quarterly or other installment of appropriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next general assembly.

APPROVED April 24, 1873.

NORMAL UNIVERSITY—NORMAL.

- §
1. *Ordinary expenses \$16,000 per annum.*
2. *Satisfactory vouchers to be filed with the auditor.*
3. *To pay indebtedness and to prevent deficiency, \$6,915.*
In force July 1, 1873.

AN ACT making an appropriation for the ordinary expenses of the Normal University, at Normal, and for the prevention of a deficiency.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is appropriated to the Normal University, at Normal, for ordinary expenses, in addition to the whole of the interest on the college and seminary fund, which is hereby appropriated, the further sum of sixteen thousand dollars per annum, payable quarterly in advance.

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the aforesaid moneys, upon order of the State Board of Education, signed by the president and attested by the secretary of said board with the corporate seal of the institution: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail, approved by the governor, have been filed with the auditor for the expenditure of the last quarterly installment of appropriations herein or heretofore made, for the defrayment of ordinary expenses.

§ 3. There is also appropriated to the said institution, for the purpose of enabling it to pay its indebtedness as soon as the same becomes due, and to prevent a deficiency, the further specific sum of six thousand nine hundred and fifteen dollars, payable out of any moneys in the treasury not otherwise appropriated, on the warrant of the auditor of public accounts, who is hereby authorized and directed to issue the said warrant on order of the State Board of Education, signed by the president of said board and attested by the secretary with the corporate seal of the institution: *Provided*, that this appropriation shall not be construed as authorizing any increase in the annual expense of the said university.

§ 4. This act shall be and continue in force from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next general assembly.

APPROVED April 25, 1873.

NORMAL UNIVERSITY—SOUTHERN.

- § 1. *Completing and furnishing the same, \$80,000.
In force July 1, 1873.*

AN ACT making an appropriation to the Southern Illinois Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of eighty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to the Southern Illinois Normal University, to be expended by the commissioners of said university in completing and furnishing the same.*

§ 2. The appropriation hereby made shall be disbursed by the treasurer, upon certified accounts of the expenditures incurred by the commissioners of said university made by them, and approved by the governor, which said accounts, when made and approved as aforesaid, shall be filed with the auditor of public accounts, who shall thereupon draw his warrant upon the treasurer therefor, in favor of the party to whom such accounts shall be due.

APPROVED April 29, 1873.

REFORM SCHOOL.

- § 1. *Ordinary expenses.*
 § 2. *Satisfactory vouchers to be filed with auditor.
In force July 1, 1873.*

AN ACT making an appropriation for the ordinary expenses of the State Reform School.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the State Reform School, at Pontiac, for ordinary expenses, the sum of twenty-five thousand dollars per annum, payable quarterly in advance.*

§ 2. The auditor of public accounts is hereby authorized and required to draw his warrant upon the treasurer for the said sums, upon order of the board of trustees signed by the president and attested by the secretary of the said board with the corporate seal of the institution: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail, approved by the governor, have been filed with the auditor for the expenditure of the last quarterly or other installment of appropriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July, 1873, until the expiration of the first fiscal quarter after the adjournment of the next general assembly.

APPROVED May 3, 1873.

SOLDIERS' ORPHANS' HOME.

- § 1. *Ordinary expenses, \$50,000 per annum.*
 § 2. *Improvements, repairs and library, \$2,500 per annum.*
 § 3. *Satisfactory vouchers to be filed with auditor.*
In force July 1, 1873.

AN ACT to make appropriations for the Soldiers' Orphans' Home, and to maintain said institution for the next two years.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That from and after the first day of July, A. D. 1873, to the first day of July, A. D. 1875, there is hereby appropriated to the Soldiers' Orphans' Home, the sum of fifty thousand dollars per annum, for the support, education, nurture and care of the children of deceased or disabled soldiers.*

§ 2. To pay for necessary improvements and repairs during said period, the sum of two thousand dollars per annum, and five hundred dollars per annum for increasing the library, is hereby appropriated.

§ 3. The auditor of public accounts is hereby authorized and directed to draw his warrant upon the state treasurer for the amount appropriated for current expenses, upon the request of the treasurer of the board of trustees, signed by the president and attested by the secretary with the seal of the institution: *Provided*, that no sum for current expenses greater than ten thousand dollars shall be drawn at any one time: *And, provided, further*, that a second warrant for current expenses shall not be drawn until satisfactory vouchers shall have been approved by the governor and filed with the auditor, showing the amount previously drawn to have been properly expended and for the purposes for which the same was appropriated.

§ 4. The amounts appropriated for library, improvements and repairs shall be paid upon the order of the board of trustees, and vouchers for such expenditures shall be returned, the same as required for current expenses.

APPROVED April 23, 1873.

SOLDIERS' MONUMENT.

- § 1. *Commissioners to adopt suitable design; amount limited to \$25,000.*
 § 2. *Commissioners and government officers to locate.*
 § 3. *Amount appropriated, \$25,000.*
In force July 1, 1873.

AN ACT to provide for building a soldiers' monument at the national cemetery, near Mound City.

WHEREAS the federal government has purchased a plat of ground near Mound City, and has caused to be buried there the remains of five thousand one hundred and sixty-three brave men, who fell in defending the principles of the constitution; and whereas, in said cemetery many of the sons of Illinois sleep their last sleep; and whereas, it is but a

just and fitting tribute to their memory that the state of Illinois should erect upon said grounds a suitable monument; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor appoint three commissioners, whose duty it shall be to adopt a suitable design and plan for a monument to be erected upon the grounds of the national cemetery near Mound City, and such commissioners are, by this act, empowered to receive proposals and contract for the erection and completion thereof: *Provided,* the same shall not cost to exceed twenty-five thousand dollars.

§ 2. The said commissioners are empowered, for and on behalf of the state of Illinois, to confer with the proper officers of the government, and agree upon the site for said monument.

§ 3. For the purpose of meeting the cost of the construction of said monument, the sum of twenty-five thousand dollars is hereby appropriated out of the state treasury, and the auditor of public accounts is hereby authorized to draw his warrant on the state treasurer for said amount, out of any money not otherwise appropriated, upon the certificate of the commissioners appointed under the provisions of this act, from time to time, as may be necessary, during the progress of the work: *Provided,* no money shall be drawn under the provisions hereof, prior to the first day of April, 1874.

APPROVED April 11, 1873.

STATE HOUSE.

§ 1. *Assessment of 1872, \$500,000; assessment of 1873, \$500,000.*
In force March 19, 1873.

AN ACT making an appropriation to continuè the work on the new state house.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of carrying on the work on the new state house, the sum of five hundred thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated; also, that the further sum of five hundred thousand dollars be and the same is hereby appropriated, to be paid out of the revenue to be collected on the assessment of property for the year 1873, for revenue purposes.

§ 2. As the state has no suitable halls for the convening of the legislature, nor sufficient office room for the use of the several state departments, and that there may be no delay in providing the same, an emergency is hereby declared to exist, requiring this act to go into immediate effect; therefore this act shall take effect and be in force from and after its passage.

APPROVED March 19, 1873.

STATE GOVERNMENT.

In force July 1, 1873.

AN ACT making an appropriation for the payment of the officers and members of the next general assembly, and for the salaries of the officers of the state government.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated a sum of money sufficient to pay the officers and members of the next general assembly, and the salaries of the officers of the state government, at such rates of compensation as is now or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly.

APPROVED May 3, 1873.

§ 1. *Deficiency prior to January 13, 1873.*
In force April 29, 1873.

AN ACT to provide for the expenses of the state government prior to the 13th day of January, 1873, and to cover deficiency in appropriations therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and the same are hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be paid to the parties herein named, upon the warrants of the auditor, upon account of bills of particulars certified by the secretary of state, and approved by the governor, as follows, to-wit:

To H. T. Ives, for wood delivered on contract, the sum of two hundred and ninety-two dollars and five cents.

To H. T. Ives, for coal delivered on order of the secretary of state prior to January 13, 1873, the sum of ninety-two dollars and thirty-six cents.

To the Springfield Gas Light Company, for gas furnished state house and N. Bateman's office, the sum of six hundred and eighty-five dollars and sixty-three cents.

To L. H. Coleman, for matting, carpets, etc., furnished, the sum of one thousand and ninety-nine dollars and seventy-six cents.

To John Jackson, for services as janitor in basement, and for white-washing done, the sum of two hundred and twenty-five dollars.

To the Springfield Water Works, for water furnished the state house, the sum of two hundred and seventy-five dollars.

To the Tribune Company of Chicago, for advertising proposals for printing paper, the sum of one hundred and eighty-five dollars and sixty cents.

To M. Halstead & Co., of Cincinnati, for advertising proposals for printing paper, one hundred and twenty-six dollars.

To the Sentinel Company of Indianapolis, for advertising proposals for printing paper, the sum of twenty-six dollars.

To the Springfield Savings Bank, for note made by state officers for money to pay contractors for furnishing printing paper, the sum of ten

thousand eight hundred and twenty-six dollars, with ten per cent. interest, from 1st of March, 1873.

To P. W. Harts, for stationery furnished the attorney-general's office, the sum of fifty-six dollars.

To P. W. Harts, for stationery and materials furnished the board of public charities, the sum of two hundred and seventeen dollars and ten cents.

To David Doe, for services as engineer for heating apparatus for house of representatives, for paint and painting engineer's room and hauling coal into state house, the sum of fifty-nine dollars.

To F. Gerhing, for translating Gov. Palmer's message into German, the sum of seventy-five dollars.

To C. Sampson, for carpenter work and materials furnished in putting in supports to hall of the house of representatives, the sum of twenty dollars.

To Fox & House, for hardware and tools furnished, the sum of forty-six dollars and ninety cents.

To Nutt & Barkley, for repairing chairs and furnishing mirrors, desks, etc., the sum of one hundred and nine dollars and fifty cents.

To John Williams & Co., for towels, candles, etc., furnished for use of secretary of state's office, the sum of twenty-nine dollars and forty-five cents.

To Frank Carpenter, for labor running steam heating apparatus for house of representatives prior to letting the contract to A. L. Ide, the sum of twelve dollars.

To Thomas J. Pickett, Jr., for services rendered as inspector of public printing, the sum of one hundred and ten dollars.

To Henry Bugg, for queensware, buckets and repairs, the sum of forty-three dollars and five cents.

To N. Leroy, for repairing desk locks, furnishing keys, etc., the sum of seventy-four dollars and thirty-five cents.

To Val. B. Hummel, for services and expenses as committee clerk for the twenty-sixth general assembly, the sum of one hundred and seventy-five dollars.

§ 2. Whereas the appropriations asked for hereiu are for expenses of the state government under the previous administration, incurred by want of a sufficient appropriation; and whereas, in justice to the parties above named, as creditors of the state, it is necessary that this law should take effect and be in force from and after its passage, therefore it is declared that an emergency exists, and this law shall take effect and be in force from and after its passage.

APPROVED April 29, 1873.

§ 1. *Deficiency until June 30, 1873.*
In force April 11, 1873.

AN ACT to provide for the ordinary and contingent expenses of the state government heretofore incurred and unprovided for, and until the 30th day of June, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations, or so much thereof as may be necessary, be and the same are hereby made,

to meet the ordinary and contingent expenses of the state government, until the thirtieth (30th) day of June, 1873:

First—The sum of three thousand dollars, subject to the order of the governor, for defraying all such expenses as are unforeseen by the general assembly, and not otherwise provided for by law; payments to be made from time to time, upon bills of particulars, upon the order of the governor.

Second—The sum of eight hundred dollars, for postage, stationery, telegraphing, furniture, repairs of office, and other incidental expenses, for the use and benefit of the governor's office; payment to be made upon bills of particulars, certified by the governor.

Third—The sum of five thousand dollars, for incidental expenses incurred by the secretary of state in the discharge of his duties, viz: postage, stationery, expressage, furniture and repairs of office. Also, for pay of two extra clerks, and four extra janitors and one messenger, from the 13th day of January, 1873, so long as they may be necessarily employed during the present session of the general assembly, at a rate not exceeding five dollars per day for clerks, three dollars per day for janitors, and four dollars per day for messenger; payment to be made upon bills of particulars, certified by the secretary of state and approved by the governor.

Fourth—The sum of six hundred dollars to the state treasurer for postage, expressage, telegraphing, stationery, and other incidental expenses of his office; payment to be made upon bills of particulars, certified by the state treasurer, and approved by the governor.

Fifth—The sum of five hundred dollars, for postage, stationery, telegraphing, expressage, and other incidental expenses, in the office of the adjutant general; payments to be made upon bills of particulars, certified by the adjutant general, and approved by the governor.

Sixth—A sum not exceeding twenty-five thousand dollars, to pay expenses of state printing and binding; payment to be made from time to time upon weekly estimates, certified to be correct by the commissioners of public printing, and approved by the governor.

Seventh—A sum not exceeding fifteen thousand dollars, to pay for the purchase of stationery, furniture and other articles, including payment of rent for committee rooms and janitors for both houses, heating apparatus for senate chamber, and for labor performed, furnished or done upon the authority of either branch of the general assembly, by resolution or otherwise, and upon the order of the secretary of state, or other state officer, duly authorized; payments to be made upon bills of particulars, certified by the secretary of state, and approved by the governor.

Eighth—A sum not exceeding ten thousand dollars, to pay the cost of printing paper furnished for the use of the twenty-eight general assembly; payment to be made upon bills of particulars, certified by the secretary of state, and approved by the governor.

Ninth—The sum of eight hundred and forty-one dollars for necessary incidental expenses incurred by the superintendent of public instruction in the discharge of his duties, viz: Special clerical services, rent of office, postage, stationery, expressage, books, blanks and other necessary office expenses, until July 1, 1873.

§ 2. The auditor of public accounts is hereby directed to issue his warrant upon the state treasurer, upon bills of particulars, filed with him in compliance with this act, and the state treasurer is hereby directed to pay such warrants upon presentation by the proper parties.

Whereas the appropriations heretofore made for incidental expenses of the state government have been exhausted; and whereas, it is necessary that this law should take effect and be in force from and after its passage; therefore, it is hereby declared that an emergency exists, and that this law shall be in force from and after its passage.

APPROVED April 11, 1873.

§ 1. *Ordinary and contingent expenses.*
In force July 1, 1873.

AN ACT to provide for the ordinary and contingent expenses of the state government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the following named sums be and they are hereby appropriated to meet the ordinary and contingent expenses of the state government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the general assembly:*

First—A sum not exceeding six thousand dollars per annum shall be subject to the order of the governor, for defraying all such expenses as are unforeseen by the general assembly, and not otherwise provided for by law, payments to be made from time to time, upon bills of particulars, certified to by the governor.

Second—The sum of twenty-five hundred dollars per annum for clerk hire in the governor's office, payable quarterly upon the governor's order.

Third—To the governor's office for postage, express, telegraphing, stationery, furniture and repairs of office, and other incidental office expenses, a sum not exceeding one thousand dollars per annum, to be paid on bills of particulars, certified by the governor.

Fourth—To the office of secretary of state for stationery, furniture, repairs of office, postage, express, and other incidental office expenses, a sum not exceeding two thousand dollars per annum, payable upon bills of particulars, certified by the secretary of state, and approved by the governor. To the secretary of state, for clerk hire in his office, the sum of eight thousand dollars per annum, payable quarterly. To the secretary of state for one porter, eight hundred dollars per annum, payable quarterly on his order.

Fifth—A sum not exceeding five thousand dollars per annum, for the purpose of defraying the cost of furniture and repairs for the general assembly, water rent, gas and fuel at state house, express, advertising contracts, and for all expenses necessarily incurred by the secretary of state in the discharge of the duties imposed on him by law, and for which no other appropriation is made, to be paid to the persons entitled to any portion thereof, upon bills of particulars, certified by said secretary, and approved by the governor.

Sixth—To the auditor of public accounts for clerk hire, the sum of seven thousand five hundred dollars per annum, to be paid quarterly. To the office of the auditor of public accounts for furniture, repairs, postage, express charges, telegraphing, and other necessary expenses incurred in the discharge of the duties of his office, a sum not exceeding

twenty-five hundred dollars per annum, to be paid on bills on particulars, certified by the auditor, and approved by the governor. To the auditor of public accounts the sum of eight hundred dollars per annum for one porter, payable quarterly on his order.

Seventh—To the state treasurer, for clerk hire, the sum of two thousand dollars per annum, payable quarterly. To the office of the state treasurer, for furniture, repairs, postage, express and telegraphing, and other necessary office expenses, a sum not exceeding one thousand dollars per annum, payable on bills of particulars, certified by him, and approved by the governor. To the state treasurer the sum of two thousand one hundred and ninety dollars per annum, for watchmen, and the sum of eight hundred dollars per annum for one porter, payable quarterly on his order.

Eighth—To the superintendent of public instruction, for clerk hire, the sum of fifteen hundred dollars per annum, payable quarterly. To the office of the superintendent of public instruction, for office rent, furniture, repairs, periodical and educational works, and other necessary expenses of said office, a sum not exceeding one thousand dollars per annum, payable on bills of particulars, certified by him and approved by the governor. Appropriations made by the eighth clause to be paid out of the state school fund.

Ninth—To the attorney-general, for clerk hire, the sum of fifteen hundred dollars per annum, from January 13, 1873, payable quarterly. To the office of the attorney-general, for furniture, repairs, telegraphing, and other expenses of the attorney-general incurred in the discharge of the duties of his office, a sum not exceeding twelve hundred and fifty dollars per annum, payable on bills of particulars, certified by him and approved by the governor. To the attorney-general, for office rent, the sum of three hundred and seventy-five dollars per annum, payable on his order.

Tenth—To the office of the adjutant-general, for postage, furniture and repairs, and other necessary office expenses, the sum of one thousand dollars per annum; for clerk's salary, the sum of eight hundred dollars per annum; for janitor care, armory, arms, accoutrements and stores, the sum of four hundred dollars per annum; and three hundred dollars for the purpose of providing means to preserve the battle-flags of the state, payable upon bills of particulars, to the persons entitled thereto, certified by the adjutant-general and approved by the governor.

Eleventh—To the secretary of the fund commissioner, twelve hundred dollars per annum, payable quarterly on the order of the governor.

Twelfth—To the custodian of field notes and surveys, for his office expenses, the sum of three hundred dollars per annum, payable upon bills of particulars, certified to by him and approved by the governor. For copying field notes as provided by law, at the rate of ten dollars per township, the sum of five thousand dollars, or so much thereof as may be necessary, to be paid on his certificate of work done, on the approval of the governor.

Thirteenth—To the board of public charities, for expenses, including the salary of a clerk, a sum not exceeding fifty-five hundred dollars per annum, payable quarterly on bills of particulars, approved by the governor.

Fourteenth—To the state board of equalization, for pay and expenses, a sum not exceeding eight thousand dollars per annum, payable in the manner provided by law.

Fifteenth—A sum not exceeding two thousand dollars per annum, for costs and expenses in state suits, to be paid on bills of particulars, certified to by the auditor, and approved by the governor.

Sixteenth—A sum not exceeding four thousand dollars per annum, for apprehending and delivery of fugitives from justice, to be paid on the evidence required by law, certified to and approved by the governor.

Seventeenth—The sum of twenty thousand dollars per annum, or such sum as may be needed, for conveying convicts to the penitentiary, to be paid on the warden's certificate, at the compensation fixed by general law, the auditor to compute the distance by the nearest railroad route.

Eighteenth—The sum of three thousand dollars per annum, or such sum as may be needed, for conveying juvenile offenders to the reform school at Pontiac, on the certificate of delivery, at the rate of compensation allowed by law, the auditor to compute the distance by the nearest railroad route.

Nineteenth—For printing paper and for stationery, for the use of the general assembly and executive departments, purchased on contract, payable on delivery thereof, on bills of particulars, certified to by the secretary of state, auditor and treasurer, and approved by the governor, the sum of forty thousand dollars, or so much thereof as may be required.

Twentieth—There is hereby appropriated to defray the incidental and contingent expenses of the supreme court, to-wit: for stationery, postage, fuel, lights, repairs, furniture, express, books and other expenses as may be deemed necessary by the court, the following sums: To the northern grand division, the sum of twenty-five hundred dollars per annum; to the central grand division, the sum of two thousand dollars per annum; to the southern grand division, the sum of fifteen hundred dollars per annum—the same to be paid upon bills of particulars, certified to by at least two of the justices of said court. The sum of three hundred dollars per annum is hereby appropriated to the librarian of each of the divisions of the supreme court, for taking care of the libraries, payable quarterly on the certificate of at least two of the justices of said court. The sum of three hundred dollars per annum to each division of said court, for the pay of janitors, to perform such duties as shall be determined by said justices, to be paid quarterly, on the order of at least two of said justices. To the central grand division, for rent of rooms, the sum of seventeen hundred and fifty dollars per annum, payable quarterly, on the order of at least two of the justices of said court.

Twenty-first—For public printing, thirty-five thousand five hundred dollars per annum, or so much thereof as may be required. For public binding, ten thousand dollars, or so much thereof as may be required. The public printing and binding may be paid for as the work progresses, on the order of the secretary of state, auditor and treasurer, approved by the governor.

Twenty-second—The sum of seventy thousand dollars annually, or so much thereof as may be necessary, to pay the interest on the school, college and seminary funds, distributed annually, under the laws in force—the amount appropriated under this clause to be paid out of the Illinois Central Railroad fund: *Provided*, that the amount appropriated under this clause shall not be construed as appropriating an additional sum to the Normal University at Bloomington, than the amount elsewhere appropriated to said university by this general assembly.

Twenty-third—The sum of one million dollars annually, out of the state school fund, to pay the amount of the auditor's orders issued for the distribution of said fund to the several counties. The auditor shall issue his warrant, on the proper evidence that the amount distributed has been paid to the county school superintendents.

Twenty-fourth—Such sum as may be necessary to refund the taxes on real estate sold or paid in error, and for overpayments on collectors' accounts under laws governing such cases, to be paid out of the proper funds.

Twenty-fifth—To the secretary of the board of new state house commissioners, the sum of fifteen hundred dollars per annum, payable quarterly, on a bill certified to by at least two of the commissioners, approved by the governor.

Twenty-sixth—To the commissioners to construct the Southern Illinois Insane Asylum and Southern Normal University, the sum of five dollars per day each, for time actually employed, to be paid quarterly, on the certificate of the commissioners, or a majority of them, approved by the governor.

Twenty-seventh—For one janitor of the state house, who shall perform such duties as shall be assigned to him by the governor, secretary of state, auditor and treasurer, the sum of eight hundred dollars per annum, payable quarterly, on the order of said officers.

Twenty-eighth—The sum of one hundred and thirty thousand dollars per annum, or so much thereof as may be necessary, to pay interest on the bonded debt of the state, to be paid on the certified account of the state treasurer, approved by the governor—the amount appropriated by this clause to be paid out of the Illinois Central Railroad fund.

Twenty-ninth—To the railroad and warehouse commissioners, for the incidental expenses of their office, including office rent and care, furniture, stationery, fuel, light and postage, telegraph charges; for the secretary's salary, the same not to exceed fifteen hundred dollars per annum; extra clerk hire, and the fees of experts employed, which amount shall be fixed by the board, and for all necessary expenditures other than those hereinafter provided for, a sum not to exceed five thousand five hundred (\$5,500) dollars per annum. For expenses incurred in suits or investigations commenced by the authority of the state, under any laws now in force, or hereafter to be enacted, empowering or instructing the board of commissioners, the sum of thirty thousand (\$30,000) dollars, or so much thereof as may be necessary for said purpose. The above amounts to be paid upon detailed statements, filed with the auditor, bearing the order of the board and the approval of the governor.

Thirtieth—To the employees of the next general assembly, a sum sufficient to pay the compensation allowed them by law, to be paid on pay-rolls, certified to by the presiding officer of the respective houses.

Thirty first—To W. I. Allen, for copying resolutions of senate and house, in regard to deceased members, upon parchment, for presentation to their families, twenty-five dollars.

Thirty-second—Five thousand dollars, or so much thereof as may be necessary, to pay for copying the laws, journals and joint resolutions of the present general assembly, as provided by law.

Thirty-third—To William Reddick and Simon D. Phelps, each the sum of fifty dollars, and to Albert Landrum twenty-five dollars, which shall be in full for services in visiting and ascertaining upon what terms

the Perry Springs property could be purchased for, as authorized by joint resolution of the twenty-seventh general assembly.

Thirty-fourth—A sum not exceeding two thousand dollars, or so much thereof as is necessary, to pay the necessary expenses of the different standing and special committees of the two houses of the twenty-eighth general assembly, when absent from the capital on extra duty, payable on pay-rolls certified by the chairman of the respective committees, and approved by the presiding officer of the respective houses.

§ 2. The auditor of public accounts is hereby authorized and directed to draw his warrant on the state treasurer, for the sums herein specified, upon presentation of the proper vouchers; and the state treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated.

APPROVED May 3, 1873.

SUPREME COURT.

§ 1. *Furnishing court house—improving grounds.*
In force April 23, 1873.

AN ACT making an appropriation for the purpose of furnishing the court house for the supreme court at Mount Vernon, Illinois, and improving the grounds thereto adjoining.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of furnishing the court house for the supreme court, at Mount Vernon, Illinois, and improving the grounds thereto adjoining.

§ 2. The said sum of money hereby appropriated, or so much thereof as may be necessary, shall be under the control and disposition of the judges of the supreme court; and the auditor of state shall draw his warrant for said sum, or any part thereof, on the order of a majority of said judges, in favor of such person or persons as they shall designate.

§ 3. The said judges shall file with their order or orders aforesaid, in the office of the auditor, a written statement, showing the objects for which said sums were expended.

§ 4. Whereas, the said supreme court meets in the said court house at Mount Vernon, aforesaid, in June, A. D. 1873, and the same is now unfurnished, therefore an emergency exists: and this act shall be in force and take effect from and after its passage.

APPROVED April 23, 1873.

ARBITRATIONS AND AWARDS.

1. *Under order of court.*
 2. *Hearing before arbitrators.*
 3. *Arbitrators sworn.*
 4. *Witnesses, oaths, depositions.*
 5. *Award signed.*
 6. *Award not complied with.*
 7. *Judgment and execution.*
 8. *Attachment for contempt.*
 9. *Award set aside.*
 10. *Modified or corrected.*
 11. *Application to set aside.*
 12. *Writs of error and appeals.*
 13. *Fees of arbitrators and officers.*
 14. *Compelled to act.*
 15. *Cause continued.*
 16. *Submitting controversies not in suit.*
- In force July 1, 1873.*

AN ACT to revise the law in relation to arbitrations and awards.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the parties to any suit pending in any court of record shall be desirous and willing to submit the matter involved in such suit to the decision of arbitrators, an order shall be entered directing such submission to three impartial and competent persons, to be named in such order—such arbitrators to be agreed upon and named by the parties. But if the parties are unable to agree, each shall name one, and the court the third.

§ 2. The arbitrators appointed in pursuance to the foregoing provisions, or a majority of them, shall proceed with diligence to hear and determine the matters in controversy. They shall appoint a place and time for hearing, and adjourn the same from time to time, as may be necessary. And on the application of either party, and for good cause, they may postpone such hearing from time to time, not extending beyond the next term of the court in which the suit is pending, if the subject matter be in suit.

§ 3. Before proceeding to hear any testimony in the cause, the arbitrators shall be sworn faithfully and fairly to hear, examine and determine the cause, according to the principles of equity and justice; and to make a just and true award according to the best of their understanding; which oath may be administered by any officer authorized to administer oaths.

§ 4. The several clerks of the circuit courts, and the justices of the peace in their several counties, may issue subpoenas for the attendance of witnesses before arbitrators; if any witness, after being duly summoned, shall fail to attend, the arbitrators may issue an attachment to compel his attendance, and the said witness shall moreover be liable to the party for refusing to attend the same as in trials at law. Any one of the arbitrators may administer oaths and affirmations to witnesses; they may punish contempts committed in their presence during the hear-

ing of a cause, the same as a court of record, and may admit depositions to be read in evidence, the same as in trials at law.

§ 5. The award of the arbitrators, or a majority of them, shall be drawn up in writing, and signed by such arbitrators, or a majority of them, and a true copy of such award shall, without delay, be delivered to each of the parties thereto.

§ 6. If either of the parties shall neglect to comply with the said award, the other party may, at any time within one year from the time of such failure, file such award, together with the submission or arbitration bond, in the court named in the submission.

§ 7. The party filing such award may, at the next term after such filing, by giving four days' notice of his intention to the opposite party, and if no legal exceptions are taken to such award or other proceedings, have final judgment thereon, as on the verdict of a jury, for the sum specified in said award to be due, together with the costs of arbitration and of the court; and execution may issue therefor as in other cases.

§ 8. When the award requires the performance of any act other than the payment of money, the court rendering such judgment shall enforce the same by rule, and the party refusing or neglecting to comply with such rule, may be proceeded against by attachment or otherwise, as for a contempt.

§ 9. If any legal defects appear in the award or other proceedings, or if it shall be made to appear, on oath or affirmation, that said award was obtained by fraud, corruption, or other undue means, or that such arbitrators misbehaved, said court may set aside such award.

§ 10. If there be any evident miscalculation or misdescription, or if the arbitrators shall appear to have awarded upon matters not submitted to them, not affecting the merits of the decision upon the matters submitted, or where the award shall be imperfect in some matter of form, not affecting the merits of the controversy, and where such errors and defects, if in a verdict, could have been lawfully amended or disregarded by the court, any party aggrieved may move the court to modify or correct such award.

§ 11. Application to set aside, modify or amend such award, as provided in the two preceding sections, must be made before the entry of final judgment on such award: *Provided*, nothing herein contained shall be so construed as to deprive courts of chancery of their jurisdiction, as in other cases.

§ 12. Writs of error and appeals may be taken from any decision of the court by the party deeming himself aggrieved, as in other cases; and if the supreme court shall remand the case, such further proceedings shall be had as the nature of the case may require.

§ 13. Each arbitrator shall be allowed, for every day's attendance to the business of his appointment, two dollars, to be paid in the first instance by the party in whose favor the award shall be made, but to be recovered of the other party with the other costs of suit, if the award or final decision shall entitle the prevailing party to recover costs. Witnesses shall receive the same fees for attendance at arbitrations as shall be allowed them in the circuit courts. Sheriffs, constables, clerks and justices of the peace shall be entitled to the same fees for services performed, in relation to any arbitration, as shall be allowed by law for the like services in their respective courts.

§ 14. Arbitrators may be compelled, by order of the court in which any cause submitted to them shall be pending, to proceed to a hearing thereof, and to make report without unnecessary delay.

§ 15. When any cause pending in any court shall be referred, as herein provided, an entry of such reference shall be made on the record, and day shall be given to the parties, from time to time, until the arbitrators report, or they may be thereof discharged, on filing such report.

§ 16. All persons having a requisite legal capacity may, by an instrument in writing, to be signed and sealed by them, submit to one or more arbitrators any controversy existing between them, not in suit; and may, in such submission, agree that a judgment of any court of record, competent to have jurisdiction of the subject matter to be named in such instrument, shall be rendered upon the award made pursuant to such submission.

§ 17. Upon a submission under the foregoing section, the arbitrators shall take the same oath, and may compel the attendance of witnesses, and shall proceed in the same manner as if the submission had been made in a cause of pleading.

§ 18. The award and instrument of submission may be filed in a court of record of competent jurisdiction, within the same time and upon like conditions, and notice and proceedings had thereunder, and judgment entered, the same as if the award had been made in a suit pending in such court.

§ 19. Chapter seven of the Revised Statutes of 1845, entitled "Arbitrations and Awards," except as herein re-enacted, is hereby repealed; but this section shall not be construed so as to affect any rights, actions, or causes of action that may have accrued or be pending when this act shall take effect.

APPROVED April 29, 1873.

ASSESSMENTS.

- § 1. *Bridges over navigable streams.*
 § 2. *Rate authorized.*
In force May 1, 1873.

AN ACT to provide for the assessment and taxation of bridges across navigable waters on the borders of this state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all bridge structures across any navigable streams forming the boundary line between the state of Illinois and any other state, shall be assessed by the township or other assessor in the county or township where the same is located, as real estate; and all provisions of law relating to the assessment and taxation of real estate, shall apply to the assessment and taxation of such bridges. Such assessor shall give in his description the quarter section, section, township and range in which such bridge is located or terminates in this state, together with the metes and bounds of the ground occupied by such bridge, and the approaches thereto from the end on the Illinois shore to the center of the main channel of the stream*

crossed by the same. For the purpose of obtaining such description the assessor may employ a competent surveyor, and the expense of making such survey and description shall be charged as a tax against such property by the county clerk, on the certificate of the surveyor: *Provided*, that one survey of any bridge and approaches, made under this act, shall be deemed sufficient for the purpose of subsequent assessment of such bridge or approaches.

§ 2. In default of the payment of the tax assessed against any such bridge company, as aforesaid, such bridge structure and approaches thereto, so far as the same are located within this state, together with the land on which the same is located, as described by the assessor, and the franchise belonging thereto, shall be sold for such tax at the same time and in the same manner as other real estate shall be sold in such county for delinquent taxes.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. Whereas, by existing law such bridge structures cannot be sold for delinquent taxes, so as to convey a good title thereto, wherefore an emergency exists why this act should take effect immediately: therefore this act shall take effect and be in force from and after its passage.

APPROVED May 1, 1873.

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- § 1. *Legalize assessments in cities, towns or villages, for 1872.*
 - § 2. *Collector to return warrants.*
 - § 3. *Collector to make returns for prior years.*
 - § 4. *Powers of county officers.*
 - § 5. *Payment of delinquent taxes made to county treasurer or sheriff; notice of application for judgment and order of sale.*
 - § 6. *County collector shall make returns monthly, and after sale immediately make final settlement; act of 1872 as to sales, certificates and deeds.*
 - § 7. *Collection by municipal corporation of taxes prior to 1873.*
 - § 8. *Personal action for the collection of taxes shall be cumulative.*
 - § 9. *No error not affecting the substantial justice of the tax itself shall mitigate or affect the tax or assessment.*
 - § 10. *Writs of error to be taken to the supreme court on judgments or order of the county court.*
 - § 11. *Rate per cent. legalized if in excess of the amount limited by the charter.*
 - § 12. *Applicable to water assessments.*
In force March 28, 1873.

AN ACT in regard to the assessment and collection of taxes in incorporated cities, towns and villages for the year A. D. 1872, and prior years.

WHEREAS, certain incorporated cities, town and villages within this state have proceeded, under the provisions of their respective charters, in the assessing, levying and collection of their respective municipal taxes for the year A. D. 1872, for the reason that it was believed that the general revenue law was not applicable to said year, and other incorporated cities, towns and villages have certified to the county clerk

of their respective counties under the provisions of the said general revenue law, the same being entitled "An act for the assessment of property and for the levy and and collection of taxes," in force July 1, 1872; and whereas, it is desirable to remove all doubt as to the validity of the tax levies of incorporated cities, towns and villages for said year A. D. 1872;

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the taxes assessed or levied by any incorporated city, town or village in this state for or during the year A. D. 1872, under or in accordance with the provisions of the charter of such city, town or village, and all proceedings had by such city, town or village, and the officers of any such city, town or village, as to such assessment, levy or the collection of any such taxes, shall be and are hereby declared to be as legal and valid and of like effect as if said act for the assessment of property and for the levy and collection of taxes, in force July 1, A. D. 1872, had not been passed.

§ 2. Any city collector, or other collector having the rolls or warrants for the collection of the taxes so assessed and levied by any such city, town or village, for or during said year A. D. 1872, shall, at such time as may be designated by the legislative authority of any such city, town or village, return to the sheriff in counties not under township organization, and to the treasurer in other counties as county collector, a list of the real estate on which the taxes so assessed or levied by the authority of such city, town or village shall remain unpaid at the time of such return, together with the amount of municipal taxes assessed and levied thereon, as shown by such rolls or warrants. It shall be the duty of the sheriff or county treasurer, as county collector, to advertise, and at such term of the court as may be directed by the legislative authority of such city, town or village, to apply for judgment, and when judgment is obtained, to sell or offer for sale such delinquent real estate, in the manner that real estate delinquent for state and county taxes is disposed of under the laws of this state in force and then applicable to the county in which such real estate is situated, but it shall not be required that the dates fixed by such laws shall be observed, with respect to the returns required to be made to the sheriff or county treasurer as county collector, under this act. But the relative times fixed and determined by said laws for the advertisement, judgment, sale and redemption for state and county taxes shall be observed in all proceedings under this act, unless otherwise in this act provided.

§ 3. The amount of any tax heretofore assessed or due on any real estate for any prior year or years, and remaining unpaid for any cause whatever, together with a list of the real estate upon which the same shall have been levied, may be returned to the sheriff or county treasurer by the collector making the return provided in section two hereof, at the same time that he makes such return; and where any rolls or warrants for the collection of any such taxes for any prior year or years shall have been destroyed, by fire or otherwise, such collector shall make his return as to the said real estate upon which such taxes assessed for such prior year or years remain unpaid, and the taxes unpaid thereon, from the best information that he can obtain. And all the provisions of this act, relating to the taxes mentioned in said section two, the return and the collection thereof, shall apply to the taxes authorized to be returned by this section.

§ 4. The county treasurers or sheriffs, as county collectors, upon any return being made to them under this act, shall have all the powers and perform all the duties in regard to the collection of the taxes so returned, the advertisement thereof, the application for judgment and order of sale on the delinquent property so returned and making sale thereof, and in all other matters pertaining to such taxes, as such county collectors have as collectors of state and county taxes in their respective counties, and the county court shall have like jurisdiction as in case of state and county taxes.

§ 5. All payments of delinquent taxes, after such returns, shall be made to the county treasurer or sheriff at his office; and said county collectors shall collect and enforce the payment of all taxes for municipal or other purposes, when a return thereof shall have been made by them as unpaid, in the same manner as such county collectors may be authorized to collect and enforce the payment of state and county taxes; and county courts shall have jurisdiction to hear any applicants for judgments and orders of sale made by any such treasurer or sheriff as county collector, to enable him to collect and enforce the payment of taxes which may have been returned to him in pursuance of this act; and such courts shall have like powers and like proceedings may be had, as near as may be, as by then existing laws shall be provided to be had on application for judgment and order of sale for state and county taxes: *Provided, however*, that in the notices to be given of the intended application for judgment and order of sale, the time when the sale will commence shall be fixed for the second Monday of the month succeeding the month at which such intended application for judgment and order of sale is to be made. When the legislative authority of any such city, town or village shall direct that the application for judgment and order of sale for such taxes shall be made at the same time that the next application shall be made in such county for the judgment and order of sale for state and county taxes, the notices or advertisements, judgments and orders of sale and other proceedings may have separate headings indicating the lots or tracts of land taxed or assessed and the amount of the municipal taxes and costs against such lot or tract of land. If from any defect in the proceedings, or for any other cause, judgment and order of sale cannot be obtained for the whole or any part of the municipal taxes so returned, new proceedings may be had under this act for so much as judgment and order of sale was not obtained for, to be collected with the next annual taxes of such city, town or village. The statement in writing (or return) made to any county treasurer or sheriff as county collector, under this act, shall, on the application for judgment and order of sale, be *prima facie* evidence that all the requirements of the law have been complied with in the assessing and levying the taxes therein returned as unpaid, and in the making of such "return;" and also shall, in such application for judgment and order of sale, be *prima facie* evidence that the taxes and assessments therein returned as unpaid, are due and unpaid.

§ 6. The county treasurers or sheriffs, as county collectors of the several counties, having received a "return" of any unpaid taxes under this act, shall keep a true account of all moneys by them collected on account thereof; and shall, as often as once in each month, and as often as once a week, if demanded, pay over the amounts collected to the municipality or other authorities or persons entitled to receive the same; and upon sale having been made of such delinquent lands or lots, shall immediately

make a final settlement, and pay over to the proper officers, authorities or persons, the full amount that shall then be in his hands, less his fees, which shall be the same as provided by law for the collection of state and county taxes by such officer. All the provisions of said act entitled "An act for the assessment of property, and for the levy and collection of taxes," in force July 1, 1872, as to the manner of conducting the sale, the issuance of certificates of purchase, the redemption from sale and the issuance of deeds upon such certificates, as to the state and county taxes, shall apply to and be in force as to the taxes returned under the provisions of this act.

§ 7. A personal action may be had, either in debt or assumpsit, by the municipal incorporation, either in its own name or by the county collector, to the use of such municipal incorporation, for any taxes on real or personal property, for the amount of the taxes levied thereon by such municipal incorporation, prior to the year A. D. 1873. And upon the trial of such action, a certified copy of so much of the warrant issued by authority of any such city, town or village, as describes the property upon which such tax was levied, and the amount of such tax and to whom assessed, together with the certificate of the officer to whom such warrant was issued, or his successor in office, that such tax remains unpaid, or in case of the destruction of any such warrant, a certified copy of so much of the assessment roll as describes the property assessed, and shows the valuation thereof and to whom assessed, together with a certified copy of the ordinance levying such tax, shall be *prima facie* evidence that such tax is due from the person to whom it is assessed and unpaid, and shall be sufficient to authorize judgment against the person or persons to whom the same was assessed, to be entered in favor of such municipal incorporation for the amount of such tax (and interest, if any there shall appear to be due thereon), unless such *prima facie* evidence shall be rebutted. In case any such assessment roll, or any such warrant does not show to whom the said property was assessed, the court shall receive all such evidence as may have a bearing on the case, and as may enable the court to determine whether or not the defendant is liable for the taxes claimed in any such action. Upon the rendition of judgment, an execution may issue as in case of other personal judgments, and may be collected in the same manner.

§ 8. The personal action for the collection of such taxes shall be cumulative to the remedy hereby provided for their collection by a return to the county treasurer or sheriff as county collector, and the lien of such taxes on the property assessed shall continue until such taxes are paid by sale of the property assessed, or otherwise: *Provided, however*, there shall be but one satisfaction of such taxes; and upon payment of such taxes, all proceedings for the collection thereof shall be discontinued; but the court shall have power to adjudge the costs upon such discontinuance as it may deem just and equitable.

§ 9. In all judicial proceedings of any kind had under this act, all amendments may be made which, by law, could be made in any personal action pending in such court, and no assessment of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls, or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or infor-

mality in the proceedings of any of the officers connected with the assessment, levying or collecting of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax, or the assessment thereof; and any irregularity or informality in the assessment rolls or tax lists, or in any of the proceedings connected with the assessment or levy of such taxes, or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be in the discretion of the court corrected, supplied and made to conform to law by the court, or by the person (in the presence of the court) from whose neglect or default the same was occasioned.

§ 10. Writs of error may be prosecuted to the supreme court as now provided by law, on judgments or orders of county courts, in any such proceedings, subject to the conditions hereinafter contained, in case such writ of error is to operate as a *supersedeas*; and appeals shall also be allowed to the supreme court (and not elsewhere) as now provided by law, in like cases, to the circuit court, from any judgment or order of sale made by any county court respecting any property returned as delinquent, under the provisions of this act; but no appeal shall be allowed, nor shall a writ of error operate as a *supersedeas* to the defendant in any such proceedings, unless he shall, before taking such appeal, or suing out such writ of error, deposit with the county collector an amount of money equal to the amount of the judgment and costs, to be applied as hereinafter provided, and give bond with security conditioned for the payment of all costs and damages that may be sustained by reason of such appeal or writ of error, such bond to run to the People of the State of Illinois, for the use of such city, town or village claiming such taxes; but upon an appeal by such city, town or village, no bond shall be required. If the judgment of such county court shall be affirmed, in whole or in part, it shall be the duty of the supreme court, upon such affirmance, to enter judgment for the amount of such taxes, with ten per cent. damages added thereto; and the supreme court shall make order that the amount so deposited with the collector, as aforesaid, or so much thereof as may be needed, shall be credited upon the judgment so rendered, and execution may issue for the balance of said judgment, damages and costs. The clerk of the supreme court shall transmit to said collector a certified copy of the order of affirmance; and it shall be the duty of said collector, upon receiving such order, to apply so much of the amount deposited with him by the defendant as shall be necessary to satisfy the amount for which judgment shall have been rendered in the supreme court, and shall account for the same as though such taxes had been paid by the defendant in discharge of the judgment. If the judgment of such county court shall be reversed, and the cause remanded, the county court shall have power to rehear such causes, and shall have all such powers upon such rehearing as is provided in section nine (9) of this act; should the judgment, upon such rehearing, be against the defendant for the amount of said taxes claimed to be due, or any part thereof, and the same be not appealed from, or a writ of error be not prosecuted with *supersedeas* thereon, as provided by this act, the court shall cause to be certified to said collector the amount of such judgment, and thereupon the county court shall order said judgment to be credited with the amount of such deposit in the hands of said collector, or so much thereof as will satisfy said judgment, and the collector shall charge himself with the amount so certified to him as taxes collected under said judgment, out of the deposit

aforesaid: *Provided*, that nothing herein shall be construed as requiring the defendant to make an additional deposit in case of more than one appeal or writ of error being prosecuted in such proceedings. If upon final hearing it shall be adjudged that said taxes, or any part thereof, are not due or owing from the defendant, it shall be the duty of the collector to pay over to the defendant the amount of money so deposited, or such part thereof as shall remain after satisfying the judgment to the extent it shall be found against the defendant.

§ 11. When the proper authorities of any incorporated city, town or village shall have certified to the county clerk the several amounts, or the amount which such city, town or village required to be raised by taxation, in pursuance of section one hundred and twenty-two (122) of said "Act for the assessment of property, and for the levy and collection of taxes," in force July 1, 1872, and the amounts or amount so certified, shall have required or shall require such county clerk, in pursuance of the provisions of said act, to extend upon the proper valuation of property in such city, town or village, a rate per cent. which is or will be in excess of the rate per cent. of taxation limited by the charter of any such city, town or village, such certificate of the amounts or amount required, so made, and the rate per cent. and tax so extended, or so to be extended by such county clerk, shall be as legal and valid to all intents and purposes as if the charter of such city, town or village contained no limitation or restriction as to the rate per cent. of taxation.

§ 12. The provisions of this act shall be applicable to all taxes or water assessments levied under the provisions of the charter of any such incorporated city, town or village.

§ 13. It being important that the incorporated cities, towns and villages in this state should receive their revenues, to be derived from taxation, at as early date as practicable, an emergency has arisen requiring this act to take effect immediately; therefore, this act shall be in force from and after its passage.

APPROVED March 28, 1873.

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- § 1. *Extend time for the collection of taxes of 1872.*
 § 2. *When it shall cease to be in force.*
In force January 22, 1873.

AN ACT extending the time for the collection of the taxes on the assessments for the year A. D. 1872, and delinquent and omitted taxes on the assessment books for said year.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections one hundred and sixty-nine, two hundred and thirty-nine, and two hundred and forty-one, of "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, which said numbered sections read as follows:*

"§ 169. Town and district collectors shall return the tax books and make final settlement for the amount of taxes placed in their hands for collection, on or before the first day of February next after receiving the tax book: *Provided*, that the county collector may first notify, in writing, the several town or district collectors upon what day within

twenty days after the first day of February, they shall appear at his office to make final settlement."

"§ 239. On or before the twenty-eighth day of February, annually, after he has made settlement with town or district collectors, the county collector shall make a sworn statement, showing the total amounts of each kind of tax received by him from town or district collectors, and the total amount of each collected by himself, which statement shall be filed in the office of the county clerk."

"§ 241. The county collector shall, on or before the fifth day of March following, pay over to the state treasurer the taxes in his hands payable to the state treasury, as shown by such settlement."

Shall, to the extent and only so far as the same apply to taxes levied on the assessment of property for the year 1872, or to other taxes required by law to be extended on the tax books with the taxes of said year 1872, be held and are hereby made to read as follows:

"§ 169. Town and district collectors shall return the tax books, and make final settlement for the amount of taxes placed in their hands for collection, on or before the tenth day of March, A. D. 1873: *Provided*, that the county collector may first notify, in writing, the several town or district collectors upon what day, within twenty days after the tenth day of March, they shall appear at his office to make final settlement."

"§ 239. On or before the tenth day of April, A. D. 1873, after he has made settlement with the town or district collectors, the county collectors shall make a sworn statement, showing the total amounts of each kind of tax received by him from town or district collectors, and the total amount of each collected by himself—which statement shall be filed in the office of the county clerk."

"§ 241. The county collector shall, on or before the fifteenth day of April, A. D. 1873, pay over to the state treasurer the taxes in his hands payable to the state treasury, as shown by such settlement."

§ 2. On and after the sixteenth day of April, A. D. 1873, this act shall cease to be in force and effect, saving, however, all liabilities incurred thereunder; and thereafter sections one hundred and sixty-nine (169), two hundred and thirty-nine (239), and two hundred and forty-one (241), as first recited in section one of this act, and as they appear and read in the act of March 30, 1872, the title of which is given in the title and section one of this act, shall remain in full force and effect, the same as if this act had never been passed.

Whereas, the benefit of this act and the relief hereby intended to be afforded to tax payers will be lost unless it takes immediate effect, wherefore an emergency exists, requiring that it shall so take effect; therefore this act shall take effect and be in force from and after its passage.

APPROVED January 22, 1873.

- § 1. *Amend an act for the assessment of property and the levy and collection of taxes. Approved March 30, 1873; in force July 1, 1872.*
- § 2. *Amended sections to be incorporated in and printed therewith. In force July 1, 1873.*

AN ACT to amend sections sixty-six (66), one hundred and twenty-two (122), one hundred and thirty-seven (137), one hundred and fifty-five (155), one hundred and sixty-four (164), one hundred and sixty-nine (169), one hundred and seventy-seven (177), one hundred and seventy-eight (178), one hundred and eighty-two (182), one hundred and eighty-five (185), one hundred and ninety-one (191), one hundred and ninety-two (192), one hundred and ninety-three (193), two hundred and twelve (212), two hundred and twenty (220), two hundred and twenty-one (221), two hundred and thirty-nine (239), two hundred and forty-one (241), two hundred and forty-seven (247), two hundred and seventy-seven (277), of "An act for the assessment of property, and the levy and collection of taxes," approved March 30, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections sixty-six (66), one hundred and twenty-two (122), one hundred and thirty-seven (137), one hundred and fifty-five (155), one hundred and sixty-four (164), one hundred and sixty-nine (169), one hundred and seventy-seven (177), one hundred and seventy-eight (178), one hundred and eighty-two (182), one hundred and eighty-five (185), one hundred and ninety-one (191), one hundred and ninety-two (192), one hundred and ninety-three (193), two hundred and twelve (212), two hundred and twenty (220), two hundred and twenty-one (221), two hundred and thirty-nine (239), two hundred and forty-one (241), two hundred and forty-seven (247), and two hundred and seventy-seven (277), of the act aforesaid, be amended so as to read as follows:*

§ 66. The county clerk shall make up for the several towns or districts in his county, in books to be provided for that purpose, the lists of lands and lots to be assessed for taxes. When a whole section, half section, quarter section, or half-quarter section, belongs to one owner, it shall, at the request of the owner or his agent, be listed as one tract, and when all lots in the same block belong to one owner, they shall, at the request of the owner or his agent, be listed as a block. When several adjoining lots in the same block belong to the same owner, they shall at the request of the owner or his agent, be included in one description: *Provided*, that when any tract or parcel of real estate is situated in more than one town, or in more than one school, road or other district, the portion thereof in each town or district shall be listed separately. Said clerk shall enter in the proper column, opposite the respective tracts or lots, the name of the owner thereof, so far as he shall be able to ascertain the same. Said books shall contain columns in which may be shown the number of acres or lots improved, and the value thereof; the number of acres or lots not improved, and the value thereof; the total value; and such other columns as may be required.

§ 122. The proper authorities of towns, townships, districts, and incorporated cities, towns and villages, collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they severally require to be raised by taxation, anything in their respective charters, or in acts heretofore passed by the general assembly of this state, to the contrary notwithstanding.

§ 137. In all cases the warrant shall authorize the town or district collector, in case any person named in such collector's book shall neglect or refuse to pay his personal property tax, to levy the same by distress

and sale of the goods and chattels of such person; and it shall require all payments therein specified to be made by such town or district collector on or before the tenth day of March next ensuing.

§ 155. Every town collector, upon receiving the tax book or books, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his place of residence or business, if in the town of such collector, and shall demand payment of the taxes charged to him on his property: *Provided*, that in counties not under township organization, it shall be the duty of the collector to give notice, in a newspaper published in the county, if any such newspaper there be, stating when and where he will attend in each precinct, for the purpose of receiving taxes, and also by causing written or printed notices to be posted in three of the most public places in each precinct, stating the time when, and the place where, he will be in such precinct, for the purpose of collecting the taxes therein; which said notices shall be published or posted at least ten days before the time fixed for the collection of such taxes, and said notices shall be deemed a sufficient demand for said taxes.

§ 164. Town and district collectors shall, every thirty days, when required so to do by the proper authorities of incorporated towns, cities and villages, road and school districts, for which any tax is collected, render to said authorities a statement of the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected.

§ 169. Town and district collectors shall return the tax books, and make final settlement for the amount of taxes placed in their hands for collection, on or before the tenth day of March next after receiving the tax book: *Provided*, that the county collector may first notify, in writing, the several towns or district collectors upon what day, within twenty days after the tenth day of March, they shall appear at his office to make final settlement.

§ 177. All real estate upon which taxes remain due and unpaid on the tenth day of March annually, or at the time the town or district collector makes return of his books to the county collector, shall be deemed delinquent.

§ 178. When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector on or before the tenth day of March next after the same shall have become payable, in like forms as returns are made for delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as they are required to collect, account for and pay over taxes. The county collector may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts, or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot.

§ 182. At any time after the first day of April next after such delinquent taxes and special assessments on lands and lots shall become due, the collector shall publish an advertisement, giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county, if any such there be, and if

there be no such paper printed in his county, then in the nearest newspaper in this state to the county seat of such county. Said advertisement shall be once published at least three weeks previous to the term of the county court at which judgment is prayed, and shall contain a list of the delinquent lands and lots upon which the taxes or special assessments remain due and unpaid, the names of owners if known, the total amount due thereon, and the year or years for which the same are due. Said collector shall give notice that he will apply to the county court, at the term thereof, for judgment against said lands and lots for said taxes, special assessments, interest and costs, and for an order to sell said lands and lots for the satisfaction thereof; and shall also give notice that, on the Monday next succeeding the day fixed by law for the commencement of such term of the said county court, all the lands and lots for the sale of which an order shall be made, will be exposed to public sale at the building where the county court is held in said county, for the amount of taxes, special assessments, interest and cost due thereon; and the advertisement published according to the provisions of this section shall be deemed to be sufficient notice of the intended application for judgment and of the sale of lands and lots under the order of said court. Where the publisher of any paper that may have been selected by the collector shall be unable or unwilling to publish such advertisement, the collector shall select some other newspaper, having due regard to the circulation of such paper.

§ 185. All applications for judgment and order of sale for taxes and special assessments on delinquent lands and lots, shall be made at the May term of the county court. If, from any cause, the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued; and it shall not be necessary to re-advertise the list or notice required by law to be advertised, before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter; and if judgment is rendered, the sale shall be made on the Monday specified in the notice, as provided in section one hundred and eighty-two—such Monday to be fixed by the county collector in the notice. If, for any cause, the collector is prevented from advertising and obtaining judgment at said term, it shall be held to be legal to obtain judgment at any subsequent term of said court; but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall be held on his official bond, for the full amount of all taxes and special assessments charged against him: *Provided*, that any such failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax or assessment, or to a rendition of judgment against any delinquent lands and lots, included in the application of the county collector: *And, provided, further*, that on the application for judgment, at such subsequent term, it shall not be deemed necessary to set forth or establish the reasons of such failure.

§ 191. The court shall examine said list, and if defense (specifying in writing, the particular cause of objection) be offered by any person interested in any of said lands or lots, to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be. The court shall give judgment for such taxes and special assessments and penalties as shall appear to be due, and such judgment shall be considered as a several judgment against each tract or lot, or part of a tract or lot, for each kind of tax or special assess-

ment included therein; and the court shall direct the clerk to make out and enter an order for the sale of such real property against which judgment is given, which shall be substantially in the following form :

Whereas, due notice has been given of the intended application for a judgment against said lands and lots, and no sufficient defense having been made, or cause shown, why judgment should not be entered against said lands and lots, for the taxes (special assessments, if any), interest, penalties and costs due and unpaid thereon for the year or years herein set forth, therefore it is considered by the court that judgment be and is hereby entered against the aforesaid tract or tracts, or lots of land, or parts of tracts or lots, as the case may be, in favor of the People of the State of Illinois, for the sum annexed to each, being the amount of taxes (and special assessments, if any), interest, penalties and costs due severally thereon; and it is ordered by the court that the said several tracts or lots of land, or so much of each of them as shall be sufficient to satisfy the amount of taxes (and special assessments, if any), interest, penalties and costs annexed to them severally, be sold as the law directs.

Said order shall be signed by the judge. In all judicial proceedings of any kind, for the collection of taxes and special assessments, all amendments may be made which, by law, could be made in any personal action pending in such court, and no assessment of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment rolls, or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collecting of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax or the assessment thereof; and any irregularity or informality in the assessment rolls or tax lists, or in any of the proceedings connected with the assessment or levy of such taxes, or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be in the discretion of the court corrected, supplied and made to conform to law by the court, or by the person (in the presence of the court) from whose neglect or default the same was occasioned.

§ 192. Appeals from the judgment of the court may be taken during the same term to the circuit court of the county, on the party praying the appeal executing a bond to the People of the State of Illinois, with two or more sureties, to be approved by the court, in double the amount of the judgment, conditioned that the appellant will prosecute his said appeal with effect, and will pay the amount of any tax, assessment and costs which the circuit court on the trial of the appeal may render against any real estate embraced in such appeal. The county board or proper authorities of any city, village or town, or other authority or person to whom any tax or assessments is payable, may, in like case, appeal to the circuit court without giving bond.

§ 193. If judgment shall be rendered against any particular lot, piece, parcel or tract of land embraced in such appeal, it shall be the duty of the clerk of said circuit court, in all cases of appeal, to make and deliver to the county clerk a record of the lands and lots against which judgment is rendered, substantially as is provided for county clerks, in section one hundred and ninety-four of this act; which record, when filed in the office of said county clerk, shall be the process on which such real estate, or any interest therein, shall be sold for such taxes or assessments, as well as the record for the sale thereof, and it shall be the duty of the county collector, assisted by the county clerk, to proceed and sell the same, for the amount of such judgment and costs, in the manner provided where judgment is rendered by the county court against de-

linquent real estate. The collector shall publish a general notice of such sale, in a newspaper published in his county, if any such there be, and if there be no such paper published in his county, then in the nearest newspaper published in the state to the county seat of such county—said notice to be so published once in such newspaper, at least three weeks previous to the day fixed for such sale. Upon the dismissal of any appeal, and upon filing in the office of the county clerk a certified copy of the order of such dismissal, the county clerk shall make a record of the lands and real estate embraced in the appeal, which shall be the process on which such real estate embraced in such appeal shall be sold; and it shall be the duty of the county collector to proceed to sell the same in the manner provided hereinbefore in cases of judgment being rendered against real estate by the circuit court on the trial of an appeal, and all the provisions of law shall apply to such sale, as in other cases.

§ 220. When any person shall hold more than one certificate of purchase at the same sale, and for the same year's tax or special assessment, the clerk shall, on the request of the holder of such certificate, include as many tracts or lots described therein in the deed of conveyance as such person may desire, and for which deed the county clerk shall have a fee of fifty cents for each certificate embraced therein: *Provided*, that no greater fee than three dollars shall be charged upon any one deed.

§ 221. The deed so made by the county clerk under the official seal of his office shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title of the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form:

STATE OF ILLINOIS, }
.....County. }

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the.....day of.....A. D. 18.., the following described real estate was sold, to-wit: (here place description of real estate conveyed); and whereas, the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the state of Illinois necessary to entitle (insert him, her or them) to a deed of said real estate. Now, therefore, know ye, that I,....., county clerk of said county of....., in consideration of the premises and by virtue of the statutes of the state of Illinois in such cases provided, do hereby grant and convey unto....., his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and the seal of our court this.....day of....., A. D. 18..
....., County Clerk.

§ 212. The books and records belonging to the office of the county clerk, or copies thereof, certified by said clerk, shall be deemed *prima facie* evidence to prove the sale of any land or lot for taxes or special assessments, the redemption of the same, or payment of taxes or special assessments thereon. The county clerk shall, at expiration of his term of office, pay over to his successor in office all moneys in his hands received for redemption from sale for taxes on real estate.

§ 239. On or before the tenth day of April, annually, after he has made settlement with town or district collectors, the county collector shall make a sworn statement, showing the total amounts of each kind of tax received by him from town or district collectors, and the total amount of each collected by himself—which statement shall be filed in the office of the county clerk.

§ 241. The county collector shall, on or before the fifteenth day of April following, pay over to the state treasurer the taxes in his hands, payable to the state treasury, as shown by the statement required by section 239, of this act.

FINAL SETTLEMENT OF THE COUNTY COLLECTOR FOR STATE TAXES.

§ 247. The county clerk shall make out and deliver to the county collector, as soon as adjustment is made with the county board or county clerk, annually, the statements, certificates and lists appertaining to the settlement of the accounts of such collector; which statement, certificates and lists shall be made out in proper form, under his seal of office, on blanks which it is hereby made the duty of [the] auditor to furnish, annually, for that purpose. The collector shall deliver the same at the office of the auditor, and make a final settlement of his accounts, and pay the amount due the state into the state treasury on or before the first day of July next after receiving the tax books: *Provided*, that in all cases where the statements, certificates and lists appertaining to the final settlement of a collector are on file with the auditor, on or before the first day of July, the auditor shall not charge interest on the balance found due on the account of such collector, for fifteen days after mailing said auditor's statement showing balance due the state on such collector's account: *Provided, further*, that this section shall not be held to relieve any collector from the payment of interest charged on his account by reason of failure to make payment to the state, at other time or times, as required by this or any other act of the general assembly of this state.

§ 277. If the tax or assessment on property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceeding or other cause, the amount of such tax or assessment which such property should have paid may be added to the tax on such property for any subsequent year, in separate columns, designating the year or years.

§ 2. The sections of the act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, as amended in section one of this act, shall in all subsequent publications of said act of March 30, 1872, be incorporated in and printed therewith, the same as if the sections amended in section one of this act were the original sections of said act of March 30, 1872.

APPROVED May 3, 1873.

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- § 1. *Incorporated cities may by ordinance levy and collect city taxes on real and personal property.*
 - § 2. *Assessor and collector to be elected; may appoint assistants; city council to prescribe the duties and define the powers.*
 - § 3. *All property to be assessed at its real or true value having its actual situs with the city, for municipal purposes.*
 - § 4. *Personal property on hand on the first of May to govern.*
 - § 5. *General revenue law applicable unless in conflict with this act.*
 - § 6. *Time of hearing objections to the assessments.*
 - § 7. *Mayor, city clerk and assessor to constitute the board of equalization, hear objections, make corrections, and supply omissions.*
 - § 8. *City clerk shall enter in a book all taxable real or personal estate as revised by board of equalization.*
 - § 9. *Limiting the rate per cent. on the aggregate assessed valuation.*
 - § 10. *City clerk to estimate, attach warrant and command the collector to collect the same.*

- § 11. *City council may by resolution order collector to return any warrant at a time specified in resolution.*
- § 12. *Collector to give ten days' public notice that such warrant is in his hands, and to make immediate payment at his office.*
- § 13. *City collector may appoint deputies; all tax-payers may examine books; payments to be made weekly to comptroller or city clerk.*
- § 14. *All taxes to be a lien upon real estate and personal property; personal property to be advertised and sold in the same way as by execution.*
- § 15. *Unable to collect the same; report shall be prima facie evidence that all the requirements of the law have been complied with.*
- § 16. *Officers shall proceed to obtain judgment and sell the same for taxes remaining due and unpaid.*
- § 17. *City collector to receive taxes up to time of sale, and report the same.*
- § 18. *Treasurer to attend sale and receive all moneys.*
- § 19. *Redemption.*
- § 20. *General revenue law to apply.*
- § 21. *Collector liable for error in sales to the amount of certificate and fifty per cent. additional.*
- § 22. *City council may by resolution abolish office of city assessor and collector.*
- § 23. *Appointment of city tax commissioner.
In force July 1, 1873.*

AN ACT in regard to the assessment of property and the levy and collection of taxes by incorporated cities in this state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all incorporated cities in this state, the city council may, by ordinance, annually, levy and collect city taxes on real and personal property within the city:*

First.—For general and contingent expenses, or any other expenses not herein otherwise provided for.

Second.—For supplying and maintaining schools and erecting and repairing school houses.

Third.—For the erection of a city market, bridewell or house of correction or other public buildings, purchase of grounds therefor, the building of bridges, improvement of the river or harbor, for improving the sanitary condition of the river or harbor, or any other permanent improvement.

Fourth.—A tax of sufficient amount to meet the interest accruing on the indebtedness of the city.

Fifth.—To provide for a sinking fund or funds, for the payment of the general or special indebtedness of the city; and no city shall hereafter contract any debt without at the same time providing for the annual levy and collection of a direct tax sufficient to pay the interest, and the principal when it falls due. All money raised for any sinking fund shall be invested in the purchase of bonds of said city—such purchase to be made from time to time, as directed by the mayor—and all bonds so purchased shall be immediately retired and canceled, in the presence of the city council, at some stated meeting thereof. No sinking fund shall be used for any other purpose than the purchase of city bonds or the payment of the city indebtedness upon account of which such sinking fund was raised: *Provided*, that no tax shall be levied under this sec-

tion, unless two-thirds of all the aldermen elected shall vote in favor of the same.

Sixth.—A tax of sufficient amount, when required, to provide for the expense incurred in making any public improvement, caused by any casualty or accident happening after the making of the annual appropriations for such year, or to pay any judgment that may have been recovered against the city during such previous year.

Seventh.—To levy taxes for the building, extension and maintenance of sewers; for the laying and extension of water mains or pipes, and for establishing and maintaining of water works; for the lighting of the city, and to establish and maintain gas works.

§ 2. There shall be one assessor and one collector, who shall be elected by the people at the time fixed by law for electing the mayor of the city, and the term of office of the collector shall be the same as that of the mayor, and the collector shall give bonds for the faithful performance of the duties of his office, in such manner, form and amount as the common council may by ordinance provide. The city council may authorize such assessor to appoint such number of assistant assessors as the city council may adjudge necessary. The city council may prescribe the duties and define the powers of such assessor (and of such assistant assessors, if appointed,) by ordinance: *Provided*, that such assessors shall have the same powers that assessors may possess under the general laws of the state for the assessment of state and county taxes, not inconsistent with this act; and the city council may, by ordinance, prescribe the form of all assessment books or rolls.

§ 3. The assessor shall assess all taxable real and personal estate at its real or true value, as defined by the state revenue laws. All personal property, of every nature and kind, having its actual *situs* within the city, shall be assessed for municipal purposes, whether the owner resides in the city or not; this provision to extend to and include the property of railroads and the proportion of rolling stock of all such railroads or railway companies as run cars or trains into the city, by lease of road-bed or track, the same as though such companies owned the track or road-bed; such railroad property to be assessed and such proportion to be ascertained and apportioned in accordance, as near as may be, with the statutes regulating the manner of listing and valuing the property of railroads for state and county taxation.

§ 4. Personal property shall be listed for municipal purposes with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

§ 5. All the provisions of the general revenue laws of this state, so far as the same are applicable, concerning the levy and assessment of taxes for state and county purposes, and the duties of assessors, shall be in force and apply to all cities in this state, unless in conflict with this act.

§ 6. When the assessor shall have completed the assessment of the taxable real and personal estate of said city, he shall file the same in the city clerk's office; and the mayor, city clerk and assessor shall fix upon a day, not less than seven nor more than thirty days from the date of the filing of said assessment, for the hearing of objections to the assessment; and they shall give notice of the time and place of such hearing by written or printed notices, one to be posted in each ward in such city at least one week before the day fixed for such hearing, and

by one insertion in a newspaper published in the city (if any there shall be), at least one week before the day fixed for such hearing. Any person aggrieved by the assessment of his property, may appear at the time specified and make his objections.

§ 7. The said mayor, city clerk and assessor, constituting the board of equalization, shall meet at the time and place designated to revise and correct the said assessments. They shall hear and consider all objections which may be made, and shall have power to make all proper corrections, and supply omissions in the assessment, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same. They shall continue in session during three business hours of each and every secular day, for not less than three nor more than ten successive days, as the city council may direct. Thereafter no change, amendment or alteration shall be made, nor shall any tax or portion thereof be refunded. A majority of said board shall constitute a quorum.

§ 8. When such revision has been completed, the same shall be deposited with the city clerk, who shall enter in a book or books, to be prepared for that purpose, a complete list of all the taxable real and personal estate in said city, according to the assessment as returned by said assessor, and revised by the board of equalization, showing, in a proper column ruled for that purpose, the names of the different owners so far as they appear in said revised lists, and in another column the amount of the valuation made in each case. Said book or books shall also have ruled therein an appropriate column for extending or inserting the amount of taxes which may be levied upon said property. Said book or books shall constitute the tax list of real and personal estate for such year. The clerk shall also add up the valuations in such list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column in the last page. When the said tax list shall have been so completed, it shall be signed by the mayor, city clerk and assessor, or a majority of them, and left in the custody of the city clerk.

§ 9. The city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be necessary for the several purposes for which taxes are herein authorized to be levied, specifying the purpose for which the same are levied; but the aggregate amount of taxes levied for any one year shall not exceed the rate of three per cent. upon the aggregate assessed valuation of all property assessed.

§ 10. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of said tax list, opposite to the person or property chargeable therewith. When completed the city clerk shall attach to said tax list a warrant, under the corporate seal, signed by the mayor and city clerk, directed to the collector, commanding him to make, levy and collect as the taxes for such year the several sums of money set opposite to the real and personal estate, or persons in said tax list mentioned or described, of the goods and chattels of the respective owners of such real or personal estate, which warrant shall designate the names and rates of the several taxes therein, and shall specify the aggregate amount of taxes to be collected, and shall also command the collector to collect the same from the persons or property named in said list, according to law. Said tax list, with the warrant attached, shall be delivered to the collector by the city clerk, and shall constitute the only process necessary

to be issued for the collection of the annual city taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the aggregate amount of taxes levied, and the respective amounts levied upon real estate and personal property.

§ 11. The city council may, by resolution or ordinance, order and direct that a return of any warrant issued to the city collector shall be made at a time to be specified in such ordinance or resolution.

COLLECTION OF TAXES.

§ 12. Upon the receipt of any warrant for the collection of the annual taxes, special taxes or any special assessment on real or personal property, the collector shall forthwith give ten days' notice, by publication in any newspaper published in said city, or if no newspaper is published in said city, by posting written or printed notices in four public places in the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office. In the notice so to be published or posted, he shall notify all parties interested that after the expiration of thirty days from the date of receiving such warrant he will levy upon the personal property of all who shall have failed to pay; and at the end of thirty days, or as soon thereafter as may be, he shall so levy if personal property belonging to such delinquent person or persons can be found; and he shall be liable for their tax in case of neglect so to do. Said taxes shall be a lien upon any property, real or personal, that such delinquents may have or may thereafter acquire, until paid; and the collector or his successor in office may at any time thereafter levy and collect the same. But nothing in this section shall be so construed as to prevent the collector from levying at any time after the publication or posting of the ten days' notice above required.

§ 13. The city collector may appoint such number of deputies as the city council may adjudge necessary. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or city clerk, or any member of the city council, or by any taxpayer of said city. The collector shall, weekly, or oftener if the city council so direct, pay over all the money collected by him from any person or persons or associations to the city treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the city comptroller, if there be one, and if there is no city comptroller, then in the office of the city clerk.

§ 14. All taxes, general or special, and special assessments levied by the city council, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes, special taxes and assessments are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes from and after the delivery to the collector of the warrant; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold, to discharge the taxes of the person owing the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment or special tax. Upon such seizure of personal property by such collector, he shall forthwith advertise and sell the same in the manner provided by law for sales by

constables upon executions issued by justices of the peace, and the fees of the collector for making any levy and sale of property shall be the same as allowed to constables for levy and sale of property on execution, and the costs shall in all cases be collected out of the property of the person against whom the levy is made.

§ 15. It shall be the duty of the collector, within such time as the city council may, by ordinance, provide, to make a report (or return), in writing, to the general officer of the county authorized and designated by the general revenue law of this state to advertise and sell lands for taxes due the county and state, of all the lands, town lots and real property on which he shall have been unable to collect taxes, special taxes and special assessments, with the amount of such taxes, special taxes and special assessments due and unpaid, respectively, thereon, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report or return shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the taxes, special taxes and special assessments, levied by authority of the city, remain due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice required by law, that said warrants had been received by him for collection. Said report or return, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said report or return have been complied with, and that the taxes, special taxes and special assessments mentioned in said report or return are due and unpaid.

§ 16. When said general officer shall receive the report or return provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said general taxes, special taxes and special assessments remaining due and unpaid, in the same manner as may be by law provided for obtaining judgments against lands for taxes due and unpaid the county and state; and shall, in the same manner, proceed to sell the same for the said general taxes, special taxes and special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. And the city council may, by ordinance or resolution, fix and determine the term of the county court at which the said general officer shall apply for judgment against the said lots, parcels of land and property: *Provided*, there shall be but one sale in any one year for any general taxes, special taxes or special assessments levied by authority of such city, which sale may be at the same or a different time from the sale for state and county taxes, as the city council may, by ordinance or resolution, provide. Upon any such application for judgment, the county court shall have like jurisdiction and powers, and like proceedings shall be had, as near as may be, as upon application for judgment for state and county taxes; and upon an appeal from the judgment of the county court, the like proceedings shall be had and the like jurisdiction and like powers shall be exercised by courts and officers, as in case of appeals from the county court upon applications for judgments for state and county taxes: *Provided, however*, that no appeal shall be allowed from any judgment of the county court against any property returned as delinquent under this act, unless the party appealing from such judgment shall first give bond with two sureties, to be approved by the court, in a penalty at least double the amount of

the judgment, interest and costs appealed from, conditioned that he will prosecute his appeal with effect, and in case of failure therein, pay and satisfy such city the amount of the judgment appealed from, with all damages, interest and costs which such city may have sustained by reason of such appeal, and upon the affirming of such judgment of the county court the supreme court shall render judgment for twenty per cent. for damages.

§ 17. The city collector shall have power to receive and collect any of the general taxes, special taxes or special assessments mentioned in said report up to the time of the actual sale of any such lot, parcel of land or property, and it shall be his duty forthwith to report the fact of such payment to the said general officer, who shall mark the same paid upon his books and upon said report (or return): *Provided, however,* the city collector may close his office for the payment of said taxes and assessment a sufficient length of time before the day fixed for the application for judgment to enable such general officer and city collector to compare and correct the reports of taxes and assessments paid, with the list of delinquent property returned to such general county officer.

§ 18. It shall be the duty of the city treasurer to attend to such sale; and all moneys bid and paid at such sale for any such city taxes, special taxes or special assessments, shall be paid to the treasurer of such city, and no other person; and it shall be the duty of the city treasurer, upon the close of such sale, to make a report to the city comptroller, (if there be one; if none, to the city clerk,) specifying therein the lots, parcels of land and property upon the sale of which the same was received, and a description of the lots, parcels of land and property purchased by the city. The city council shall, by ordinance, provide for the payment of the expenses of such sale, and shall fix the compensation to said officer for making the sale, which shall be in lieu of all fees therefor: *Provided, however,* there shall be paid such general officer the same fees for advertising, making list for the printer and making out the delinquent list, and to the county clerk the like fees as provided to be paid for like services in regard to property delinquent for state and county taxes, which said fees or costs shall be extended and collected against the lots, land and real property, as in case of property delinquent for state and county taxes.

§ 19. After making said sales, the record and list of lots, parcels of land and property sold thereat, shall remain in the hands of the clerk of the county court, and redemption shall be made as provided for by the general revenue law of the state.

§ 20. All the provisions of the general revenue law of this state relating to the redemption or deeding of any property so sold, and the manner of obtaining a deed, and the effect of the same, shall be in full force and apply to all sales made in pursuance of this act.

§ 21. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid, to the general county officer authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for the amount of the face of the certificate, and fifty per cent. additional thereof, to be demanded within two years from the date of the sale, and recovered in any court having jurisdiction of the amount.

GENERAL PROVISIONS.

§ 22. The city council of any city shall have power at any time, in lieu of the mode herein provided for the assessment and collection of general city taxes, to, by resolution or ordinance, elect to certify to the county clerk the amount or amounts required to be raised by taxation upon the assessment of property for state and county taxes, and to collect the taxes for said city, in the manner provided for in the general revenue laws of this state, and in such case to abolish the office of the city assessor and the city collector: *Provided, however,* that nothing in this section contained shall be so construed as to prevent such corporation at any time thereafter from providing for the assessment and collection of taxes by ordinance, and in the manner in this act hereinbefore set forth.

§ 23. The city council may, in their discretion, provide, by ordinance, for the appointment of a city tax commissioner, fix his term of office and salary, and confer upon him such powers, and provide for the performance of such duties by him as the city council may deem necessary and proper; and all the provisions of this act relating to the duties of the city clerk or the powers of the city clerk, in connection with the assessment of property, the equalization of such assessments, or the levy or collection of taxes, special taxes or special assessments, shall be exercised and performed by such city tax commissioner, if there be one appointed; and to that end and purpose wherever in this act heretofore the words "city clerk" or "clerk" are used, they shall be held to mean "city tax commissioner," and wherever "the city clerk's office" or "clerk's office" is referred to, it shall be held to mean "city tax commissioner's office," and the term "city council" shall be held to include the common council of any city.

APPROVED April 15, 1873.

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- § 1. *City council authorized to appoint a collector of taxes.*
 § 2. *Term of office one year.*
 § 3. *May extend time for the collection of taxes.*
In force March 5, 1873.

AN ACT for provide for the collection of revenue, and for the sale of real estate for non-payment of taxes for state, county, municipal or other purposes, for the year A. D. 1873, in cities situated in counties under township organization, in which no collector of taxes is now provided for by law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cities in this state, situated in counties under township organization, in which neither a township or city collector is now provided for by law, the city council of such city is hereby authorized and required to appoint a collector of taxes, within and for such city, and when appointed and duly qualified, shall possess all the powers, and perform the same duties within such city, as are required to be performed by town or district collectors, under the general revenue laws of this state, and shall be entitled to receive the same compensation as is now allowed town or district collectors. All the provisions of the general revenue laws of this state shall be applicable to

such collector, with like effects as to town or district collectors, except so far as is expressly provided in this act. Any collector so appointed may be removed by the city council of the city making the appointment.

§ 2. Such collector so appointed shall hold his office for one year, unless his successor is sooner appointed by said city council under this act, or elected pursuant to law. Before such collector shall enter upon his duties, he shall take an oath of office, and give bonds, as nearly as may be, as is now required of town and district collectors, in section one hundred and thirty-three of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872. Such bonds shall be approved by the city council appointing said collector, and shall be recorded in the office of the recorder of deeds of the county in which said city is situated, and said bond shall then be filed with the clerk of the county court, and such bond, when so recorded, shall be a lien against the real estate of such collector, until he shall have complied with the conditions thereof.

§ 3. In case of such appointment by any city council, such city council may, in its discretion, when deemed necessary to enable such collector to make such collection, extend the time for the collection of taxes in such city, for the year 1872, for a period not later than the tenth day of May, 1873, of which extension the county collector shall be promptly notified by the city clerk.

§ 4. Whereas there is no provision of law for the collection of state and other taxes in the city of Quincy, now extended upon the state tax books of said city, for the year A. D. 1872, and until this law shall go into effect such taxes cannot be collected, whereby an emergency exists, that this law should take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

APPROVED March 5, 1873.

§ 1. *Legalize assessments made by cities and towns for the year 1872. In force March 28, 1873.*

AN ACT to legalize the extension of taxes in certain cases.

WHEREAS, the proper authorities of some of the cities and incorporated towns in this state made their own assessment of property, and collected the tax thereon, for the year A. D. 1872, the same being completed, in many instances, nearly a year prior to the time when the taxes on the state assessment are completed; and, whereas, an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, requires all taxes to be extended on the assessment of property made under said act, it therefore becomes necessary that the proper authorities of such cities and towns be permitted to obtain such revenue as they may require, in order to bring their revenue year to conform to the state revenue law; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, in any case, where the proper authorities of cities and incorporated towns have certified to the county clerk the amount or amounts of revenue by them required, under section (122) one hundred and twenty-two of the state revenue law, and said*

clerk has computed a rate, to produce said amount or amounts, on the assessment of property made under the state revenue laws, for the year A. D. 1872, and extended the same on said assessment, as provided by the (127 and 128) one hundred and twenty-seventh and one hundred and twenty-eighth sections of said state revenue law, the action of said authorities and such county clerk is hereby declared legal and valid; and the city and town taxes, so extended, shall be and remain a lien on the property against which they are extended, to the same extent as now provided in sections (253 to 256) two hundred and fifty-three to two hundred and fifty-six, inclusive, of said act.

§ 2. Whereas the state revenue law in force July 1, 1872, requires all taxes to be extended on the assessment of property made under said act, therefore an emergency exists that this law should take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

APPROVED March 28, 1873.

§ 1. *Legislative authority to appoint assessor and collector.*
In force April 25, 1873.

AN ACT in regard to assessors and collectors of city taxes in incorporated cities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all incorporated cities in this state which now have or may hereafter be vested with power to make an assessment of property for taxation for city purposes, and in which there is or may be no city assessor authorized to make such assessment, and no city collector authorized to collect city taxes levied by any such city, it shall and may be lawful for the mayor of any such city to appoint, by and with the consent of the legislative authority thereof, a city assessor and a city collector, who shall hold office until a city assessor and a city collector for such city may be elected and qualified in the manner provided by law; and such city assessor and city collector so appointed shall perform like duties, have like powers and give like bonds, as provided by law in regard to such officers when elected by the people.

§ 2. It being important that all incorporated cities in this state should have power to proceed with the assessment and collection of their taxes at as early a date as practicable, an emergency has arisen requiring this act to take effect immediately; therefore, this act shall be in force from and after its passage.

APPROVED April 25, 1873.

- § 1. *County collector to advertise all real estate delinquent.*
 §§ 2. *Issuance of certificates, redemption of deed.*
 § 3. *Incorporations may become purchasers.*
In force May 2, 1873.

AN ACT in relation to the collection of taxes and special assessments.

WHEREAS certain requirements of the general revenue law of this state, relating to the mode of advertising the list of delinquent taxes and special assessments, to making application for judgment thereon, and the manner of making the tax sale, are impracticable; and whereas it is desirable to remove existing defects as to the manner of collecting the taxes and special assessments; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When a return to the county collector has been made or shall hereafter be made of any real estate delinquent for any special assessment, or annual installment thereof, levied by any incorporated city, town or village, or by any corporate authorities, commissioners or persons, pursuant to law, which assessment or installment thereof is required by law to be included in the advertisement and notice of application for judgment for state and county taxes, and the description or sub-division of any real estate described in such return is different from the description or sub-division thereof as described in the town or district collectors' book returned to such county collector, it shall and may be lawful for the county collector to advertise all the real estate delinquent for any such assessment described in such return, according to the description thereof, as contained in such return; but such advertisement shall be made at the same time, and shall form part of his advertisement of real estate delinquent for state and county taxes.

§ 2. The said real estate, so advertised, may be described in the county collectors' delinquent return, according to the description thereof, as contained in such return and advertisement; and like proceedings shall be had to the application for judgment, and the judgment thereon, the sale and issuance of the certificate of the sale thereof, redemption from such sales and issuance of deeds thereon, as may be required by law to be had in regard to lands delinquent for state and county taxes.

§ 3. Any incorporated city, town or village, or corporate authorities, commissioners, or persons interested in any such special assessment or installment thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf.

§ 4. Whereas many special assessments are now in process of collection, whereby an emergency exists why this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 2, 1873.

AUDITOR.

1. *Bond.*
 2. *Oath or affirmation.*
 3. *Governor may require additional bond.*
 4. *When office shall be deemed vacant.*
 5. *When suits may be instituted.*
 6. *Official seal.*
 7. *With whom to keep accounts.*
 8. *Issue warrants.*
 9. *Keep a record of all warrants drawn.*
 10. *Personally sign all warrants.*
 11. *Countersigned by the treasurer.*
 12. *Ascertain the amount due and payable.*
 13. *No sale or transfer shall prevent the making of deduction or offsets.*
 14. *Condition upon which he may issue duplicate warrants.*
 15. *Proper officer to institute all suits.*
 16. *How suits may be settled before execution.*
 17. *Shall keep record of all accounts, taxes or other moneys, and all amounts paid in the state treasury.*
 18. *Shall make a biennial report to the governor.*
 19. *Credit treasurer's account with amount of canceled warrants returned monthly.*
 20. *Countersign all receipts issued by the treasurer.*
 21. *Who shall not be employed.*
- In force July 1, 1873.*

AN ACT to revise the law in relation to the auditor of public accounts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the auditor of public accounts of this state shall, before entering upon the duties of his office, give bond, with two or more sufficient sureties, to be approved by the governor and two justices of the supreme court, payable to the People of the State of Illinois, in the sum of fifty thousand dollars, conditioned for the faithful discharge of his duties, and to deliver up all papers, books, records and other property appertaining to his office, whole, safe and undefaced, to his successor in office; and that he will give additional bonds, with sufficient sureties, when legally required—which bond shall be filed in the office of the secretary of state.*

§ 2. *He shall, before entering upon the duties of his office, take and subscribe the oath or affirmation prescribed by section twenty-five, article five, of the constitution, which shall be filed in the office of the secretary of state.*

§ 3. *Whenever the governor shall deem any bond filed by the auditor insufficient, he may require additional bond, in any penalty not exceeding that specified in section one hereof.*

§ 4. *If any person elected to the office of auditor shall fail to give bond, or take the oath required of him, within ten days after he is declared elected, the office shall be deemed vacant; and if the auditor, being required to give additional bond, as provided in section three hereof,*

fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the governor, be declared vacant, and filled as provided by law.

§ 5. Whenever the condition of any bond of the auditor is broken, it shall be the duty of the governor to order the same to be prosecuted. Suit may be instituted and prosecuted thereon to final judgment against the auditor or his sureties, or one or more of them, jointly or severally, without first establishing the liability of the auditor, by obtaining judgment against him alone.

§ 6. The auditor shall keep an official seal, which shall be used to authenticate all writings, papers and documents required by law to be certified from his office; and copies of all records, writings, papers and documents, legally in his keeping, when certified by him and authenticated by his official seal, shall be received in evidence in the same manner and with like effect as the originals.

§ 7. It shall be the duty of the auditor at all times to keep the accounts of the state with any state or territory, and with the United States, with all public officers, corporations and individuals, having accounts with this state; he shall audit all accounts of public officers who are to be paid out of the state treasury; of the members of the legislature, and all persons authorized to receive money out of the treasury, by virtue of any appropriation made, or to be made by law, particularly authorizing such account.

§ 8. On ascertaining the amount due any person from the treasury, the auditor shall grant his warrant on the treasury for the sum due.

§ 9. He shall keep a fair record of all warrants by him drawn, numbering the same, in a book to be kept for that purpose.

§ 10. * The auditor shall, in all cases, personally sign all warrants for money on the treasury of the state, and all other papers necessary and proper for the auditor to sign.

§ 11. In all cases where warrants for money are issued by the auditor upon the state treasurer, the said warrants, before they are delivered to the person for whose benefit the same are drawn, shall be presented by the auditor to the state treasurer, to be countersigned by the treasurer.

§ 12. Whenever any person shall be entitled to a warrant on the treasurer, on any account whatever, against whom there shall be any account or claim in favor of the state, then due and payable, the auditor of public accounts shall ascertain the amount due and payable to the state as aforesaid, and issue a warrant on the treasurer, stating the amount for which the party is entitled to a warrant, the amount deducted therefrom, and on what account, and directing the payment of the balance; which warrant so issued shall be entered on the books of the treasurer, as for the amount the party was entitled to, but the balance only shall be paid.

§ 13. No sale, transfer or assignment of any claim or demand against the state, or right to a warrant on the treasurer, shall prevent or affect the right of the auditor to make the deduction and offset provided in the foregoing section.

§ 14. If any auditor's warrant shall be lost, mislaid or destroyed, so that the same cannot be presented for payment by the person entitled thereto, it shall be lawful for the auditor, at any time before such warrant shall be paid at the treasury, to issue a duplicate warrant to the person having so lost any warrant as aforesaid, on such person filing

with the auditor an affidavit, in writing, sworn before some justice of the peace or judge, stating the loss or destruction of any such warrant, and the auditor shall immediately certify the same to the treasurer, who shall thereby be authorized to pay any such duplicate warrant: *Provided*, if any such warrant shall be, at the time of such loss or destruction (which fact shall be ascertained by the oath of the party making such application, or otherwise,) negotiable, then, before such certificate shall be given by the auditor, such person shall give him a bond in double the amount of the warrant, with two or more sufficient sureties, to be approved by the auditor, payable to the People of the State of Illinois, for the refunding of the amount, together with all costs and charges, should the state afterwards be compelled to pay the original warrant.

§ 15. The auditor shall be deemed the proper officer to institute all suits, motions and other proceedings in law and equity, in which the state is plaintiff, except in cases otherwise provided by law.

§ 16. Any person who may desire to settle and pay over the amount due, after suit has been commenced, and before execution has been issued, shall pay the same into the state treasury, and the auditor shall notify the clerk of the court where judgment was obtained of the fact, and such clerk shall indorse the judgment "satisfied." The sheriff or other officer who shall collect any funds due on execution in favor of the state, shall pay the same into the state treasury within one month after he has received said funds. Any such collection may be forwarded to the state treasurer, either by express or draft, as may be directed by the auditor.

§ 17. The auditor shall keep a correct record of all accounts by him audited, in books to be kept for that purpose. He shall, also, keep an account of all taxes or other moneys which may be due by any person to the state; and, also, an account of all amounts which may be paid into the state treasury.

§ 18. The auditor shall make out and present to the governor, at least ten days before each regular session of the general assembly, a report, showing the amount of warrants drawn on the treasury, stating, particularly, on what account they were drawn, and if drawn on the contingent fund, to whom, and for what they were issued. He shall, also, at the same time, report to the governor the amount of money received into the treasury, stating, particularly, the source from which the same may be derived; and, also, a general account of all the business of his office.

§ 19. The auditor shall credit the treasurer's account with the amount of canceled warrants returned to him, monthly, by the treasurer, and give him a receipt for the same, and shall enter the date of cancellation of such canceled warrants in his warrant book.

§ 20. The auditor shall countersign all receipts for moneys issued by the treasurer, and charge the treasurer with the amount thereof.

§ 21. No person shall be employed as clerk in the auditor's office, who is, at the same time, employed in any capacity in the treasurer's office.

§ 22. So much of chapter thirteen of the Revised Statutes of 1845, entitled "Auditor and Treasurer," as refers to the auditor of public accounts; and an act entitled "An act to enable the auditor of public accounts to prosecute claims in favor of the State," approved November 6, 1849; and an act entitled "An act to regulate the payment of money out of the treasury," approved February 17, 1851; and an act entitled "An act to authorize the payment of certain scrip, coupons, certificates

and other evidence of state indebtedness," approved February 22, 1861; and an act entitled "An act providing for the sale of lands received by the state in satisfaction of judgments," etc., approved March 25, 1869, and all other acts and parts of acts in conflict with this act, are hereby repealed, except as herein re-enacted: *Provided*, that this act shall not affect any rights existing or actions pending at the time it takes effect.

APPROVED April 25, 1873.

CEMETERIES.

- § 1. *Corporate authorities, for good cause, may remove remains; by whom the expense to be paid.*
In force July 1, 1873.

AN ACT to provide for the removal of cemeteries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* whenever any cemetery shall be embraced within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: *Provided*, said corporate authorities shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof: *And, provided, further*, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application.

APPROVED April 24, 1873.

CHANCERY.

- §§ 1. *Report in writing, to court, all moneys.*
 2. *What report shall contain.*
 3. *Court to make final orders or decrees.*
 4. *Cause for removal.*
In force July 1, 1873.

AN ACT to further define the duties of masters in chancery and to secure the prompt discharge of such duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* hereafter it shall be the duty of each master in chancery in this state, on or before the third day of any

regular term of the court by which he may have been appointed, to report in writing, verified by his affidavit, to such court all moneys which may have come to his hands by virtue of his office, from any source whatever, and which have not been paid out by the order or decree of said court.

§ 2. Such report shall contain a statement in detail showing the title of each cause of proceeding in said court, in consequence of which such money has come to the hands of such master in chancery; the amount derived from each cause or proceeding; what reason, if any, exists why an order or decree may not be made at the term when such report is submitted without jeopardizing the rights of parties to such cause or proceeding, for the payment of the whole or a part of such money to the party or parties entitled thereto; and if a part only, how much and to whom; and if at the same or any term subsequent to the submission of such report, an order or decree shall be made as hereinafter provided for the payment or other disposition of said money or any part thereof, then and in that case the report to be submitted at the term of court next succeeding such order or decree shall show in what manner such order or decree has been executed, or if the same remains unexecuted in whole or in part, the reason therefor.

§ 3. It shall be the duty of the court upon the submission of such report, or so soon thereafter as may be practicable, to make such interlocutory or final orders or decrees in relation to the payment or other disposition of the moneys embraced therein, or any portion of the same, as may appear to be consistent with and not to jeopardize any rights of any party or parties in interest.

§ 4. The failure of any master in chancery to submit a report as herein required, or to comply with any order or decree of the court in relation to the whole or any part of the moneys embraced therein, without a sufficient reason for such failure, to be determined by the court, shall be deemed and taken as a good and sufficient cause for his removal from office; and any person aggrieved, his agent or attorney, may submit to such court a motion requiring such master in chancery to show cause why he should not be so removed; which motion shall be heard and determined by said court, and such action taken thereon as in the judgment of said court may be deemed proper.

APPROVED April 29, 1873.

CITIES AND VILLAGES.

§ 1. *To cure defects in organization.* *In force April 18, 1873.*

AN ACT to enable incorporated towns to cure defects in their organization and to become organized as villages.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be lawful for any town which has at any time heretofore endeavored to become incorporated under*

any law of the state heretofore in force, and which now exists as an incorporation *de facto*, and has or may have in office a board of trustees elected by the people, to organize and become incorporated as a village under the act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in like manner as provided in section one of article eleven of said act, notwithstanding such former organization may have been defective and unauthorized by law and such town may have less than three hundred inhabitants; and after organizing as such village, no defect in such former organization shall in any manner impair the organization of such village.

§ 2. Inasmuch as there are various towns in the state, whose proceedings to become incorporated were defective, and not in compliance with law, but which have in good faith elected boards of trustees, and become corporations *de facto*; and whereas the public interest demands that the question as to the right of such corporation to continue in existence should be speedily settled, an emergency exists requiring this act to take effect immediately; therefore this act shall take effect and be in force from and after its passage.

APPROVED April 18, 1873.

- § 1. *Repealing section.*
 § 2. *Amending section.*
In force July 1, 1873.

AN ACT to repeal section twenty-five, and to amend sections twenty-seven and twenty-eight of article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-five (25) of article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby repealed.

§ 2. That section twenty-seven (27) of article nine (9) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby amended so as to read as follows:

"§ 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice substantially in the following form:

Mr. Your (here give a short description of the premises) is assessed \$.... for public improvement. The assessment roll will be returned to the term of the county court of county.

(Here give date.)

.....

Commissioners.

Second—They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper,

or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper; or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested that the city council (or board of trustees, as the case may be,) of, having ordered that (here insert the description and nature of improvements substantially as in ordinance,) have applied to the county court of county for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the term of said court, commencing on the day of, A. D. 18.. All persons desiring may then and there appear and make their defense.

(Here give date.)

.....

Commissioners.

And that section twenty-eight (28) of article nine of said act be and the same is hereby amended, so as to read as follows:

“On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court stating that they have sent, or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.”

APPROVED April 25, 1873.

§ 1. *Salaries of city officers—How provided for, and limitation on.*
In force April 23, 1873.

AN ACT to enable the corporate authorities of cities to establish and fix salaries of city officers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid.

§ 2. Whereas, the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect: therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 23, 1873.

§ 1. *Appropriations, how transferred.*
In force July 1, 1873.

AN ACT authorizing towns and cities which have raised money for a specific purpose, to appropriate the same for other purposes.

WHEREAS various towns and cities in this state have levied and collected taxes for specific purposes; and whereas, the necessity for expending said money for said specific purposes has ceased to exist, or an insufficient amount has been raised; and whereas, there is no statute authorizing the appropriation or use of such money for any other purpose than that for which the same was raised; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several towns and cities of this state which have raised money by taxation for a specific purpose, or an insufficient amount has been raised, be and they are hereby authorized, by vote of the electors thereof, at any regular or special town meeting or election to be held therein, after due and legal notice of such town meeting or election shall have been given, to appropriate such money to such objects or purposes as a majority of the voters, voting at such town meeting or election, may determine.

APPROVED May 3, 1873.

COPYING LAWS AND JOURNALS.

- § 1. *Advertising—proposals—contract.*
 - § 2. *Duty of contractor; printer to notify secretary of state when copy is wanted.*
 - § 3. *Where and how work to be done.*
 - § 4. *Accurately and plainly written.*
 - § 5. *Re-letting, limitation, exclusion of state officers.*
 - § 6. *Rules and manner of account to be audited.*
 - § 7. *Contractor to be prosecuted for failure to comply with contract.*
 - § 8. *Original journals to be bound in books.*
 - § 9. *What to be copied and for whom.*
 - § 10. *When to advertise.*
- In force April 29, 1873.*

AN ACT to provide for copying the laws and journals of the general assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at least four weeks before the meeting of the general assembly the commissioners of public printing shall

advertise in a daily newspaper printed in the cities of Chicago, Springfield and Cairo, for sealed proposals for copying the laws, joint resolutions and journals of the then succeeding general assembly; which advertisement shall be published for two weeks. Such proposals shall be in triplicate and accompanied by a bond in the penal sum of five thousand dollars, signed by two sureties; which said bond must be satisfactory to the said commissioners, and approved by the governor and filed in his office until the award shall be made, when the said bond shall be deposited in the office of the state treasurer, and placed in the vaults thereof for safe keeping. One of the aforesaid bids, made in triplicate, shall be filed with each of the said commissioners, who shall indorse upon the envelope the date and hour when filed; and it shall be the duty of said commissioners to ascertain that the bidder has filed a proposal with each of the other of said commissioners; and no proposal shall be withdrawn after it shall have been filed or left with said commissioners. At the time designated in said advertisement for the opening of proposals, the commissioners of public printing, or any two of them, shall open said proposals in the office of the governor, in his presence, and with his approval immediately award the contract to the lowest responsible bidder: *Provided*, that said commissioners and the governor may reject any or all bids at their discretion; and no contract shall be made for a greater sum than five cents per one hundred words, actual count.

§ 2. That it shall be the duty of the person receiving the contract for copying the laws, journals and joint resolutions, to copy such laws, journals and joint resolutions as fast as the same shall be required by the public printer; and in case such contractor shall neglect or fail, from any cause, to copy the laws, joint resolutions or journals as fast as the same shall be required by the public printer, it shall be the duty of the public printer at once to notify the secretary of state, in writing; of such neglect or failure; and the want of copy shall be no excuse for the printer not performing his contract, unless he shall give notice, in writing, as aforesaid, and then only for the length of time such printer, is actually delayed for want of copy.

§ 3. That the copying of the laws, joint resolutions and journals shall be done in the state house, under the personal supervision of the secretary of state; and such copies shall be carefully compared with the original in his office before being printed.

§ 4. That it shall be the duty of the contractor to do such copying accurately, and in a plain, legible hand.

§ 5. That if the governor shall refuse to approve the contracts made under section one (1) of this act, after advertising as therein mentioned, or if the contractor shall fail to comply with the provisions of his contract, or of this act, it shall be the duty of the commissioners of public printing, with the approval of the governor, to re-let the contract in such manner as said commissioners and the governor shall think will be for the best interests of the state: *Provided, however*, that such copying shall, in no case, cost the state more than six cents per one hundred words, and that no officer of the state shall derive any profit therefrom.

§ 6. The contractor shall, from time to time, under rules to be prescribed by the commissioners of public printing, file with the secretary of state his account in detail, stating what copying has been done by him, and the number of words; and all accounts so filed shall be carefully examined by the secretary of state and compared with the work

done; and if any errors be found in such account, the secretary shall immediately correct the same and return it to the contractor who rendered it; and when the account is finally corrected and adjusted, he shall certify the same to the commissioners of public printing, who shall carefully examine the same; and when approved by said commissioners, or any two of them, the auditor of the state shall draw a warrant upon the treasurer therefor, payable out of any moneys appropriated for that purpose.

§ 7. That if the contractor shall at any time neglect or fail to comply with his contract, it shall be the duty of the secretary of state, under the direction of said commissioners, to notify the attorney-general, and of the attorney-general to at once bring suit on the bond of such contractor, against him and his sureties, and prosecute the same to judgment.

§ 8. The original journals, which may be prepared by the secretary of the senate and the clerk of the house of representatives, shall be securely bound in books and filed in the office of the secretary of state.

§ 9. There shall be copied, for the use of the public printer, one copy of all the laws and joint resolutions passed by the general assembly, and one copy of the journals of each house thereof; but no reports which are required to be made to the governor or to the general assembly, annually or biennially, shall be included in such journals.

§ 10. Immediately after the passage of this act it shall be the duty of the commissioners of public printing to advertise for proposals to do the copying of the laws and journals of the twenty-eighth general assembly, and shall award the contract in the manner and form provided in section one of this act, as near as may be.

§ 11. Whereas the constitution requires that the copying of the laws and journals shall be let by contract; and whereas, there is now no law providing for letting such contract, an emergency exists: therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 29, 1873.

CONTRACTS.

§ 1. *Execution of deed by executor or conservator, etc.* *In force April 24, 1874.*

AN ACT to amend an act entitled "An act in regard to contracts under seal, and relating to sales of real estate and the enforcement thereof."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of an act entitled "An act in regard to contracts under seal, and relating to sales of real estate, and the enforcement thereof," approved March 19, 1872, and in force July 1, 1872, be amended, so as to read as follows:

"§ 2. When any person, who has heretofore entered, or may hereafter enter into any contract, bond or memorandum in writing, to make a deed or title to land in this state, for a valuable consideration, and shall

have died, or become lunatic or insane, without having executed and delivered said deed, it shall and may be lawful for any court, having chancery jurisdiction, in the county where the land, or some part thereof, may be situated, to make an order compelling the executors or administrators of such deceased person, or conservator of such lunatic or insane person, to execute and deliver such deed to the party having such equitable right, as aforesaid, to the same, or his heirs, according to the true intent and meaning of said contract, bond or memorandum; and all such deeds shall be good and valid in law."

§ 3. Whereas county courts have not general chancery jurisdiction, and doubts exist as to whether the act to which this act is an amendment can be enforced, whereby an emergency exists for this act to take effect from and after its passage; therefore this act shall take effect and be in force from and after its passage.

APPROVED April 24, 1873.

COUNTIES.

- § 1. *Commissioners, by a two-thirds vote, issue bonds for county purposes.*
 § 2. *Increased appropriation by a vote of the people.*
In force July 1, 1873.

AN ACT to amend sections one (1) and three (3) of an act entitled "An act to enable counties having over one hundred thousand inhabitants to issue bonds and borrow money for county purposes," approved February 23, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one of an act entitled "An act to enable counties having over one hundred thousand inhabitants to issue bonds and borrow money for county purposes," approved February 23, 1872, be and the same is hereby amended so that the same shall read as follows: "That the board of commissioners of counties containing over one hundred thousand inhabitants may, in their discretion, by a two-thirds vote, for the purpose of erecting a court house on the site heretofore used for that purpose, and a jail, and other necessary public buildings for the use of said county, at such points and places as may be selected by said board, and for the purpose of funding the floating debt of said county, issue the bonds of said county from time to time, as the same may be required, to bear interest not exceeding seven per centum per annum, payable semi-annually: Provided, that the issuing of said bonds is hereby limited by the constitutional limitation which limits the amount of indebtedness, including that then existing, to five per centum on the value of the taxable property in the county, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, the principal and interest of said bonds to be made payable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as such board shall designate. And the said board may authorize said bonds to be sold from time to time, at not less than their par value, and by a two-thirds vote of said board they may be sold at less than par; the*

proceeds thereof to be paid into the county treasury, to be used as required for the purposes aforesaid: *Provided*, no bonds shall be issued or sold under the provisions hereof, after six years from the time when this act shall take effect."

§ 2. *Be it further enacted*, That section three of an act entitled "An act to enable counties having over one hundred thousand inhabitants to issue bonds and borrow money for county purposes," approved February 23, 1872, be and the same is hereby amended so that the same shall read as follows, to-wit: "In case said board of commissioners shall issue and sell the bonds of said county, in pursuance thereof, they shall from time to time, as the same may be required, cause taxes to be levied upon the taxable property within the limits of said county, for the payment of the principal and interest of said bonds as the same shall become due and payable—which taxes shall be collected as other county taxes, and when collected shall be applied to the payment of said principal and interest. In case, however, the county board shall be of the opinion that the tax of seventy-five cents on the one hundred dollars' valuation authorized by the constitution is inadequate for county purposes, and to provide for the payment of the interest of said bonds and to discharge the principal within twenty years, or any portion of such bonds that may be issued, they shall have power to provide for such interest and principal by assessing a greater tax upon the valuation when authorized by a vote of the people of the county. In such case the county board shall, prior to the issue of such bonds, adopt a resolution setting forth substantially the purpose for which said bonds are proposed to be issued, together with the fact that an additional rate of taxation is necessary, and the probable rate required per annum in excess of seventy-five cents on the one hundred dollars' valuation, for a period of years not exceeding twenty, and that the question of assessing the additional rate shall be submitted to a vote of the people of the county at the next election thereafter to be held for the election of county officers. Such question shall be submitted to such vote at the next election for county officers held after the adoption of such resolution, and it shall be the duty of the county clerk, in his election notice, to give notice of such submission. The tickets shall be written or printed, on a separate ticket, "For additional tax," or "Against additional tax." And if a majority of the votes cast on the subject are "for additional tax," then the said board shall be authorized, in addition to the rate of seventy-five cents on the one hundred dollars' valuation, to levy a rate each year not exceeding that set forth in such resolution on the one hundred dollars' valuation, for a period not exceeding twenty years from and after the date of such bonds, or the last issue thereof, and the same shall be extended and collected as other county taxes; and such tax when collected shall be set apart as a fund to pay such interest and principal. The judges of election shall deposit the ballots in a separate box, to be provided by the county board for that purpose, and the same shall be counted and returns thereof made as in other cases of elections. The returns shall be canvassed in the same manner and by the same persons prescribed by law in case of county officers.

APPROVED April 1, 1873.

- §
1. *Bounties funded by county bonds.*
 2. *Refunding taxes paid.*
 3. *Payment of the interest and of the principal.*
 4. *Bond receivable in payment of county taxes.*
 5. *Bond to show authority.*
- In force July 1, 1873.*

AN ACT to enable any county which has heretofore, in pursuance of law, contracted an indebtedness by issuing and delivering bounty orders to persons who enlisted and were mustered into the military service of the United States, which remains unpaid, to fund the same, by issuing to the lawful holders thereof bonds, payable in such time, not exceeding twenty years, as may be deemed expedient, and bearing a rate of interest not less than six nor more than ten per centum per annum.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any county which has heretofore, in pursuance of law, contracted an indebtedness, by issuing and delivering bounty orders to persons who enlisted and were mustered into the military service of the United States, which remains unpaid, may, by its corporate authority, fund the same, by issuing to the lawful holders of such indebtedness, whether now in the form of judgments or bounty orders, the bonds of such county for and in lieu thereof, payable in such time, not exceeding twenty years, as may be deemed expedient by the corporate authority of such county, and bearing a rate of interest not less than six nor more than ten per centum per annum, payable annually on coupons attached to such bonds.

§ 2. When a tax has been heretofore levied by any such county for the purpose of paying any such indebtedness, and the same has been only collected in part, and the collection of the residue has been rendered impossible by lapse of time, negligence of officers, writ or writs of injunction, or from any other cause, such county shall, by its corporate authority, issue its bonds to the respective taxpayers, who have made payment on such levy for the amounts respectively paid; which bonds shall be payable and draw interest as provided in section one of this act.

§ 3. The corporate authority of any such county shall annually levy and cause to be collected from the taxable property of such county a sum sufficient to pay the interest accruing on such bonds, and such sum in addition thereto as such corporate authority may deem expedient for the payment of the principal of such bonds.

§ 4. Said bonds and coupons shall be receivable at their par value in discharge of all taxes that may hereafter be levied by the corporate authority of any such county for their payment.

§ 5. All bonds so issued by the corporate authority of any such county, shall show on their face that they are issued under the authority of this act.

APPROVED April 24, 1873.

- § 1. *Treasurer ex-officio assessor.*
 § 2. *General repeal.*
In force July 1, 1873.

AN ACT to consolidate the offices of county treasurer and county assessor in counties not under township organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In counties not under township organization there shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every two years thereafter, a county treasurer, who shall be *ex-officio* the county assessor, and who shall receive all fees as treasurer and assessor as is provided by law, and who shall hold his office for two years, and until his successor is elected and qualified.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 2, 1873.

- § 1. *How boundaries to be changed.*
 § 2. *Notices of election.*
 § 3. *Manner and effect of election.*
 § 4. *Limitation as to extent.*
 § 5. *Proportionate indebtedness not released.*
 § 6. *How far new territory liable for county indebtedness.*
 § 7. *When supervisors or commissioners may order elections.*
In force July 1, 1873

AN ACT to provide for transferring territory from one county to another.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when a majority of the legal voters residing upon any territory, not less than half of one congressional township, shall petition the board of supervisors or the board of county commissioners, of their own county, and the county to which they desire such territory to be transferred, for leave to have such territory transferred to such county, it shall be the duty of said board of supervisors or board of county commissioners to order an election for such purpose, in such counties, to be held within three months from the time of receiving such petition; which election shall be governed by the laws of the state of Illinois relating to general elections, and returns of said election shall be made to the secretary of state, as for county officers.

§ 2. Notices of such election shall contain a description of the territory proposed to be transferred, the name of the counties from and to which such territory is proposed to be transferred, and shall be posted as required for general elections.

§ 3. The ballots used at said election may be in the following form, to-wit: "For transferring territory," and "Against transferring territory," when, if a majority of the voters voting upon said question, in the county from which said territory is proposed to be taken, and a ma-

majority of the voters of the county to which the same is proposed to be transferred shall be "For transferring territory," then the said territory shall be transferred to and become a part of the county to which it is proposed to transfer the same, on and after the first day of March succeeding such elections, and shall be subject to all the laws, rules and regulations thereof: *Provided*, that all assessments and collections of taxes, and judicial or other official proceedings commenced prior to said first day of March, shall be continued, prosecuted and completed, in the same manner as if no such transfer had been made: *And, provided, further*, that all township or precinct officers within said transferred territory, shall continue to hold their respective offices within the county to which they may be transferred, until their respective terms of office expire.

§ 4. No county shall be reduced, under the provisions of this act, to less contents than four hundred square miles; nor shall any county line be made to pass within less than ten miles of the county seat of the county from which territory is so transferred.

§ 5. No territory transferred, under the provisions of this act, shall be released from the payment of its proportion of the debts of the county from which such territory is transferred; and such proportionate indebtedness from such transferred territory shall be collected by the county to which such territory is transferred, at an equal or greater rate than is levied and collected in the county from which such territory was transferred—such rate to be ascertained by the certificate of the county clerk of said county, and when so collected to be paid over to the county entitled thereto.

§ 6. When the county to which such territory is transferred shall also be indebted, the board of supervisors or board of county commissioners of such county shall release such transferred territory from the payment of such indebtedness, to an amount equal to that which said territory is required to pay to the county from which it was transferred.

§ 7. When a majority of the legal voters of any territory, less than half of one congressional township, shall petition the boards of supervisors or boards of county commissioners, as provided in section one of this act, the said supervisors or county commissioners may, in their discretion, order elections to be held as herein provided; and in any case where elections have been held under this act, and the result has been adverse to the petitioners, it shall be in the discretion of the said supervisors or county commissioners to order another election, on a petition to transfer the same territory, within three years from the time of holding such former election.

§ 8. That so much of chapter eighty-two of the Revised Statutes of 1845, entitled "Petitions," as relates to the division of counties, or petitions for such division, approved March 3, 1845, and all other acts in conflict with the provisions of this act, are hereby repealed.

APPROVED May 1, 1873.

In force September 16, 1873.

AN ACT to repeal an act entitled "An act to provide for the appointment of a clerk of the board of supervisors in Winnebago county," approved February 9, 1855.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to provide for the appointment of a clerk of the board of supervisors in Winnebago county," approved February 9, 1855, be and the same is hereby repealed.

§ 2. This act shall not take effect until the 16th day of September, 1873; and upon its taking effect, all general laws in relation to the powers and duties of county clerks shall have like force and effect in said Winnebago county, as in other counties in this state.

APPROVED May 1, 1873.

CRIMINAL JURISPRUDENCE.

§ 1. *Intimidation; combination; entering coal banks after being prohibited; entering coal banks to commit injury or intimidate workmen.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to amend chapter thirty of the Revised Statutes, entitled 'Criminal Jurisprudence,'" approved February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to amend chapter thirty of the Revised Statutes, entitled 'Criminal Jurisprudence,'" approved February 13, 1863, be and the same is hereby amended, so as to read as follows:

"§ 1. If any person shall, by threat, intimidation or unlawful interference, seek to prevent any other person from working, or from obtaining work, at any lawful business on any terms that he or she may see fit, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one hundred dollars.

"§ 2. If any two or more persons shall combine for the purpose of depriving the owner or possessor of property of its lawful use and management, or of preventing by threats, suggestions of danger or any unlawful means, any person or persons from being employed by, or obtaining employment from any such owner or possessor of property, on such terms as the parties concerned may agree upon, such persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months.

"§ 3. If any person shall enter the coal-banks of another without the expressed or implied consent of the owner or manager thereof, after notice that such entry is prohibited, such person shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or imprisonment in the county jail not more than six months.

“§ 4. If any person shall enter the coal-banks of another with intent to commit injury thereto, or by threats, intimidations, or other unlawful proceedings, to cause any person employed therein to leave his employment, such person shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both.”

APPROVED March 19, 1873.

COURTS—CIRCUIT.

§ 1. *Against fire or life insurance companies.*
In force July 1, 1873.

AN ACT concerning the jurisdiction of circuit courts, in cases instituted against life and fire insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit court of the county wherein the plaintiff or complainant may reside, shall have jurisdiction of all actions hereafter to be commenced by any individual against any fire or life insurance company, either incorporated by any law of this state or doing business in this state. And all process issued in any cause commenced in the county wherein the plaintiff may reside, wherein an individual may be plaintiff or complainant, and any such company defendant, may be directed to any county of this state for service and return.

APPROVED April 3, 1873.

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- § 1. *Fix time of holding court in the several counties, except Cook.*
 § 2. *Grand or petit jury summoned at the discretion of the court.*
 § 3. *All processes to be returnable to the term of court, in each county, held under this act.*
 § 4. *What laws repealed.*
In force June 15, 1873.

AN ACT concerning circuit courts, and to fix the times for holding the same in the several counties in the judicial circuits in the state of Illinois, exclusive of the county of Cook.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the times of holding the circuit courts in the several counties composing the various judicial circuits in the state of Illinois, exclusive of the county of Cook, as said circuits have been defined by a law of the general assembly, approved March 28, A. D. 1873, be as follows:

First Circuit.—In the county of Jo Daviess, on the second Mondays of November and February, and the fourth Monday in May; in the county of Stephenson, on the first Mondays of September and December, and the third Monday of March; and in the county of Winnebago, on

the first Monday in October, second Monday in January, and the fourth Monday of April.

Second Circuit.—In the county of Boone, on the second Mondays of September and February; in the county of De Kalb, on the second Monday of June and fourth Mondays of October and February; in the county of McHenry, on the fourth Monday of September and second Mondays of January and May; in the county of Lake, on the second Monday of March and third Monday of November.

Third Circuit.—In the county of Whiteside, on the fourth Monday of August and first Monday of December, second Monday of March and second Monday of June; in the county of Carroll, on the third Monday of September, first Monday of January, and second Monday of April; in the county of Ogle, on the first Monday of October, third Monday of January and fourth Monday of April; in the county of Lee, on the fourth Monday of October, second Monday of February, and third Monday of May.

Fourth Circuit.—In the county of Kane, on the first Monday of February, first Monday of May and first Monday in October; in the county of Du Page, on the third Monday of March and third Monday of September; in the county of Kendall, on the fourth of Monday of May and second Monday in January.

Fifth Circuit.—In the county of Rock Island, on the first Mondays of January, May and September; in the county of Henry, on the second Mondays of February, June and October; in the county of Mercer, on the third Monday of March, fourth Monday of November and second Monday of August.

Sixth Circuit.—In the county of La Salle, on the third Monday of January, first Monday of June and second Monday of October; in the county of Bureau, on the third Monday of March, and fourth Monday of August and first Monday of December.

Seventh Circuit.—In the county of Grundy, on the third Monday of November and second Monday of March; in the county of Will, on the first Monday of January, second Monday of May and first Monday of October.

Eighth Circuit.—In the county of Knox, on the first Mondays of February and June, and the third Monday of October; in the county of Warren, on the first Mondays of January and May, and third Monday of September; in the county of Henderson, on the second Monday of March and fourth Monday of August.

Ninth Circuit.—In the county of Peoria, on the first Mondays in February, May, October and December; in the county of Stark, on the second Mondays of March and September.

Tenth Circuit.—In the county of Adams, on the third Monday of February and fourth Monday of March, and on the third Monday of May, and on the third Monday of June, and third Monday of September, and on the fourth Monday of October and second Monday of December; in the county of Hancock, on the first Mondays of March, June and October.

Eleventh Circuit.—In the county of Fulton, on the third Tuesday of April, fourth Tuesday of August, and second Tuesday of December; in the county of Schuyler, on the first Tuesday of May and fourth Tuesday of October; in the county of McDonough, on the third Tuesday of March and fourth Tuesday of September; in the county of Brown, on the first Tuesday of March and second Tuesday of September; in the

county of Pike, on the first Tuesday of April and second Tuesday of October.

Twelfth Circuit.—In the county of Tazewell, on the first Mondays of May and February, and second Mondays of September and November; in the county of Marshall, on the first Mondays in January, June and October; in the county of Putnam, on the first Monday of March and fourth Monday of October; in the county of Woodford, on the first Mondays of April, August and December.

Thirteenth Circuit.—In the county of Livingston, on the first Tuesdays of January and May and second Tuesday of October; in the county of Iroquois, on the first Tuesdays of March and November, and third Tuesday of June; in the county of Kankakee, on the first Tuesdays of April and December, and third Tuesday of September.

Fourteenth Circuit.—In the county of McLean, on the second Monday of September, first Monday of November, first Monday of February, and fourth Monday of May; in the county of Ford, on the third Tuesday of August, and first Tuesdays of April and December.

Fifteenth Circuit.—In the county of Coles, on the second Tuesday in January and first Tuesday in October; in the county of Edgar, on the third Tuesday in February and second Tuesday in November; in the county of Vermilion, on the second Tuesday in March and third Tuesday in August; in the county of Douglas, on the third Tuesday in April and fourth Tuesday in September; in the county of Clark, on the second Tuesday after the third Tuesday in April, and the first Tuesday in December.

Sixteenth Circuit.—In the county of Piatt, on the first Monday of September and first Monday in February; in the county of Champaign, on the third Monday of September and first Monday in March; in the county of Moultrie, on the third Monday in November and third Monday of April; in the county of Macon, on the first Mondays of December and the second Monday of May, and first Monday in August.

Seventeenth Circuit.—In the county of DeWitt, on the third Monday of March and fourth Monday of August and first Monday of December; in the county of Logan, on the third Mondays of January, May and September; in the county of Menard, on the first Monday of March, and third Monday of July and October; in the county of Mason, on the second Monday of February and first Mondays of August and November.

Eighteenth Circuit.—In the county of Cass, on the second Monday of February, and third Monday of August; in the county of Greene, on the fourth Monday of February, and first Monday of September; in the county of Jersey, on third Monday of March, and fourth Monday of September; in the county of Calhoun, on the second Mondays of April and October; in the county of Scott, on the fourth Mondays of April and October; in the county of Morgan, on the second Mondays of May and November. *Summer Term.*—In the county of Morgan, on the first Monday of August. This August term shall be devoted exclusively to the impaneling of a grand jury, the trial of criminal cases, and the transaction of any business in civil and chancery cases not requiring a jury trial, or when a jury may be waived.

Nineteenth Circuit.—In the county of Sangamon, on the third Monday of February, first Monday of May, and first Monday of October; in the county of Macoupin, on the third Monday of March, fourth Monday of August, and first Monday of December.

Twentieth Circuit.—In the county of Christian, on the first Tuesday of February, and third Tuesday of August; in the county of Montgomery, on the seventh Tuesday after the first Tuesday of February, and on the twelfth Tuesday after the third Tuesday of August; in the county of Fayette, on the third Tuesday after the first Tuesday in February, and the fourth Tuesday after the third Tuesday in August; in the county of Shelby, on the fourth Tuesday of May, and on the eighth Tuesday after the third Tuesday of August.

Twenty-first Circuit.—In the county of Lawrence, on the first Mondays of February and August; in the county of Cumberland, on the third Mondays of February and August; in the county of Crawford, on the first Mondays of March and September; in the county of Effingham, on the third Mondays of March and September; in the county of Richland, on the second Mondays of April and November; in the county of Clay, on the fourth Monday of April, and third Monday of October; in the county of Jasper, on the third Monday of May, and first Monday of December.

Twenty-second Circuit.—In the county of St. Clair, on the first Monday of January, third Monday of April and third Monday of September; in the county of Madison, on the third Monday of March and third Monday of October; in the county of Bond, on the first Monday of March, and first Monday of September.

Twenty-third Circuit.—In the county of Marion, on the third Monday of February and third Monday of August; in the county of Monroe, on the first Mondays of March and September; in the county of Randolph, on the second Mondays thereafter; in the county of Washington, on the third Mondays thereafter; in the county of Perry, on the third Mondays thereafter; in the county of Clinton, on the second Mondays thereafter.

Twenty-fourth Circuit.—In the county of Jefferson, on the second Monday of February, and first Monday in September; in the county of Hamilton, on the third Monday after the first Monday of February, and second Monday after the first Monday of September; in the county of Wayne, on the second Mondays thereafter; in the county of Edwards, on the third Monday thereafter for the spring term, and the second Monday thereafter for the fall term; in the county of Wabash, on the first Mondays thereafter; in the county of White, on the second Monday thereafter for the spring term, and second Monday thereafter for the fall term; in the county of Gallatin, on the fourth Mondays of May and November.

Twenty-fifth Circuit.—In the county of Union, on the second Monday of March, and first Monday of September; in the county of Jackson, on the fourth Monday of March, and third Mondays of June and September; in the county of Williamson, on the second Mondays of April and October; in the county of Franklin, on the fourth Mondays of April and October; in the county of Saline, on the second Mondays of May and November.

Twenty-sixth Circuit.—In the county of Alexander, on the first Monday of January, third Monday of May, and first Monday of September; in the county of Pulaski, on the third Monday of February, and first Monday of October; in the county of Pope, on the third Monday of March, and first Monday of November; in the county of Massac, on the third Monday of April, and third Monday of November; in the county of Hardin, on the first Monday of April, and fourth Monday of October; in the county of Johnson, on the first Mondays of May and December.

§ 2. When, in the opinion of the judge of any of the foregoing circuits, it shall not be necessary, for the speedy administration of justice, to summon a grand and petit jury, or either of them, he may, by an order to be made either in term time or vacation, and to be entered of record in the office of the clerk of the circuit court of the county affected thereby, dispense with either or both of such juries, for any term or part of term of such circuit court, and may designate what term or terms or part or parts thereof shall be devoted to criminal or chancery business, which order shall stand until rescinded by the court in term time, or by the judge thereof in vacation.

§ 3. All summons, subpoenas, writs, bonds, recognizances, venirens, papers and processes of any kind whatever, made and served for or returnable to the several terms of court, at such times as said terms are required to be held by law, in force immediately prior to the time this act shall take effect, shall be deemed and taken, and shall have the same force and effect as if the same had been made and served for, or returnable to the first terms of court to be held in each county, as fixed by this act; and no action, suit, case or proceeding now pending in any of the circuit courts, shall be abated by force of the provisions of this act.

§ 4. All laws and parts of laws in conflict with this act are hereby repealed.

Whereas an election takes place for circuit judges on the second day of next June, for the judicial circuits fixed in the act dividing the state, exclusive of the county of Cook; into twenty six judicial circuits; and whereas the old judges hold courts in the old circuits until their successors are elected and qualified; and whereas several circuit courts in the state are held in the month of June; therefore an emergency has arisen requiring this act to take effect during said month of June; therefore this act shall take effect and be in force from and after the 15th day of June, A. D. 1873.

APPROVED May 2, 1873.

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- § 1. *Judges to hold branch courts in other judicial districts.*
 § 2. *Pay of judge for services rendered out of his circuit.*
In force May 3, 1873.

AN ACT authorizing circuit judges to hold branch or branches of courts in other than their judicial districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any judge or judges of any circuit court, or of the superior court of Cook county, shall request any judge or judges of any other court of record to come to the assistance of such judge or judges making such request, in the trial of causes, and in other matters pending in court, it shall be lawful for such judge or judges, so requested, to hold a branch or branches of the court to which he or they are so requested to come, with the same force and effect as if he was, or they were, the judge or judges of such court.*

§ 1½. For every day's time employed by any judge out of his circuit, under the preceding section, the county board of the county in which such judge shall so hold court, may, out of the county treasury, order a sum, in the discretion of the county board, not exceeding ten dollars per day, to be paid: *Provided*, that this section shall not apply to any judge during the term for which said judge is elected.

§ 2. Whereas there is an emergency, on account of the large amount and great press of business in the circuit and superior courts of Cook county, why this act should take effect immediately; therefore this act shall take effect and be in force from and after its passage.

APPROVED May 3, 1873.

§ 1. *Present judges to hold courts as heretofore until expiration of terms. In force March 28, 1873.*

AN ACT to authorize the present judges of the circuit courts to hold terms of court in the counties, and set the times as required by law, in force on the 18th day of March, A. D. 1873, until the expiration of their terms of office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the present judges of the circuit courts be and they are hereby authorized, until the expiration of the present terms of office of said judges, to hold terms of court in the several counties which constituted their respective circuits, on the 18th day of March, A. D. 1873, at such times as said terms were required to be held by law, in force on the day aforesaid.*

§ 2. Whereas by reason of the passage of an act changing the circuits and reducing their number, and in order that the administering of justice may be freed from embarrassments occasioned thereby, an emergency exists; therefore this act shall take effect and be in force from and after its passage.

APPROVED March 28, 1873.

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- § 1. *Repealing act of February 20, 1869.*
 § 2. *Causes transferred to circuit courts.*
 § 3. *Books, papers, etc., retained in circuit clerk's office.*
 § 4. *Certified writs, records, etc., to be evidence.*
 § 5. *Remanded causes to be returned to circuit court.*
 § 6. *Clerk to certify records as now required by law.*
 § 7. *No salary allowed officers after this act takes effect.*
In force April 29, 1873.

AN ACT to repeal an act entitled "An act to establish a common pleas court in the city of Mattoon," in force February 20, 1869.

WHEREAS, "the common pleas court in the city of Mattoon," in Coles county, established by an act of the general assembly, entitled "An act to establish a common pleas court in the city of Mattoon," in force February 20, 1869, is unnecessary, and a source of great expense to the

people of said city of Mattoon, wherefore it is deemed that an emergency exists which requires this act to be in force before the first day of July next;

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act establishing the common pleas court of the city of Mattoon, in Coles county, in force February 20, 1869, be and the same is hereby repealed.

§ 2. All causes now pending in said court shall be transferred to the circuit court of Coles county, state of Illinois, and may be tried and disposed of in the same manner in said circuit court that they might have been in said court of common pleas.

§ 3. All books, papers, records and reports of every kind and description whatsoever, belonging to the said court of common pleas, whether in the hands of the judge, clerk, marshal, deputy or commissioner of said court of common pleas, shall be transferred to the said circuit court, and shall have the same force and effect that they now have by law, and the records and papers aforesaid shall be taken charge of by the clerk of the circuit court of said county and retained in the said office of said circuit clerk; and after such records, books, reports and papers have been transferred to said circuit court, fee bills and executions may issue from such circuit court on judgments rendered in said court of common pleas, which said fee bills and executions shall have the same effect and force as if issued from said court of common pleas before the passage of this act.

§ 4. All copies of any such records, writs, judgments, executions, decrees and orders of said court of common pleas, and any return upon any such writ by an officer of said court, or other proceedings having been had in said common pleas court, when properly certified by the clerk of the said circuit court, may be read and used in evidence in any court of record in this state.

§ 5. All appeals, writs of error, and all proceedings of any kind whatsoever, heretofore taken from or out of said court of common pleas to the supreme court of this state, shall, if remanded or returned for any cause, be remanded or returned to the said circuit court, and have the same force and effect in law as if originally began in said circuit court.

§ 6. Writs of error and appeals may be taken from the judgments and decrees of the said court of common pleas to the supreme court of this state as is now provided by law, and the clerk of the said circuit court shall make up the records and certify to them in the same manner as now required of the clerk of the said court of common pleas.

§ 7. No officer of said court of common pleas shall draw any salary or receive any pay or emoluments whatever, for services performed after this act takes effect.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED April 29, 1873.

CITY COURT OF ALTON.

- § 1. *Act of February 9, 1859, repealed.*
- § 2. *All causes transferred to circuit court.*
- § 3. *Clerk to transfer all books, papers, etc., to circuit court.*
- § 4. *Record, writs, etc., to be evidence when certified to by clerk of circuit court.*
- § 5. *Appeals and writs of error taken to supreme court; to be returned to circuit court.*
- § 6. *Clerk to certify records as now required by law.*
- § 7. *No salary allowed officers after this act takes effect.*
- § 8. *Submitted to a vote of the people in the city of Alton at general charter election.*
- § 9. *Election returns.*
In force July 1, 1873.

AN ACT to repeal an act entitled "An act to establish a city court in the city of Alton," approved February 9, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to establish a city court in the city of Alton, approved February 9, 1859, be and the same is hereby repealed.

§ 2. All causes now pending in said Alton city court shall be transferred to the circuit court of Madison county, state of Illinois, and may be tried and disposed of in the same manner in said circuit court, that they might have been in said Alton city court.

§ 3. It shall be the duty of the clerk of said Alton city court, within thirty days after this act shall take effect, to transfer all books, papers, records and reports of every kind and description whatsoever, belonging to the said Alton city court, whether in the hands of the judge, clerk, sheriff, deputy sheriff, commissioner or master in chancery of said Alton city court, to the said circuit court, and shall have the same force and effect that they now have by law, and the records and papers aforesaid shall be taken charge of by the clerk of the circuit court of said county, and retained in said office of said circuit clerk. And after such records, books, reports and papers have been transferred to said circuit court, fee bills and executions may issue from such circuit court on judgments rendered in said Alton city court; which said fee bills and executions shall have the same effect and force as if issued from said Alton city court before the passage of this act.

§ 4. All copies of any such records, writs, judgments, executions, decrees and orders of said Alton city court, and any return upon any such writ by an officer of said court, or other proceeding having been had in said Alton city court, when properly certified by the clerk of the said circuit court, may be read and used in evidence in any court of record in this state.

§ 5. All appeals, writs of error, and all proceedings of any kind whatsoever, heretofore taken from or out of said Alton city court to the supreme court of this state, shall, if remanded or returned from any cause, be remanded or returned to said circuit court, and have the same force and effect in law as if originally began in said circuit court.

§ 6. Writs of error and appeals may be taken from the judgments and decrees of said Alton city court, to the supreme court of this state, as is now provided by law, and the clerk of said circuit court shall make up the records and certify to them in the same manner as now required of the clerk of said Alton city court.

§ 7. No officer of said Alton city court shall draw any salary, or receive any pay or emoluments whatever, for services performed after this act takes effect.

§ 8. It shall be the duty of the common council of the city of Alton, at the succeeding general charter election after this act shall take effect, to cause to be submitted to the voters of said city of Alton, the question as to whether said Alton city court shall be abolished or not. The voting contemplated by this section shall be by ballot, to be written or printed, or partly written and partly printed: "For abolishing the Alton city court;" or, "Against abolishing the Alton city court;" to be canvassed and returned in like manner as votes for city officers.

§ 9. If it shall appear, by the returns of said election, that a majority of the legal voters of said city of Alton voting at said city election are for abolishing said Alton city court, then the said act establishing said Alton city court shall be and the same is hereby repealed; but if a majority of the legal voters of said city shall be against abolishing said court, then, and in such case, this act shall take effect.

APPROVED April 29, 1873.

RECORDER'S COURT—LaSALLE AND PERU.

- § 1. *Certain acts repealed.*
- § 2. *All causes transferred to circuit court.*
- § 3. *Clerk to transfer all books, papers, etc., to circuit court.*
- § 4. *Records, writs, etc., to be evidence when certified to by clerk of the circuit court.*
- § 5. *Appeals and writs of error taken to the supreme court to be returned to circuit court.*
- § 6. *Clerks to certify records as now required by law.*
- § 7. *No salary allowed officers after this act takes effect.*
In force March 14, 1873.

AN ACT to repeal so much of an act entitled 'An act to establish recorders' courts in the cities of LaSalle and Peru,' approved February 19, A. D. 1859, as provides for the establishment of such court in the city of Peru, and the act amendatory thereof, approved February 18, A. D. 1861, so far as it applies to the recorder's court of the city of Peru, and for the disposal of cases pending in said court, and of the books, records and reports thereto belonging.

WHEREAS the recorder's court of the city of Peru, in the county of LaSalle, established by an act of the general assembly, entitled "An act to establish recorders' courts in the cities of LaSalle and Peru," approved February 19, A. D. 1859, is unnecessary and a source of great expense to the people of said city of Peru, wherefore it is deemed that an emergency exists which requires this act to go into effect and be in force before the first day of July next:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That so much of an act entitled "An act to establish recorders' courts in the cities of LaSalle and Peru," approved February 19, A. D. 1859, as provides for the establishment of said court in the city of Peru, and so much of the act amendatory thereof, approved February 18, A. D. 1861, as applies to the recorder's court in the city of Peru, be and the same are hereby repealed.*

§ 2. All causes now pending in said recorder's court of the city of Peru shall be transferred to the circuit court of LaSalle county, state of Illinois, and be tried and disposed of in the same manner in said circuit court that they might have been in said recorder's court.

§ 3. All books, papers, records and reports, of every kind and description whatsoever, whether in the hands of the judge, clerk, marshal, sheriff, deputy or commissioner of said recorder's court, and belonging to said court, shall be transferred to the said circuit court, and shall have the same force and effect that they now have by law; and the records, books, papers and reports aforesaid shall be taken charge of by the clerk of the circuit court of said county, and retained in the office of the said circuit clerk. And after such records, books, reports and papers have been transferred to said circuit court, fee bills and executions may issue from such circuit court, on judgments rendered in said recorder's court, which said fee bills and executions shall have the same force and effect as if issued from said recorder's court before the passage of this act.

§ 4. All copies of any such records, writs, judgments, executions, decrees and orders of said recorder's court, and any return upon any such writ by an officer of said court, or other proceedings having been had in said recorder's court, when properly certified by the clerk of the said circuit court, may be read and used in evidence in any court of record in this state.

§ 5. All appeals, writs of error, and all proceedings of any kind whatsoever heretofore taken from or out of said recorder's court to the supreme court of this state shall, if remanded, or returned for any cause, be remanded or returned to the circuit court of said county, and have the same force and effect in law as if originally began in said circuit court.

§ 6. Writs of error and appeals may be taken from the judgments and decrees of the said recorder's court to the supreme court of this state, as is now provided by law, and the clerk of the said circuit court shall make up the records and certify to them in the same manner as now required of the clerk of the said recorder's court.

§ 7. No officer of said recorder's court of the city of Peru shall draw any salary, or receive any pay or emoluments whatever for services performed after this act takes effect.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED March 14, 1873.

COURTS—COUNTY.

- § 1. *Time of holding courts.*
 § 2. *Repealing former acts.*
In force May 2, 1873.

AN ACT to fix the terms of county courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the terms of the county courts of this state shall be held on the third Mondays of each and every month: Provided, nothing in this act contained shall prevent the sessions of such courts from being held for the transaction of county business on the first Mondays of December, March, June and September, in every year, as heretofore.*

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 3. Whereas, by reason of doubt whether there is any law now in force fixing the terms of the county court of Cook county, an emergency exists requiring this act to take effect immediately; therefore, this act shall take effect from and after its passage.

APPROVED May 2, 1873.

- § 1. *Transfer records and judgments to circuit court.*
 § 2. *All chancery suits transferred to circuit court.*
 § 3. *Transferred causes tried in the circuit court in the same manner.*
 § 4. *Transfer of records filed, and papers, and the effect thereof.*
 § 5. *Saving of rights accrued.*
 § 6. *Certified copies evidence.*
 § 7. *Remanded causes to be returned to circuit court.*
 § 8. *Circuit clerk to make up records on appeal.*
In force April 25, 1873.

AN ACT to provide for transferring from county courts of special jurisdiction all causes pending in which the amount claimed to be due, or upon which judgment shall have been rendered in a sum exceeding five hundred dollars, to the circuit court of their respective counties, and also to transfer to said circuit courts all causes pending, together with the judgments, records, files and decrees of all county courts, upon whom chancery jurisdiction has heretofore been conferred by special act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cases where special jurisdiction has been conferred upon county courts in this state prior to the adoption of the constitution of 1870, and where jurisdiction is reduced under the act entitled "An act to increase the jurisdiction of county courts," in force July 1, 1872, to the sum of five hundred dollars (\$500)—all causes pending wherein the amount claimed to be due is over five hundred dollars (\$500), and all judgments that may have been rendered in said courts for a sum greater than five hundred dollars (\$500), together with the files, records and papers pertaining thereto, are hereby transferred to the circuit court of their respective counties.*

§ 2. And in all cases where chancery jurisdiction has been conferred upon county courts by special enactment, and such chancery jurisdiction has been repealed, or has ceased to exist, by virtue of said act, in force July 1, 1872, all causes pending, together with the records, files and papers pertaining to such chancery jurisdiction, without regard to the amount in controversy, are hereby transferred to the circuit court of the respective counties.

§ 3. All causes transferred from said county courts to the circuit courts, as provided in the foregoing sections of this act, may be tried and disposed of in said circuit courts in the same manner that they might have been in said county courts had their jurisdiction not been reduced.

§ 4. All the records, files and papers pertaining to the cases hereinbefore transferred, shall be transferred to the said circuit courts, and shall have the same force and effect that they had by law at the time said act of 1872 took effect. And after such records, books and papers have been transferred to said circuit courts, fee bills and executions may issue from such circuit courts on judgments rendered in said county courts, which said fee bills and executions shall have the same force and effect as if issued by said county courts before its jurisdiction was reduced.

§ 5. All liens which may have been created, and all rights which may have accrued under and by virtue of any chancery proceedings in said courts, are hereby transferred to said circuit courts, to be there preserved and enforced in the same manner as if original jurisdiction thereof had been taken by said circuit courts.

§ 6. Copies of the records of said county courts, writs, judgments, executions, decrees and orders thereof, and any return upon any such writ by an officer of said courts, or other proceedings, having been had in said county courts, when properly certified by the clerk of said circuit court, may be read and used in evidence in any court of record in this state.

§ 7. All appeals, writs of error, and all proceedings of any kind whatsoever, heretofore taken from or out of said county courts to the supreme court of this state, shall, if remanded or returned for any cause, be remanded or returned to said circuit courts (of the respective counties where said county court is situated), and have the same force and effect in law as if originally begun in said circuit court.

§ 8. Writs of error and appeals may be taken from the judgments and decrees of said county courts to the supreme court as is now provided by law; and the clerks of the circuit courts to which such causes have been transferred, shall make up the records and certify them in the same manner as if they were commenced in the circuit court.

§ 9. Whereas, under the decision of the supreme court, the act in force July 1, 1872, established a uniform jurisdiction in all the county courts of this state; and whereas, under special enactments many county courts were exercising jurisdiction in excess of that established under the act of 1872, and many suits were commenced and judgments rendered for a greater sum than five hundred dollars (\$500); therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED April 25, 1873.

§ 1. *To define the terms "county court" and "court."*
In force July 1, 1873.

AN ACT to define the terms "county court" and "court," as used in an act entitled "an act to provide for the removal of county seats," approved March 15, A. D. 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the words "county court" or "court," as they appear in an act entitled "An act to provide for the removal of county seats," approved March 15, A. D. 1872, except in sections twelve and thirteen thereof, shall be deemed, taken and held to mean the county court for the transaction of probate and other judicial business; and the words "county court," as used in section thirteen of said act, shall be held to mean the county court for the transaction of county business.*

APPROVED May 3, 1873.

COURTS OF RECORD.

§ 1. *Amend section eighty-six of an act approved Feb. 22, 1872; non-resident defendant.*
In force July 1, 1873.

AN ACT to amend section eighty-six (86) of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section eighty-six (86) of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, be amended so that said section eighty-six read as follows:*

"§ 86. When any plaintiff in error shall file in the office of the clerk of the supreme court an affidavit, showing that any defendant resides, or hath gone out of this state, or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, and stating the place of residence of such defendant, if known, and also the place of residence of the attorney who appeared in the cause in the court to which the writ is directed, or that upon diligent inquiry their places of residence cannot be ascertained, the clerk of the supreme court shall cause publication to be made in some newspaper published in the county in which the cause was originally instituted; but if no newspaper shall be published in such county, then such notice shall be published in a newspaper published nearest to said county, containing notice of the pendency of such suit, the names of the parties thereto, the title of the court, and the time and place of the return of summons in the case; and he shall also, within ten days of the first publication of such notice, send a copy thereof by mail, addressed to such defendant and attorney, whose places of residence are stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of

this section, shall be evidence. Such notice shall be published for four successive weeks, the first insertion of which said notice shall be at least forty days before the first day of the term of court to which said writ is made returnable; and unless said time has intervened, no proceedings therein shall be had at said term, but the said cause shall stand continued to the next term of said court: *Provided*, that in case both parties appear and consent to a hearing, the said cause may then be heard."

APPROVED April 24, 1873.

COURT—SUPERIOR.

- § 1. *Appointment of Alexander F. Stevenson, clerk.*
 § 2. *Bond, and delivery of books, etc.*
 § 3. *Delivery of books, etc., to his successor.*
In force July 1, 1873.

AN ACT concerning the clerks of the superior court of Cook county.

WHEREAS, under the constitution of this state, the clerks of the superior court of Chicago, now superior court of Cook county, shall continue in office during the terms for which they were respectively elected; and whereas, the term of Augustus Jacobson, the present clerk of said court, expires on the nineteenth day of November, A. D. 1873; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Alexander F. Stevenson, the remaining deputy clerk, shall be the clerk of said superior court of Cook county, on and after the said nineteenth day of November, A. D. 1873, for and during the remaining portion of his unexpired term, and till his successor shall have been duly elected and qualified; said Stevenson to have the same power and perform the same duties as are now possessed or required by said Augustus Jacobson, the present clerk of said superior court.*

§ 2. *It shall be the duty of the said Alexander F. Stevenson to give a bond payable to the People of the State of Illinois, in the penal sum of twenty thousand dollars (\$20,000), with security, to be approved by the superior court of Cook county, conditioned for the faithful performance, by said Stevenson, of the duties of said office; and as soon as the term of said Augustus Jacobson shall expire, and bond shall have been given by said Stevenson, as aforesaid, it shall be the duty of said Augustus Jacobson to deliver to said Alexander F. Stevenson all the books, papers and proceedings of said superior court of Cook county, and also all funds that may have been deposited with said Jacobson as clerk of said court.*

§ 3. *The said Stevenson shall, at the expiration of his term of office, deliver to his successor in office all the books, papers and moneys appertaining thereto.*

APPROVED March 20, 1873.

 CONVEYANCES.

 § 1. *Record of deeds, mortgages, etc.*
In force July 1, 1873.

AN ACT to amend section twenty-eight (28) of an act entitled "An act concerning conveyances," approved March 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section twenty-eight (28) of an act entitled "An act concerning conveyances," approved March 29, 1872, be amended so as to read as follows:*

"§ 28. Deeds, mortgages, powers of attorney, and other instruments relating to or affecting the title to real estate in this state, shall be recorded in the county in which such real estate is situated; but if such county is not organized, then in the county to which such unorganized county is attached for judicial purposes."

APPROVED April 3, 1873.

 DITCHES AND LEVEES.

- § 1. *Amend act approved April 24, 1871, to allow interest on installments.*
 § 2. *Legalizing acts heretofore done.*
 § 3. *Not to impair any assessment or bond heretofore made.*
In force April 29, 1873.

AN ACT to amend "An act to provide for the construction and protection of drains, ditches, levees and other works," approved April 24, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section thirty (30), of an act entitled "An act to provide for the construction and protection of drains, ditches, levees, and other works," approved April 24, 1871, be amended, so as to read as follows:*

"§ 30. In case the assessment for benefits shall be payable in installments, such installments shall draw interest at the rate of ten per centum per annum, payable annually, from the time of the confirmation of the assessment roll, or from such subsequent date as the court shall direct, until they are paid; and such interest may be collected and enforced in the same manner as the assessment or any installment thereof."

§ 2. That every order of confirmation heretofore made by any court of any assessment roll, in which interest is ordered or adjudged to be paid on installments from the time of such confirmation or a date there named, or in the manner provided in the preceding section, is hereby ratified and confirmed, and the interest may be collected and enforced on the several sums in said order mentioned, from the respective dates

or times set forth for the payment thereof in such order of confirmation, as the same falls due, in like manner as the principal of the assessment.

§ 3. This act shall not be construed to impair any assessment made or confirmed, or any bonds or other evidence of indebtedness issued under the act to which this is an amendment.

§ 4. Whereas, work is in progress and debts have been contracted therefor, and an emergency has therefore arisen that this law should take effect from and after its passage, in order more effectually to provide that interest may be paid on deferred assessments, under the provisions of this act, and the act to which this is an amendment; therefore,

Be it enacted, that this law shall be in force and take effect from and after its passage.

APPROVED April 29, 1873.

ELECTIONS.

§ 1. *Amend act approved April 3, 1872, to fix time for election of judges of the superior court.*
In force July 1, 1873.

AN ACT to amend section thirteen of an act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, A. D. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section thirteen of the act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, A. D. 1872, be amended to read as follows: "The judges of the superior court of Cook county shall be elected as follows: One on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every six years thereafter; one on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-five, and every six years thereafter; and one on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-seven, and every six years thereafter."

APPROVED April 11, 1873.

FEES AND SALARIES.

- § 1. Amend section forty, act approved March 29, 1872.
 § 2. Amend section forty-one.
 In force July 1, 1873.

AN ACT to amend sections forty (40) and forty-one (41) of an act entitled "An act to fix the salaries of state officers; of the judges of the circuit courts and superior court of Cook county; of the state's attorneys; of the judges and prosecuting attorneys of inferior courts in cities and towns; of the county officers of Cook county; to regulate the fees of the secretary of state and of the clerks of the supreme court; to classify the counties according to population, and fix the scale of fees for county officers in each class; to establish the fees of masters in chancery, notaries public, commissioners, arbitrators, jurors, witnesses, justices of the peace, constables and all town officers; to provide the mode of rendering their accounts, and to fix a penalty for exacting illegal fees;" approved March 29, A. D. 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section forty of the above entitled act be and the same is hereby amended, so as to read as follows, to-wit:

For taking and certifying acknowledgment of a deed, mortgage, power of attorney, or other writing, twenty-five cents.

For acknowledgment of chattel mortgage, thirty-five cents, and fifteen cents for each folio over one hundred words for docketing the same.

For administering oath to affidavit, when drawn by justice, thirty-five cents.

For administering oath to affidavit, when not drawn by justice, ten cents.

For taking each bond, thirty-five cents.

For taking bail, fifty cents.

For each certificate required to be made, when not part of any other act, thirty-five cents.

For taking each complaint in writing, under oath, thirty-five cents.

For docketing each suit, twenty-five cents.

For taking deposition, for each one hundred words, fifteen cents.

For issuing *dedimus* to take deposition of witnesses, fifty cents.

For entering verdict of jury, fifteen cents.

For entering judgments, twenty-five cents.

For issuing each execution, twenty-five cents.

For entering continuance, or any other order in the case, fifteen cents.

For entering each appeal, twenty-five cents.

For entering satisfaction of judgment, ten cents.

For entering the award of referees, fifty cents.

For administering oaths and trial, making all entries in cases of estrays, and making and transmitting a certificate thereof to the county clerk, one dollar.

For each marriage ceremony performed, and certificate thereof, two dollars.

For each *mitimus*, thirty-five cents.

For giving each notice, twenty-five cents.

For administering oath, five cents.

For each summons or warrant, twenty-five cents.

For each subpoena, twenty-five cents.

For each *venire*, in all cases, twenty-five cents.

For each *scire facias*, thirty-five cents.

For issuing each attachment or writ of possession, fifty cents.

For taking recognizances, and returning the same, fifty cents.

For transcript in change of venue, fifty cents.

For transcript of judgment and proceedings in cases of appeal, fifty cents.

For transcript of judgment to obtain lien on real estate, one dollar.

For the trial of all contested cases, in counties of the first and second class, a per diem of two dollars, except in cases of judgment by confession or default. In all counties of the first and second class the fees of justices of the peace, police magistrates, constables, jurors and witnesses in criminal cases, shall be the same as those allowed for similar services in civil cases; and in all criminal cases, where the fees cannot be collected of the party convicted, or where the prosecution fails, the county board may, in its discretion, direct that the cost of the prosecution, or so much thereof as shall seem just and equitable, shall be paid out of the county treasury: *Provided*, that the costs in criminal and *quasi* criminal prosecutions for the violation of an ordinance of an incorporated city or town, where the provisions of the charters of such towns or cities do not prohibit the payment of such costs, may be paid by such city or town, in the discretion of the city council or board of trustees of such incorporated cities or towns.

FEES OF CONSTABLES IN COUNTIES OF FIRST AND SECOND CLASS.

§ 2. That section forty-one (41) of the above entitled act be and the same is hereby amended, so as to read as follows, to-wit:

For advertising property for sale, fifty cents.

For attending trial and waiting on a jury, fifty cents.

For each day's attendance in the circuit court when required, to be paid out of the county treasury, two dollars and fifty cents.

For taking and approving replevin bond, fifty cents.

For taking and approving forthcoming bond or special bail, fifty cents.

Commissions on sales not exceeding ten dollars, ten per cent., and on the excess of that amount, five per cent.; and in cases when an execution in the hands of any constable shall be settled by the parties, or paid, or when the property levied on shall not be sold, by reason of such settlement or payment, the constable shall be allowed five per cent. on the first ten dollars, and two and one-half per cent. on the excess.

For mileage, when serving a warrant, summons, subpoena or other process, five cents per mile, each way, for actual distance traveled by him in making such service, the distance to be computed from the office of the justice to the residence of each person served.

For mileage in taking a person to jail, from the office of the justice, ten cents per mile, and all actual and necessary expenses incurred, to be paid out of the county treasury.

For serving and returning a summons, thirty-five cents; warrant for each person served, fifty cents.

For serving and returning a writ of replevin or attachment, for each person served, fifty cents.

For serving a subpoena, for each person served, twenty-five cents.

For serving *venire*, fifty cents.

For serving writ of restitution, in cases of forcible entry and detainer, one dollar, and necessary expenses of assistants, to be determined by the justice.

For serving and returning each execution, fifty cents.

For serving *mittimus*, fifty cents.

For serving a warrant on appraisers, in cases of estrays, twenty-five cents.

APPROVED, May 2, 1873.

§ 1. *Amend section forty-four of an act approved March 29, 1872.
In force July 1, 1873.*

AN ACT to amend section forty-four (44) of an act entitled "An act to fix the salaries of state officers; of the judges of the circuit courts and superior court of Cook county; of the state's attorneys; of the judges and prosecuting attorneys of inferior courts in cities and towns; of the county officers of Cook county; to regulate the fees of the secretary of state and of the clerks of the supreme court; to classify the counties according to population, and fix the scale of fees for county officers in each class; to establish the fees of masters in chancery, notaries public, commissioners, arbitrators, jurors, witnesses, justices of the peace, constables, and all town officers; to provide the mode of rendering their accounts, and to fix a penalty for exacting illegal fees," approved March 29, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section forty-four (44) of said act be and the same is hereby amended to read as follows:*

"§ 44. There shall be allowed and paid to grand and petit jurors, for their services in attending courts of record, the sum of one dollar and fifty cents per day for every day of necessary attendance at such courts as such jurors, and also five cents per mile each way for necessary travel, to be paid out of the county treasury. Whenever any person shall be summoned as talesman to attend any court as a petit juror, and shall be detained as such longer than one day, such person so summoned shall be allowed mileage from the place of holding courts to the residence of such juror, in the same manner as though such person had been originally selected and summoned. When a jury shall be called in any case in the county court sitting for probate business, and not being on the panel for the term, there shall be allowed to each juror the sum of fifty cents, to be taxed as costs in the case. The clerk of the court shall furnish to each of the jurors aforesaid (and without fee,) whenever he shall be discharged from further service by the court, at any term thereof, a certificate of the number of days he may have attended at such term; and upon presentation thereof to the county treasurer, he shall pay to such person the sum above provided for his serving. That jurors in courts of record, in counties of the third class, shall receive only for their services ten cents per mile, actual travel, going and coming to place of holding court; but no oftener than once coming and going to place of holding court shall be considered in computing the mileage of jurors during the term for which they shall be summoned to serve as jurors."

APPROVED May 3, 1873.

GAME.

1. *Time when unlawful to hunt or destroy ; penalty therefor.*
 2. *Time when it shall be unlawful to buy, sell, or have in possession.*
 3. *What prohibited for killing or destroying at any time.*
 4. *Prohibit the destroying or having in possession any nest or eggs.*
 5. *What shall be unlawful, except on their own premises.*
 6. *Fix time after which it shall be unlawful.*
 7. *Not applicable to express companies or common carriers in transit through this state.*
 8. *All penalties to be paid to township school treasurer.*
 9. *Limitations.*
- In force July 1, 1873.*

AN ACT to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons to hunt or pursue, kill or trap, net or ensnare, destroy or attempt to kill, trap, net, ensnare, or otherwise destroy any wild buck, doe, or fawn, wild turkey, prairie hen or chicken, ruffed grouse (commonly called partridge), or pheasant, between the first day of January and the fifteenth day of August in each and every year ; or any quail, between the first day of January and the first day of October in each and every year ; or any woodcock, between the first day of January and the first day of July of each and every year ; or any wild goose, duck, Wilson snipe, brant, or other water fowl, between the fifteenth day of April and the fifteenth day of August in each and every year. And every person so offending shall, for each and every offense, be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than ten dollars nor more than twenty-five dollars, and costs of suit, and shall stand committed to the county jail until such fine is paid, provided that such imprisonment shall not exceed ten days.

§ 2. It shall be unlawful for any person or corporation to buy, sell, or have in possession any of the animals, wild fowls, or birds mentioned in section one, at any time when the killing, trapping, netting, ensnaring or destroying of such animals, wild fowls or birds shall be unlawful, which shall be killed, entrapped, netted, ensnared or destroyed contrary to the provisions of this act ; and any person or corporation so offending shall, on conviction, be fined and dealt with as declared in section one (1) of this act.

§ 3. No person shall, at any time, within this state, kill or attempt to trap, net, ensnare, destroy or kill any robin, bluebird, swallow, martin, mosquito hawk, whip-poor-will, cuckoo, wood-pecker, cat-bird, brown-thrasher, red bird, hanging bird, buzzard, sparrow, wren, humming-bird, dove, goldfinch, mocking-bird, blue jay, finch, thrush, lark, cherry bird, yellow bird, oriole or bobolink, nor rob or destroy the nests of such birds, or either or any of them. And any person so offending shall, on conviction, be fined the sum of five dollars for each and every bird so killed, and for each and every nest robbed or destroyed : *Provided*, that nothing in this section shall be construed to prevent the owner or occu-

part of lands from destroying any of the birds herein named on the same, when deemed necessary for the protection of fruits or property.

§ 4. It shall be unlawful for any person or persons to destroy or remove from the nests of any prairie chicken, grouse or quail, wild turkey, goose or brant, any egg or eggs of such fowl or birds, or for any person to buy, sell, have in possession or traffic in such eggs, or willfully destroy the nest of such birds or fowls, or any or either of them. And any person so offending shall, on conviction, be fined and dealt with as specified in section three (3) of this act.

§ 5. No person or persons shall, at any time, with a trap, or snare, or net, take or attempt to trap, snare, or take any wild turkey, prairie chicken, Virginia partridge, pheasant, grouse or quail, except on his or their own premises. And every person so offending shall, on conviction, be fined in a sum not less than fifteen dollars nor more than twenty-five dollars, and costs of suit, and shall stand committed to the county jail until such fine is paid, provided that such imprisonment shall not exceed fifteen days.

§ 6. No person or persons shall sell or expose for sale, or have in his or their possession, for the purpose of selling or exposing for sale, any of the animals, wild fowls or birds mentioned in section one of this act, after the expiration of thirty days next succeeding the first day of the period in which it shall be unlawful to kill, trap, or ensnare such animals, wild fowls or birds. And any person so offending shall, on conviction, be fined and dealt with as specified in section one of this act.

§ 7. The provisions of this act shall not be construed as applicable to any express company or common carrier, into whose possession any of the animals, wild fowls or birds herein mentioned shall come, in the regular course of their business, for transportation, whilst they are in transit through this state from any place without this state where the killing of such animals, wild fowl or birds shall be lawful. But notwithstanding this provision, the having or being in possession of any such animals, wild fowl or birds, as are mentioned in section one, upon any of the days upon which the killing, entrapping, ensnaring, netting, buying, selling, or having in possession any such animals, wild fowl or birds, shall be unlawful by the provisions of this act, shall be deemed and taken as *prima facie* evidence that the same was ensnared, trapped, netted or killed in violation of this act.

§ 8. All prosecutions under the provisions of this act shall be brought by any person, in the name of the People of the State of Illinois, against any person or persons violating any of the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is hereby made the duty of the state's attorneys to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this act, and it is made the duty of sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act. The amount recovered in any penal action shall go to the school treasurer of the township in which this act shall have been violated, to be added to the school fund of such township.

§ 9. All prosecutions under this act shall be commenced within one month from the time such offense was committed, and not afterwards.

§ 10. The following acts are hereby repealed, to-wit: "An act to pro-

hibit the killing of certain wild game in certain counties therein named at certain seasons of the year," approved February 12, 1853; an act entitled "An act to preserve the game in the state of Illinois," approved February 15, 1855; an act to amend an act entitled "An act to preserve the game in the state of Illinois," approved February 15, 1855, approved February 9, 1857; an act to amend an act entitled "An act to preserve the game in the state of Illinois," approved February 15, 1855, approved February 16, 1857; an act to amend an act entitled "An act to preserve the game in the state of Illinois," approved February 15, 1855, approved 18, 1857; "An act to repeal so much of the game law as is applicable to Greene county," approved February 24, 1859; an act to amend an act entitled "An act to preserve the game in the state of Illinois," approved February 15, 1855, approved February 21, 1861; an act to amend an act approved February 21, 1861, entitled "An act to amend an act entitled 'An act to preserve the game in the state of Illinois,'" approved February 15, 1855, approved February 12, 1863; "An act for the protection of orchards, and to prevent the destruction of small birds," approved February 24, 1859; "An act for the preservation of game," approved February 16, 1865; an act to amend an act entitled "An act for the preservation of game," approved February 16, 1865, approved February 19, 1867; an act to amend an act entitled "An act for the preservation of game," approved February 16, 1865, approved March 5, 1867; "An act to exempt the county of Piatt from the operation of the game law," approved March 5, 1867; "An act to extend the provisions of the game law to certain counties named, and to prevent non-residents from killing game for market," approved March 8, 1867; an act to amend an act entitled "An act for the preservation of game, approved February 16, 1865, approved April 13, 1869; "An act to extend the provisions of the game law to certain counties therein named," approved March 30, 1869; an act to amend an act entitled "An act for the preservation of game," approved February 16, 1865, approved March 2, 1869; "An act for the preservation of game in Montgomery county, and to amend an act entitled 'An act for the preservation of game,'" approved February 16, 1865, approved March 29, 1869; "An act to extend the provisions of the game law to the county of Moultrie," approved March 26, 1869; "An act for the preservation of game and fish in the counties of Adams and Hancock," approved February 21, 1867; "An act for the preservation of game in Hancock county," approved February 23, 1867.

APPROVED May 3, 1873.

GEOLOGICAL.

- § 1. *Amend act approved February 17, 1851; duty of geologist and secretary of state.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act for a geological and mineralogical survey of the State of Illinois," approved February 17, 1851.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section four (4) of "An act for a*

geological and mineralogical survey of the state of Illinois," approved February 17, 1851, be and the same is hereby amended, so as to read as follows :

"§ 4. It shall be the duty of said geologist to procure and preserve a full and entire suit of the different specimens found in the state, and cause them to be delivered to the secretary of state, who shall cause them to be properly arranged in a cabinet, and deposited in some apartment in or convenient to the capitol. Said suit shall be sufficiently large to furnish specimens to all institutions of learning within the state which are empowered to confer degrees in the arts or sciences, to the state normal schools, to the industrial university at Champaign, and to all chartered institutions of science located in this state which publish their proceedings, and which keep up a regular system of exchanges with other like institutions."

APPROVED April 29, 1873.

HOMESTEAD EXEMPTION.

1. *Homestead worth one thousand dollars.*
 2. *Exemption shall continue after death.*
 3. *Taxes; improvements; purchase money.*
 4. *How extinguished.*
 5. *In case of divorce.*
 6. *Exemption of the proceeds.*
 7. *Insurance money exempt.*
 8. *Homestead to be set off.*
 9. *Sale on execution.*
 10. *Commissioners to appraise the premises.*
 11. *When premises cannot be divided.*
 12. *To be advertised and sold.*
 13. *Articles of personal property exempt.*
 14. *Removal of residence.*
 15. *Family to receive benefits.*
 16. *Liability for seizure.*
- In force July 1, 1873.*

AN ACT to amend an act entitled "An act to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every householder having a family, shall be entitled to an estate of homestead, to the extent in value of one thousand dollars, in the farm or lot of land, and buildings thereon, owned or rightly possessed, by lease or otherwise, and occupied by him or her as a residence; and such homestead, and all right and title therein, shall be exempt from attachment, judgment, levy or execution, sale for the payment of his debts, or other purposes, and from the laws of conveyance, descent and devise, except as hereinafter provided.*

§ 2. Such exemption shall continue after the death of such householder, for the benefit of the husband or wife surviving, so long as he or she continues to occupy such homestead, and of the children until the youngest child becomes twenty-one years of age; and in case the husband or wife shall desert his or her family, the exemption shall continue in favor of the one occupying the premises as a resident.

§ 3. But no property shall, by virtue of this act, be exempt from sale for non-payment of taxes or assessments, or for a debt or liability incurred for the purchase or improvement thereof.

§ 4. No release, waiver or conveyance of the estate so exempted shall be valid, unless the same is in writing, subscribed by said householder and his or her wife or husband, if he or she have one, and acknowledged in the same manner as conveyances of real estate are required to be acknowledged, or possession is abandoned or given pursuant to the conveyance; or, if the exemption is continued to a child or children, without the order of the court directing a release thereof.

§ 5. In case of a divorce, the court granting the divorce may dispose of the homestead estate according to the equities of the case.

§ 6. When a homestead is conveyed by the owner thereof, such conveyance shall not subject the premises to any lien or incumbrance to which it would not have been subject in the hands of such owner; and the proceeds thereof, to the extent of the amount of one thousand dollars, shall be exempt from execution or other process, for one year after the receipt thereof, by the person entitled to the exemption, and if reinvested in a homestead the same shall be entitled to the same exemption as the original homestead.

§ 7. Whenever a building, exempted as a homestead, is insured in favor of the person entitled to the exemption, and a loss occurs, entitling such person to the insurance, such insurance money shall be exempt to the same extent as the building would have been had it not been destroyed.

§ 8. In the enforcement of a lien in a court of equity upon premises including the homestead, if such right is not waived or released, as provided in this act, the court may set off the homestead and decree the sale of the balance of the premises; or, if the value of the premises exceeds the exemption, and the premises cannot be divided, may order the sale of the whole and the payment of the amount of the exemption to the person entitled thereto.

§ 9. No sale shall be made of the premises on such decree or execution unless a greater sum than one thousand dollars is bid therefor. If a greater sum is not so bid, the decree may be set aside or modified, or the execution released, as for want of property.

§ 10. If, in the opinion of the creditors, or officer holding an execution against such householder, the premises claimed by him or her as exempt, are worth more than one thousand dollars, such officer shall summon three householders as commissioners, who shall, upon oath, to be administered to them by the officer, appraise said premises; and if, in their opinion, the property may be divided without injury to the interest of the parties, they shall set off so much of said premises, including the dwelling house, as in their opinion shall be worth one thousand dollars, and the residue of said premises may be advertised and sold by such officer.

§ 11. In case the value of the premises shall, in the opinion of the said commissioners, be more than one thousand dollars, and cannot be

divided as is provided for in this act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some one of the family of suitable age to understand the nature thereof, with a notice thereto attached that unless the execution debtor shall pay to said officer the surplus over and above one thousand dollars on the amount due on said execution, within sixty days thereafter, that such premises will be sold.

§ 12. In case such surplus, or the amount due on said execution, shall not be paid within the sixty days, the officer may advertise and sell the said premises, and out of the proceeds of such sale pay to such execution debtor the said sum of one thousand dollars, and apply the balance on said execution.

§ 13. The following articles of personal property, owned by the debtor, shall be exempt from execution, writ of attachment, and distress for rent, viz :

First.—The necessary wearing apparel of every person.

Second.—One sewing machine.

Third.—The furniture, tools and implements of any person necessary to carry on his or her trade or business, not exceeding in value one hundred dollars.

Fourth.—Materials and stock designed and procured by him or her, and necessary for carrying on his or her trade and business, and intended to be used or wrought therein, not exceeding one hundred dollars in value.

Fifth.—The implements or library of any professional person, not exceeding one hundred dollars in value.

And in addition to the above property, when the debtor is the head of a family and resides with the same, the following :

First.—Necessary beds, bedsteads and bedding, two stoves and pipe.

Second.—Necessary household furniture, not exceeding in value one hundred dollars.

Third.—One cow and calf and two swine.

Fourth.—One yoke of oxen, or two horses in lieu thereof, used by the debtor in obtaining the support of his family, not exceeding in value two hundred dollars, and the harness therefor, not exceeding in value forty dollars.

Fifth.—Necessary provisions and fuel for the use of the family for three months, and necessary food for the stock hereinbefore exempted, for the same time.

Sixth.—The bibles, school books and family pictures.

Seventh.—The family library.

Eighth.—Cemetery lots or rights of burial, and tombs for repositories for the dead.

Ninth.—One hundred dollars' worth of other property, suited to his or her condition in life, selected by the debtor.

§ 14. Such personal property shall continue so exempt while the family of such person or any of them are removing from one place of residence to another, in this state.

§ 15. When the head of a family shall die, desert or not reside with the same, the family shall be entitled to and receive all the benefits and privileges which are in this act conferred upon the head of a family residing with the same.

§ 15½. None of the personal property named in this act shall be exempted from levy of attachment or execution, when the debt or judgment is for the wages of any laborer or servant: *Provided*, the court rendering judgment shall find that the demand so sued for is for wages due such person as laborer or servant, which finding shall be expressed in the record of said judgment, and indorsed upon the execution when issued.

§ 16. If any officer, by virtue of any execution or other process, or any other person by any right of distress, shall take or seize any of the articles of property hereinbefore exempted from levy and sale, such officer or person shall be liable, to the party injured, for double the value of the property so illegally taken or seized, to be recovered by action of trespass with costs of suit.

§ 17. The following acts and parts of acts are hereby repealed: "An act to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent," approved March 22, 1872; and all other acts and parts of acts inconsistent with the provisions of this act. But this section shall not be construed so as to affect any rights that may have accrued, or any suits or proceedings that may be pending when this act shall take effect.

APPROVED April 30, 1873.

INCORPORATIONS.

§ 1. *Repeal act in force April 16, 1869.
In force July 1, 1873.*

AN ACT to repeal an act entitled "An act to change the name of the town of Rand to Desplaines, and incorporate the same."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act entitled "An act to change the name of the town of Rand to Desplaines, and incorporate the same," in force April 15th, 1869, be and the same is hereby repealed.*

APPROVED April 23, 1873.

INDICTMENTS.

§ 1. *Judge may order indictments to be recorded at length.
In force July 1, 1873.*

AN ACT to provide for recording indictments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the judge of the court in which any indictment may be found or returned by a grand jury of the county, may*

order the clerk of his said court in which said indictment is found and returned to copy such indictments, together with all indorsements thereon, at length, upon the records of such court; and in case of the loss or destruction of such original indictment, such copy of the lost or destroyed indictment shall be considered as *prima facie* evidence of the contents of such original indictment, and the party or parties who stand indicted may be tried upon a certified copy from the record of such lost or destroyed indictment.

APPROVED April 11, 1873.

INSANE ASYLUMS.

- § 1. *Governor to appoint five trustees.*
 § 2. *Duties of superintendent.*
 § 3. *Duties of employes.*
 § 4. *Who shall be admitted.*
 § 5. *Duties of trustees.*
 § 6. *To make biennial report to governor.*
 § 7. *Executive committee to fix compensation.*
 § 8. *Proclamation.*
 § 9. *What laws shall govern.*
 § 10. *Steward's duties and term of office.*
 § 11. *Limitation of the office of commissioners.*
 § 12. *Trustees to be governed by the same laws that govern the normal school at Normal.*
 § 13. *Commissioners duties to cease when building is completed.*
In force May 2, 1873.

AN ACT to provide for the appointment of a board of trustees and a steward for the Southern Illinois Insane Asylum, and a board of trustees for the Southern Illinois Normal School, and to prescribe the duties of such boards of trustees and steward.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the governor of the state of Illinois be and he is hereby authorized and empowered, by and with the advice and consent of the senate, to appoint five trustees for the Southern Illinois Insane Asylum, and five trustees for the Southern Illinois Normal School. The trustees for said asylum shall serve for the same term and in the same manner as is provided by law for the trustees of the Illinois Hospital for the Insane, at Jacksonville.*

§ 2. *It shall be the duty of said board of trustees for said asylum to appoint a steward and superintendent, who shall be a properly qualified physician, and shall reside in the asylum. Said superintendent shall have charge of the patients placed therein, and the entire control of all assistants, employes and inmates; his term of appointment shall be two years: Provided, however, that he shall be subject to removal for incompetency or for infidelity to his trust. His salary shall be fixed by the board of trustees, and when so fixed, shall not be increased or reduced during the period for which he shall have been appointed.*

§ 3. *The said board of trustees shall also appoint all necessary assistant physicians, and employ or authorize to be employed all attendants and other persons whose services may be necessary in the manage-*

ment of the asylum, and prescribe and regulate the duties of all persons so appointed and employed, and provide for the medical treatment of all inmates.

§ 4. Insane and distracted persons residing in this state will be committed to and provided for in said asylum, whenever there shall be sufficient room for their accommodation, in such order and under such restrictions as said board of trustees may adopt, and as shall be provided by law.

§ 5. The said board of trustees shall meet quarterly, on such days as they may designate, such meetings to be held at said asylum. They shall also appoint from their own body an executive committee, consisting of three persons, who shall meet monthly for the transaction of such business as they may, by said board of trustees, be empowered and authorized to transact.

§ 6. The accounts of said asylum shall be stated and settled annually, with the auditor of public accounts; and the board of trustees shall, fifteen days previous to each regular session of the general assembly, submit to the governor a report of all their actions and proceedings in the execution of their trust, with a statement of all the accounts connected therewith, to be by the governor laid before the general assembly.

§ 7. Insane persons whose estates are sufficient, shall be required to pay the expense of their transportation to and from said asylum, and a reasonable compensation, to be fixed by the executive committee or the board of trustees, for their care and board, while they are inmates of said asylum.

§ 8. As soon as the said asylum shall be completed and ready for the reception of insane persons; the governor shall make proclamation thereof.

§ 9. The laws regulating the reception, care and treatment of patients in the Illinois State Hospital for the Insane, at Jacksonville, shall govern the trustees and other officers in the Southern Illinois Insane Asylum, except as herein otherwise provided.

§ 10. The steward shall have charge of the boarding department of the asylum, and shall make a report of all his transactions in the discharge of his duties, to the executive committee, at their monthly meetings; and shall perform such other duties as may be required of him by the board of trustees or executive committee. He shall be appointed for a term of two years, but shall be subject to dismissal at any time within said term for neglect of duty or incompetency. He shall receive as compensation for his services such salary, not exceeding the sum of twelve hundred dollars per annum, as the board of trustees may prescribe: *Provided*, that such salary, when fixed, shall not be increased or reduced during the term for which he shall have been appointed.

§ 11. As soon as said asylum shall be so far completed as to receive insane persons, the powers and authority of the commissioners for the construction of said asylum shall cease and determine, as to the part so completed, and they shall have no further control over the part so completed, but the board of trustees shall thereupon and thereafter assume the control thereof: *Provided*, that nothing herein shall be so construed as to authorize the appointment, or recognize the official existence of said board of trustees, until said asylum shall be so far completed as to be ready for the reception of insane persons.

§ 12. The trustees to be appointed as herein provided, for said normal school, shall serve the same term, and in the same manner, shall

have the same rights, privileges and powers, perform the same duties and be governed by the same laws as the trustees of the Normal School at Normal: *Provided, however*, that nothing herein contained shall be so construed as to abrogate, annul or set aside any of the rights, privileges, powers or duties of said board of trustees set forth in an act of the general assembly, entitled "An act to establish and maintain the Southern Illinois Normal University," approved March 9, A. D. 1869.

§ 13. As soon as the said Normal School shall be completed, the power and authority of the commissioners for the erection thereof, shall cease and determine, and the said board of trustees shall thereupon proceed to furnish the same for the purposes for which it was erected, in accordance with the plans heretofore adopted.

§ 14. So much of an act entitled "An act to locate, erect and carry on an asylum for the insane," approved April 16, A. D. 1869, and so much of an act entitled "An act to establish and maintain the Southern Illinois Normal University," approved March 9, A. D. 1869, and all acts or parts of acts heretofore passed, whose provisions are inconsistent with the provisions of this act, are hereby repealed.

§ 15. Whereas the north wing and the east wing of the north wing of the said Southern Illinois Insane Asylum, are now completed; and whereas it is expected that the work on the central building of said asylum will be sufficiently advanced to admit of the occupation of said building prior to the first day of July, A. D. 1873; therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

APPROVED May 2, 1873.

JUDICIAL CIRCUITS.

§ 1. *Apportioning state into judicial circuits.* *In force, March 28, 1873.*

AN ACT to divide the state of Illinois, exclusive of the county of Cook, into judicial circuits.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the state of Illinois, exclusive of the county of Cook, be and the same is hereby divided into judicial circuits, as follows, to-wit:

First Circuit—The counties of Jo Daviess, Stephenson and Winnebago.

Second Circuit—The counties of Boone, De Kalb, McHenry and Lake.

Third Circuit—The counties of Carroll, Whiteside, Ogle and Lee.

Fourth Circuit—The counties of Kane, DuPage and Kendall.

Fifth Circuit—The counties of Rock Island, Mercer and Henry.

Sixth Circuit—The counties of Bureau and LaSalle.

Seventh Circuit—The counties of Will and Grundy.

Eighth Circuit—The counties of Henderson, Warren and Knox.

Ninth Circuit—The counties of Peoria and Stark.

Tenth Circuit—The counties of Hancock and Adams.

Eleventh Circuit—The counties of Fulton, McDonough, Schuyler, Brown and Pike.

Twelfth Circuit—The counties of Putnam, Marshall, Woodford and Tazewell.

Thirteenth Circuit—The counties of Kankakee, Iroquois and Livingston.

Fourteenth Circuit—The counties of McLean and Ford.

Fifteenth Circuit—The counties of Vermilion, Edgar, Clark, Coles and Douglas.

Sixteenth Circuit—The counties of Champaign, Piatt, Moultrie and Macon.

Seventeenth Circuit—The counties of DeWitt, Logan, Menard and Mason.

Eighteenth Circuit—The counties of Cass, Morgan, Scott, Greene, Jersey and Calhoun.

Nineteenth Circuit—The counties of Sangamon and Macoupin.

Twentieth Circuit—The counties of Christian, Montgomery, Fayette and Shelby.

Twenty-first Circuit—The counties of Cumberland, Effingham, Clay, Jasper, Richland, Lawrence and Crawford.

Twenty-second Circuit—The counties of Bond, Madison and St. Clair.

Twenty-third Circuit—The counties of Marion, Clinton, Washington, Randolph, Monroe and Perry.

Twenty-fourth Circuit—The counties of Jefferson, Wayne, Edwards, Wabash, White, Hamilton and Gallatin.

Twenty-fifth Circuit—The counties of Franklin, Saline, Williamson, Jackson and Union.

Twenty-sixth Circuit—The counties of Johnson, Pope, Hardin, Massac, Pulaski and Alexander.

That all acts or parts of acts inconsistent with this act are hereby repealed.

Whereas, by the constitution, the election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter; and whereas, by the constitution it is further provided that new circuits may be formed and the boundaries of circuits changed by the general assembly at its session next preceding the election for circuit judges, but at no other time; therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 28, 1873.

 JUDGMENT AND EXECUTION.

- § 1. *Amend act approved March 22, 1872—redemption of real estate from sale.*
In force April 29, 1873.

AN ACT to amend section eighteen (18) of an act approved March the 22d, 1872, entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section eighteen of an act entitled "An act in regard to judgments and decrees and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," be so amended as to read as follows:*

"Section 18. Any defendant, his heirs, administrators, assigns, or any person interested in the premises through or under the defendant, may, within twelve months from said sale, redeem the real estate so sold, by paying to the purchaser thereof, his executors, administrators or assigns, or to the sheriff or master in chancery, or other officer who sold the same, or his successor in office, for the benefit of such purchaser, his executors, administrators or assigns, the sum of money for which the premises were sold or bid off, with interest thereon at the rate of ten per centum per annum, from the time of such sale, whereupon such sale and certificate shall be null and void."

§ 2. Whereas doubts exist as to whether, under existing laws, there is any limitation as to the right of judgment debtors to redeem real estate from sale under executions and decrees of courts, and for that reason an emergency exists, requiring that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 29, 1873.

 JURORS.

1. *County board to make jury list.*
2. *Selection of jurors—when made.*
3. *If not selected at September meeting.*
4. *List of exemptions.*
5. *Future selections from list.*
6. *When list is exhausted; new list made.*
7. *Names to be kept in a box.*
8. *Manner of drawing.*
9. *Selection and summoning of grand jurors.*
10. *Summoning of petit jurors.*

- § 11. *Manner of service and return.*
 § 12. *How deficient panel filled.*
 § 13. *Filling exhausted panel — seeking the position of a juror forbidden.*
 § 14. *Causes of challenge.*
 § 15. *Failure to attend.*
 § 16. *Number of grand jurors.*
 § 17. *Foreman ; powers and duty of the jury.*
 § 18. *Oath of foreman and grand jurors.*
 § 19. *The evidence required.*
 § 19½. *Special venire.*
 § 20. *Drawn by chance.*
 § 21. *Impaneling jury for trial.*
 § 22. *County board and county court.*
 § 23. *To what cases apply.*
In force July 1, 1873.

AN ACT concerning jurors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county board of each county shall, at or before the time of its meeting, in September, in each year, or at any time thereafter, when necessary for the purposes of this act, make a list of a sufficient number, not less than one-tenth of the legal voters of each town or precinct in the county, giving the place of residence of each name on the list, to be known as a jury list.

§ 2. At the meeting of the county board in the respective counties in this state, in September, in the year 1873, and in each year thereafter, such board shall select from such list a number of persons equal to one hundred for each trial term of the circuit and other courts of records, and in the county of Cook two hundred for each term of the circuit and superior courts of Cook county, and one hundred for the criminal court of Cook county for each trial term, which may be provided by law to be held during the succeeding year, to serve as petit jurors; and in making such selection, shall choose a proportionate number from the residents of each town or precinct, and shall take the names of such only as are:

First—Inhabitants of the town or precinct not exempt from serving on juries.

Second—Of the age of twenty-one years or upwards, and under sixty years old.

Third—In the possession of their natural faculties, and not infirm or decrepid.

Fourth—Free from all legal exceptions, of fair character, of approved integrity, of sound judgment, well informed, and who understand the English language.

§ 3. If for any reason the list or the selection provided for in the foregoing sections of this act shall not be made at the meeting of the board held at the time specified, such list or selection shall be made at any meeting to be held as soon thereafter as may be.

§ 4. The following persons shall be exempt from serving as jurors, to-wit: the governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, members of the general assembly during their term of of-

rice, all judges of courts, all clerks of courts, sheriffs, coroners, postmasters, mail carriers, practicing attorneys, all officers of the United States, officiating ministers of the gospel, school teachers during the terms of school, practicing physicians, constant ferrymen, mayors of cities, policemen and active members of the fire department.

§ 5. At the time of making such selection, the name of the person selected shall be checked off from such list, and shall not be again selected as a juror until every person named upon such list qualified to serve as a juror has been selected; and all subsequent selections of jurors by such board shall be made from such list until all persons thereon qualified to serve have been selected, or until the expiration of two years from the time of the making of such list, when a new list shall be made: *Provided*, if any person who has been selected as a juror shall not have been drawn, or have served upon a jury during the year for which he was selected, he shall, if qualified, be selected for the next year.

§ 6. As often as one list shall have been exhausted, another shall be furnished, as provided in section one of this chapter, and the jurors shall be selected therefrom in the manner provided in sections two (2) and three (3). The clerks of the circuit courts and other courts of record in the county, shall, at the end of each term of court, furnish the county clerk a list of all persons who have served as jurors during the term.

§ 7. A list of jurors so selected shall be kept at the office of the county clerk, who shall write the name and residence of each person selected upon a separate ticket and put the whole into a box to be kept for that purpose.

§ 8. At least twenty days before the first day of any trial term of any of said courts, the clerk of such court shall repair to the office of the county clerk, and in the presence of said county clerk, after the box containing said names has been well shaken by the county clerk, and without partiality, draw from said box the names of a sufficient number of said persons, then residents of said county, not less than thirty for each two weeks that such court will probably be in session for the trial of common law cases, to constitute the petit jurors for that term, and where there is an additional judge in any court of record, a like number for each additional judge requiring a jury: *Provided*, that should the clerk draw from said box the name of a person whom he may know to be dead, to have been selected as a grand juror, a non-resident, absent from the state, unable to attend in consequence of illness, or that he is legally disqualified to serve as a juror, it shall be the duty of said clerk to report the name of such person to the county clerk; and said clerk of such court shall draw other names until the required number shall have been selected.

§ 9. If a grand jury shall be required by law or by the order of the judge for any term of court, it shall be the duty of the county board in each of the counties in this state wherein such court is directed to be holden, at least twenty days before the sitting of such court, to select twenty-three persons, possessing the qualifications as provided in section three of this act, and as nearly as may be a proportionate number from each town or precinct in their respective counties, to serve as grand jurors at such term; and to cause their clerk, within five days thereafter, to certify the names of the persons so selected as grand jurors to the clerk of the court for which they are selected, who shall issue and deliver to the sheriff of the county wherein the court is to be held, at

least ten days before the term of the court for which they shall have been selected, or during term time if the court shall so order, a summons commanding him to summon the persons so selected as aforesaid, to appear before such court at or before the hour of eleven o'clock A. M. on the first day of the term, or upon such other day as the judge shall direct, to constitute a grand jury for such term. The sheriff shall serve such summons in the manner provided in section eleven (11) of this act, for service of summons on petit jurors, and for any refusal or neglect so to do, shall be deemed guilty of a contempt of court, and may be fined therefor as provided in section eleven (11) of this act, for default in summoning petit jurors. If for any reason the panel of grand jurors shall not be full at the opening of any court of record, the court shall direct the sheriff to summon from the bystanders or from the body of the county, a sufficient number of persons, having the qualifications of jurors, as provided by this act, to fill the panel.

§ 10. The clerk of the court shall, within five days after such drawing, issue to the sheriff a summons commanding him to summons as petit jurors a sufficient number, not less than thirty, of the persons so drawn, giving their residence, to appear at the place of holding such court, at the hour of ten o'clock A. M. of the first day of the term, or upon such other day of the term as the judges shall direct, and a like number to appear at the same place and hour on the third Monday of the term, and the same number for each two weeks the court will probably be in session, which summons shall be served before the sitting of the court.

§ 11. It shall be the duty of the sheriff to execute the summons by reading the same to, or leaving a copy thereof at the usual place of abode of each of the persons directed to be summoned to constitute the jury as aforesaid, and to make return thereof on or before the return day, to the clerk of the court in which said jurors are to serve, with an indorsement thereon, certifying on whom it has been executed, and the time when; and in default of so doing, such sheriff or other officer shall be considered as guilty of a contempt, and may be fined for the use of the proper county in any sum not less than ten dollars nor more than two hundred dollars; and it shall be the duty of the court, upon the return of such summons, to inquire into the cause of any failure to serve any such juror, and unless he shall find that the sheriff has used proper diligence to serve such juror, he shall inflict the fine aforesaid.

§ 12. If for any reason the panel of petit jurors shall not be full at the opening of any court of record, or at any time during the term of any such court, the clerk of such court may again repair to the office of the county clerk and draw in the same manner as at the first drawing such numbers of jurors as the court shall direct, to fill such panel, who shall be summoned in the same manner as the others, and, if necessary, jurors may continue to be so drawn and summoned from time to time until the panel shall be filled. In case a jury shall be required in any court of record for trial of any cause, before the panel shall be filled in the manner herein provided, the court shall direct the sheriff to summon, from the bystanders, or from the body of the county, a sufficient number of persons having the qualifications of jurors, as provided in this act, to fill the panel, in order that a jury to try such cause may be drawn therefrom, and when such jury is drawn, the persons selected from the bystanders, or from the body of the county, to fill the panel, and not chosen on the jury, shall be discharged from the panel, and

those who shall be chosen to serve on such jury shall also be discharged from the panel at the conclusion of the trial: *Provided*, that persons selected from the bystanders, as provided in this section, shall not thereby be disqualified or exempt from service as jurors, when regularly drawn by the clerk for that purpose, in the manner provided by this act.

§ 13. When the panel has been filled by jurors drawn by the clerk, and summoned as provided in this act, and by reason of challenge, in the selection of a jury for the trial of any cause, or by reason of the sudden sickness or absence of any juror, or for any cause, except when a juror shall be discharged from the panel, the panel shall be exhausted or incomplete, the court may direct the sheriff to summon from the bystanders, or from the body of the county, a sufficient number of persons, having the qualifications of jurors, to fill the panel for the pending trial. Any person who shall seek the position of a juror, or who shall ask any attorney or other officer of the court or other person to secure his selection as a juror, shall be deemed guilty of a contempt of court, and be fined not exceeding twenty dollars, and shall thereby be disqualified from serving as a juror for that term, and such fact shall be sufficient ground for challenge. Any attorney or party to a suit pending for trial at that term who shall request or solicit the placing of any person upon a jury, shall be deemed guilty of a contempt of the court and be fined not exceeding one hundred dollars, and the person so sought to be put upon the jury shall be disqualified to serve as a juror at that term of court.

§ 14. It shall be a sufficient cause of challenge of a petit juror that he lacks any one of the qualifications mentioned in section two (2) of this act; or that he has served as a juror on the trial of a cause in any court of record in the county within one year previous to the time of his being offered as a juror, or that he is a party to a suit pending for trial in that court at that term. It shall be the duty of the court to discharge from the panel all jurors who do not possess the qualifications provided in this act, as soon as the fact is discovered: *Provided*, if a person has served on a jury in a court of record within one year, he shall be exempt from again serving during such year, unless he waives such exemption: *Provided, further*, that it shall not be a cause of challenge that a juror has read in the newspapers an account of the commission of the crime with which the prisoner is charged, if such juror shall state on oath that he believes he can render an impartial verdict according to the law and the evidence, and that he has no fixed and definite opinion as to the guilt or innocence of the accused, which will require evidence to remove.

§ 15. Every person who shall fail to attend when lawfully summoned to appear as a grand or petit juror as aforesaid, without having a reasonable excuse, shall be considered as guilty of a contempt, and shall be fined by the courts respectively, in any sum not less than five dollars nor more than one hundred dollars, for the use of the proper county, unless good cause be shown for such default; and it shall be the duty of the court to order a writ of attachment, returnable forthwith, against all such delinquents, and upon the return thereof the court shall proceed to assess said fine, unless the person or persons so attached shall show good cause for such delinquency: *Provided*, that the oath or affirmation of any such delinquent shall at all times be received as competent evidence.

IMPANNELING THE GRAND JURY.

§ 16. A full panel of the grand jury shall consist of twenty-three persons, sixteen of whom shall be sufficient to constitute a grand jury.

§ 17. After the grand jury is impaneled it shall be the duty of the court to appoint a foreman, who shall have power to swear or affirm witnesses to testify before them, and whose duty it shall be, when the grand jury, or any twelve of them, find a bill of indictment to be supported by good and sufficient evidence, to endorse thereon "a true bill;" where they do not find a bill to be supported by sufficient evidence, to endorse thereon, "Not a true bill;" and shall in either case sign his name, as foreman, at the foot of said endorsement, and shall also, in each case in which a true bill shall be returned into court as aforesaid, note thereon the name or names of the witness or witnesses upon whose evidence the same shall have been found.

§ 18. Before the grand jury shall enter upon the discharge of their duties, the following oath shall be administered to the foreman, to-wit: "You, as foreman of this inquest, do solemnly swear (or affirm, as the case may be), that you will diligently inquire into and true presentment make of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge, touching the present service; you shall present no person through malice, hatred or ill will; nor shall you leave any unpresented, through fear, favor or affection, or for any fee or reward, or for any hope or promise thereof; but in all of your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding: so help you God." And the following oath or affirmation shall be administered to the other jurors, to-wit: "The same oath that A B, your foreman, has just taken before you, on his part, you and each of you shall well and truly keep and observe on your respective parts: so help you God."

§ 19. No grand jury shall make presentments of their own knowledge, upon the information of a less number than two of their own body, unless the juror giving the information is previously sworn as a witness, in which case, if the evidence shall be deemed sufficient, an indictment may be found thereon in like manner as upon the evidence of any other witness who may not be of the jury.

§ 19½. That the judge of any court of record of competent jurisdiction may order a special venire to be issued for a grand jury at any time when he shall be of opinion that public justice requires it. The order for such venire shall be entered on the records of the court by the clerk thereof; and such clerk shall forthwith issue such venire under his hand and the seal of the court, and deliver the same to the sheriff, who shall execute the summoning, in the manner now provided, or that may hereafter be provided by law for summoning jurors, twenty-three persons, qualified by law, to constitute a grand jury. Such venire shall state the day on which such persons shall appear before the court.

IMPANNELING PETIT JURIES.

§ 20. It shall be the duty of the clerk of the court, at the commencement of each week of the term, to write the name of each petit juror summoned and retained for that week on a separate ticket, and put the whole into a box or other place for safe keeping; and as often as it shall be necessary to impanel a jury, the clerk, sheriff or coroner shall, in

the presence of the court, draw by chance twelve names out of such box or other place, which shall designate the twelve to be sworn on the jury, and in the same manner for the second jury, in their turn, as the court may order and direct.

§ 21. Upon the impanneling of any jury in any civil cause now pending, or to be hereafter commenced in any court in this state, it shall be the duty of the court, upon request of either party to the suit, or upon its own motion, to order its full number of twelve jurors into the jury box, before either party shall be required to examine any of the said jurors touching their qualifications to try any such cause: *Provided*, that the plaintiff shall first be required to pass upon and accept four jurors, then the defendant shall pass upon and accept four jurors, and jurors shall continue to be selected in like manner until the panel is completed.

§ 22. So much of this act as applies to county boards shall apply to the county court in counties not under township organization, until such county court shall be succeeded by the board of county commissioners.

§ 23. The provisions of this act shall apply to proceedings in both civil and criminal cases.

§ 24. An act entitled "An act concerning jurors," approved April 10, 1872, and all acts or parts of acts inconsistent herewith, are hereby repealed.

APPROVED May 7, 1873.

JUSTICES OF THE PEACE.

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1. *Jurisdiction in counties.*
 2. *Amend section 16, execution against security on bond.*
 3. *Amend section 46, jurors to be sworn; instructions.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and to fix the duties of constables, and to repeal certain acts therein named," approved April 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section thirteen (13) of said act be and the same is hereby amended to read as follows, to-wit:*

"§ 13. Justices of the peace shall have jurisdiction in their respective counties in the following cases, when the amount claimed does not exceed two hundred dollars:

First—In actions arising on contracts, whether under seal or not, express or implied, for the recovery of money only. When the action is upon a bond, the amount to be recovered thereon, and not the penalty of the bond, shall determine the jurisdiction; and when the payments are to be made by installments, an action may be brought for any installment as it shall become due.

Second—In actions for damages for injury to real property, or for taking, distraining, or injuring personal property.

Third—In actions for rent, and distress for rent.

Fourth—In actions against railroad companies, and any person or company controlling, operating or using any railroad in this state, for killing or injuring horses, cattle, sheep, hogs or other stock; for loss of or injury to baggage or freight; and for injury or damage to real or personal property caused by setting fire to the same by their engines, or otherwise.

Fifth—In actions of replevin, when the value of the property claimed does not exceed two hundred dollars.

Sixth—In actions for damages for fraud in the sale, purchase or exchange of personal property, and in all cases where the action of debt or assumpsit will lie, if the damages claimed do not exceed two hundred dollars. This section shall apply to claims originally exceeding two hundred dollars, if the same shall at the time of the rendition of the judgment be reduced by credits or deductions to an amount not exceeding two hundred dollars."

§ 2. That section sixteen (16) of said act be amended to read as follows, to-wit: "Such bond shall be signed by the security, and if the said plaintiff shall be cast in his suit, discontinue or make default, and shall not, within twenty days thereafter, pay to the justice all the costs that may have been occasioned to the defendant, to the justice and constable, jurors or witnesses, or perfect an appeal, the justice shall issue his execution against the security for the amount thereof, accompanied with a bill of costs, in which shall be set down every particular charged: *Provided*, that no bond for costs shall be required of any resident of this state, except in *qui tam* or other actions specially requiring bond by law."

§ 3. That section forty-six (46) of said act be and the same is hereby amended by striking out the *proviso* thereof, so as to read, as amended, as follows, to-wit:

"§ 46. The jurors may be tried and sworn in the usual manner practiced in courts of record, but they shall not be instructed as to the law by the justice, except as to the form of the verdict. Judgments shall be entered by the justice in accordance with the verdict."

APPROVED April 15, 1873.

LANDS.

§ 1. Auditor authorized to sell all internal improvement lands or lots.
In force July 1, 1873.

AN ACT to dispose of all [uns]old internal improvement lands or lots belonging to the state.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be and is hereby made the duty of the auditor of public accounts to cause to be appraised by three disinterested freeholders, residing in the county where the lands or lots are situate, who shall report the value of the same to the auditor, veri-

fied by affidavit, all unsold internal improvement lands or lots, and offer the same at public sale, at the court house in the county seat of the county where the property is situated. Public notice of at least three (3) weeks of any such public sale shall be published in at least one newspaper of the county in which the real estate is situated. Such real estate shall be sold to the highest bidder, at not less than the appraised value. Any such real estate not sold at public sale, after being so offered, it shall be subject to private sale by the auditor at the appraised value. Deeds for such real estate shall be made by the governor, on the auditor's certificate of purchase, the same as deeds have heretofore been made for such real estate.

APPROVED April 16, 1873.

§ 1. *Repeal act in force April 16, 1869
In force July 1, 1873.*

AN ACT to repeal an act entitled "An act in relation to a portion of the submerged lands and Lake Park grounds, lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago," in force April 16, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the act entitled "An act in relation to a portion of the submerged lands and Lake Park grounds lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago," in force April 16, 1869, be and the same is hereby repealed.*

APPROVED April 15, 1873.

- § 1. *Duties of trustees.*
 § 2. *Advertising sale of land.*
 § 3. *Quantities offered not to exceed forty acres in one tract.*
 § 4. *Trustees to convey by deed.*
 § 5. *Mandamus may issue where trustees fail or refuse to offer for sale.*
In force July 1, 1873.

AN ACT to compel the trustees of the lands granted to the Illinois Central Railroad Company to execute their trust.

WHEREAS, by act of congress, approved September 20, 1850, a grant of lands was made to this state for the purpose of aiding in the construction of a railroad from Chicago to Mobile, and between certain other points; and whereas the general assembly of this state, by an act entitled "An act to incorporate the Illinois Central Railroad Company," approved February 10th, 1851, incorporated the Illinois Central Railroad Company, and granted to said company the said lands, with provision that they should be conveyed to and held and sold by certain trustees provided for in said act; and it was provided among other things that the said lands should be exempt from all taxation under the laws of this state until sold and conveyed by the said corporation or trustees; and whereas it was further expressly provided in said act, as

a part of the condition of said grant and said exemption from taxation, that all lands remaining unsold at the expiration of ten years after the completion of the road of said company, and its branches as therein specified, should be offered at public sale annually until the whole should be disposed of, to the end that the same might become taxable at the earliest possible time after the expiration of that period; and whereas the said road and branches have been completed for more than fourteen years, and large tracts of said lands remain unsold, and no proper effort is made by said company or said trustees to sell the same according to the true intent and meaning of said act, and thereby the state is deprived of large revenues which it ought to derive from the taxation of said lands, and the other owners of property in the vicinity of said lands are compelled to bear more than their proportion of the burden of taxation; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the trustees named in section fifteen of an act entitled "An act to incorporate the Illinois Central Railroad Company," approved February 10th, 1851, or their successors in the trust in the said act mentioned, to offer at public sale annually all the lands by the said act granted, and by the state conveyed, or intended to be conveyed to the said Illinois Central Railroad Company, and by said company conveyed, or intended to be conveyed, to the said trustees by deed, dated March 24th, 1851, and which remain unsold, until the whole are disposed of. And for the sake of securing the speedy and proper execution of their trust pursuant to said act, it is hereby made the duty of the said trustees and their successors, upon some day during the months of October and November, 1873, and during the months of April and May in each year thereafter, until all said lands are disposed of, to offer for sale at public vendue, at the court house in each county, all such lands in such county then remaining unsold: *Provided,* this act shall not be so construed as to prevent said trustees from selling any of said lands at private sale.

§ 2. Before making any sale in any county under the provisions of this act, the trustees shall give public notice thereof, by advertisement in some newspaper published in the county where the land to be sold is situated, which advertisement shall contain a description of the land and notice of the time, terms and place of sale, and shall be published for at least four successive weeks prior to the first day of sale.

§ 3. At every such sale in any county all the lands lying in such county shall be offered for sale in such quantities as will be most advantageous in promoting a fair sale thereof, and not exceeding forty acres in one tract, and shall be sold to the highest and best bidder or bidders therefor, and no such lands shall be withheld or withdrawn from sale so long as any one will bid therefor any sum not less than two dollars per acre. Said land shall be offered for sale in the order advertised, and when any tract is put up for sale the auctioneer or person selling shall cry the same for at least five minutes.

§ 4. Upon the making of any such sale the said trustees shall make and deliver to the purchaser or purchasers a deed of conveyance vesting the title to the land sold in such purchaser or purchasers so that the said land shall thereafter become immediately taxable: *Provided,* that when any such sale shall be made upon time, the said trustees may require for the deferred payments note or notes, to be secured by mortgage or deed of trust, in such form and upon such terms as may be deemed best.

§ 5. In case the said trustees, or their successors, shall fail or refuse to offer the said lands for sale in good faith in the manner herein provided, and sell the same to the highest and best bidder or bidders, when a sum not less than two dollars per acre shall be bid therefor, it shall be the duty of the attorney-general of this state to file in the supreme court of this state a petition praying the court for a mandamus to compel the said trustees and their successors in office to make sale pursuant to the terms of this act; and the said trustees may be notified in the same manner as defendants in cases of mandamus are notified. And the said supreme court are hereby vested with jurisdiction to compel the said trustees to offer the said lands for sale, and sell and convey the same in the manner herein provided; or in case of neglect or refusal, to appoint one or more commissioners or masters in chancery to make such sales and conveyances, and to fix the terms and times of sale, and generally to make all orders in the premises which the court shall deem proper to insure the execution of their duties according to the true intent and meaning of said section seventeen of said act of incorporation, not inconsistent with the terms of this act.

APPROVED March 28, 1873.

LANDLORD AND TENANT.

1. *Action for rent.*
2. *Tenant or tenants holding over liable to double yearly value, after demand is made.*
3. *Notice given by tenant; liable for double rent.*
4. *Rent six months in arrears, plaintiff may be ejected.*
5. *Notice to tenancy from year to year.*
6. *Notice to tenancy by the month.*
7. *What notice to be given before suit.*
8. *Notice to terminate lease for failure to comply.*
9. *Form of notice when default is made.*
10. *What shall constitute service.*
11. *Notice shall be prima facie evidence.*
12. *No notice necessary.*
13. *Defining lease, as used in this act.*
14. *Rights of assignees.*
15. *Rights of lessees of any lands.*
16. *Distress for rent; what property liable.*
17. *Where distress warrant to be filed.*
18. *Summons to issue.*
19. *Notice to be given as in cases of attachment.*
20. *How suits shall be proceeded with.*
21. *Set-off.*
22. *Judgment shall be given.*
23. *Force and effect of judgment on summons.*
24. *Force and effect of judgment on notice.*
25. *Defendant may recover.*
26. *Property distrained may be released by giving bonds; when bond to be filed.*

- § 27. *Perishable property to be sold.*
 §§ 28. *Rights limited.*
 §§ 29. *Value of specific articles distrained.*
 §§ 30. *Exemption from distress for rent.*
 §§ 31. *Landlords' lien upon crops.*
 §§ 32. *Rights as against sub-lessee or assignee.*
 §§ 33. *Duty of landlord when tenant abandons or removes from the premises.*
In force July 1, 1873.

AN ACT to revise the law in relation to landlord and tenant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the owner of lands, his executors or administrators, may sue for and recover rent therefor, or a fair and reasonable satisfaction for the use and occupation thereof, by action of debt or assumpsit, in any court of competent jurisdiction, in any of the following cases:*

First—When rent is due and in arrear on a lease for life or lives.

Second—When lands are held and occupied by any person without any special agreement for rent.

Third—When possession is obtained under an agreement, written or verbal, for the purchase of the premises, and before deed given the right to possession is terminated by forfeiture or non-compliance with the agreement, and possession is wrongfully refused or neglected to be given upon demand, made in writing, by the party entitled thereto: *Provided*, that all payments made by the vendee, or his representatives or assigns, may be set off against such rent.

Fourth—When land has been sold upon a judgment or a decree of court, when the party to such judgment or decree, or person holding under him, wrongfully refuses or neglects to surrender possession of the same, after demand, in writing, by the person entitled to the possession.

Fifth—When the lands have been sold upon a mortgage or trust deed, and the mortgager or grantor, or person holding under him, wrongfully refuses or neglects to surrender possession of the same, after demand, in writing, by the person entitled to the possession.

§ 2. If any tenant or tenants for life, lives, or for a year, or any longer or shorter time, or any person or persons who are or shall come into possession of any lands, tenements or hereditaments, by, from or under or by collusion with such tenant or tenants, shall willfully hold over any lands, tenements or hereditaments, after the expiration of such term or terms, and after demand made, in writing, for the possession thereof, by his or their landlord or lessor, or the person to whom the remainder or reversion of such lands, tenements or hereditaments shall belong, such person or persons so holding over shall, for the time such landlord or rightful owner be so kept out of possession, pay to the person so kept out of possession, or his legal representatives, at the rate of double the yearly value of the lands, tenements or hereditaments so detained, to be recovered by action of debt or otherwise, in any court having cognizance of the same.

§ 3. If any tenant shall give notice of his intention to quit the premises by him holden, at a time mentioned in such notice, at which the tenant would have a right to quit by the lease, and shall not accordingly deliver up possession thereof, such tenant shall pay to the landlord or lessor double the rent or sum which would otherwise have been due, to

be collected in the same manner as the rent otherwise due should have been collected.

§ 4. In all cases between landlord and tenant, where one-half year's rent shall be in arrear and unpaid, and the landlord or lessor to whom such rent is due has right by law to re-enter for non-payment thereof, such landlord or lessor may, without any formal demand or re-entry, commence an action of ejectment for the recovery of the demised premises. And in case judgment be given for the plaintiff in such action of ejectment, and the writ of possession be executed thereon, before the rent in arrear and costs of suit be paid, then the lease of such lands shall cease and be determined, unless such lessee shall, by writ of error, reverse the said judgment, or shall by bill, filed in chancery, within six months after the rendition of such judgment, obtain relief from the same: *Provided*, that any such tenant may, at any time before final judgment on said ejectment, pay or tender to the landlord or lessor of the premises the amount of rent in arrear, and costs of suit, and the proceedings on such ejectment shall thereupon be discontinued.

§ 5. In all cases of tenancy from year to year, sixty days' notice, in writing, shall be sufficient to terminate the tenancy at the end of the year. The notice may be given at any time within four months preceding the last sixty days of the year.

§ 6. In all cases of tenancy by the month, or for any other term less than one year, where the tenant holds over without special agreement, the landlord shall have the right to terminate the tenancy by thirty days' notice, in writing, and to maintain an action for forcible detainer or ejectment.

§ 7. Where a tenancy is terminated by notice, under either of the two preceding sections, no further demand shall be necessary before bringing a suit under the statute in relation to forcible detainer or ejectment.

§ 8. The landlord or his agent may, at any time after rent is due, demand payment thereof, and notify the tenant, in writing, that unless payment is made within a time mentioned in such notice, not less than five days after the service thereof, the lease will be terminated. If the tenant shall not, within the time mentioned in such notice, pay the rent due, the landlord may consider the lease ended, and sue for the possession under the statute in relation to forcible entry and detainer, or maintain ejectment without further notice or demand.

§ 9. When default is made in any of the terms of a lease, it shall not be necessary to give more than ten days' notice to quit, or of the termination of such tenancy, and the same may be terminated on giving such notice to quit at any time after such default in any of the terms of such lease; which notice may be substantially in the following form, viz :

To A. B.: You are hereby notified that in consequence of your default in (here insert the character of the default) of the premises now occupied by you, being, etc., (here describe the premises) I have elected to determine your lease, and you are hereby notified to quit and deliver up possession of the same to me within ten days of this date, (dated, etc.)

To be signed by the lessor or his agent; and no other notice or demand of possession or termination of such tenancy shall be necessary.

§ 10. Any demand may be made or notice served by delivering a written or printed, or partly written and partly printed, copy thereof to the tenant, or by leaving the same with some person above the age of twelve years, residing on or in possession of the premises; and in case no one is in the actual possession of said premises, then by posting the same on the premises.

§ 11. When any such demand is made or notice served by an officer authorized to serve process, his return shall be *prima facie* evidence of the facts therein stated, and if such demand is made or notice served by any person, not an officer, the return may be sworn to by the person serving the same, and shall then be *prima facie* evidence of the facts therein stated.

§ 12. When the tenancy is for a certain period, and the term expires by the terms of the lease, the tenant is then bound to surrender possession, and no notice to quit or demand of possession is necessary.

§ 13. The term "lease," as used in this act, shall include every letting, whether by verbal or written agreement.

§ 14. The grantees of any demised lands, tenements, rents or other hereditaments, or of the reversion thereof, the assignees of the lessor of any demise, and the heirs and personal representatives of the lessor, grantee or assignee shall have the same remedies by entry action or otherwise, for the non-performance of any agreement in the lease, or for the recovery of any rent, or for the doing of any waste or other cause of forfeiture, as their grantor or lessor might have had if such reversion had remained in such lessor or grantor.

§ 15. The lessees of any lands, their assigns or personal representatives, shall have the same remedy, by action or otherwise, against the lessor, his grantees, assignees, or his or their representatives, for the breach of any agreement in such lease, as such lessee might have had against his immediate lessor: *Provided*, this section shall have no application to the covenants against incumbrances, or relating to the title or possession of the premises demised.

DISTRESS FOR RENT.

§ 16. In all cases of distress for rent, the landlord, by himself, his agent or attorney, may seize for rent any personal property of his tenant that may be found in the county where such tenant shall reside; and in no case shall the property of any other person, although the same may be found on the premises, be liable to seizure for rent due from such tenant.

§ 17. The person making such distress shall immediately file with some justice of the peace, if the amount of the claim is within his jurisdiction, or with the clerk of a court of record of competent jurisdiction, a copy of the distress warrant, together with an inventory of the property levied upon.

§ 18. Upon the filing of such copy of distress warrant and inventory, the justice of the peace or clerk shall issue a summons against the party against whom the distress warrant shall have been issued, returnable as other summonses.

§ 19. When it shall appear, by affidavit filed in the court where such proceeding is pending, that the defendant is a non-resident or has departed from this state, or on due inquiry cannot be found, or is concealed within this state, and the affiant shall state the place of residence of said defendant, if known, and if not known, that upon diligent inquiry he has not been able to ascertain the same, notice may be given, if the suit is before a justice of the peace, as in cases of attachment before justices, or if in a court of record, as in attachment cases in such courts.

§ 20. The suit shall thereafter proceed in the same manner as in case of attachment before such court or justice of the peace: *Provided*, that it shall not be necessary for the plaintiff in any case to file a declara-

tion, but the distress warrant shall stand for a declaration and shall be amendable, as other declarations: *Provided*, that no such amendment shall in any way affect any liabilities that may have accrued in the execution of such warrant.

§ 21. The defendant may avail himself of any set off or other defense which would have been proper if the suit had been for the rent in any form of action and with like effect.

§ 22. If the plaintiff succeeds in his suit, judgment shall be given in his favor for the amount which shall appear to be due him,

§ 23. When the defendant has been served with process or appears to the action, the judgment shall have the same force and effect as in suits commenced by summons, and execution may issue thereon, not only against the property distrained, but also against the other property of the defendant. But the property distrained, if the same has not been replevied or released from seizure, shall be first sold.

§ 24. When publication of notice shall have been made, as provided in this act, but the defendant is not served with process and does not appear, judgment by default may be entered, and the plaintiff may recover the amount due him for rent at the time of issuing the distress warrant, and a special execution shall issue against the property distrained, but no execution shall issue against any other property of the defendant.

§ 25. If the judgment is in favor of the defendant, he shall recover costs and have judgment for the return of the property distrained, unless the same has been replevied or released from such distress. And if a set-off is interposed and it appears that a balance is due from the plaintiff to the defendant, judgment shall be rendered for the defendant for the amount thereof.

§ 26. When any distress warrant has been levied, the person whose property is distrained may release the same by entering into bond in double the amount of the rent claimed, payable to the landlord, with sufficient sureties, to be approved by the person making the levy, if the bond is tendered before the filing of a copy of the warrant, as provided in this act, or if after, by the clerk of the court in which, or justice of the peace before whom, the suit is pending, conditioned to pay whatever judgment the landlord may recover in the suit, with costs of suit. If the bond is taken before the filing of a copy of the distress warrant, such bond shall be filed therewith, and if taken after the filing of a copy of the distress warrant, it shall be filed in the court or with the justice where the suit is pending.

§ 27. If any property distrained is of a perishable nature and in danger of immediate waste or decay, and the same is not replevied or bonded, the landlord or his agent or attorney may, upon giving notice to the defendant or his attorney, if either can be found in the county, or if neither can be found, without any notice, apply to the judge or a master in chancery of the court in which, or the justice of the peace before whom the suit is pending, describing the property, and showing that the same is so in danger, and if such judge, master or justice of the peace is satisfied that the property is of a perishable nature and in danger of immediate waste or decay, and if the defendant or his attorney is not served with notice, or does not appear, that he cannot be found in the county, he may issue an order to the person having possession of the property, directing the sale thereof upon such time and such notice, terms and conditions as the judge, master or justice of the

peace shall think for the best interests of the parties concerned. The money arising from such sale shall be deposited with the clerk of the court in which, or justice of the peace before whom the suit is pending, there to abide the event of the suit.

§ 28. The right of the landlord to distrain the personal goods of the tenant, shall continue for the period of six months after the expiration of the term for which the premises were demised or the tenancy is terminated.

§ 29. When the rent is payable wholly or in part in specific articles of property or products of the premises or labor, the landlord may distrain for the value of such articles, products or labor.

§ 30. The same articles of personal property which are, by law, exempt from execution, except the crops grown or growing upon the demised premises, shall also be exempt from distress for rent.

§ 31. Every landlord shall have a lien upon the crops grown or growing upon the demised premises for the rent thereof, whether the same is payable wholly or in part in money or specific articles of property or products of the premises or labor, and also for the faithful performance of the terms of the lease. Such lien shall continue for the period of six months after the expiration of the term for which the premises were demised.

§ 32. In all cases when the demised premises shall be sub-let, or the lease is assigned, the landlord shall have the same right to enforce his lien against the sub-lessee or assignee, that he has against the tenant to whom the premises were demised.

§ 33. When a tenant abandons or removes from the premises or any part thereof, the landlord or his agent or attorney may seize upon any grain or other crops grown or growing upon the premises or part thereof so abandoned, whether the rent is due or not. If such grain or other crops or any part thereof is not fully grown or matured, the landlord or his agent or attorney shall cause the same to be properly cultivated and harvested or gathered, and may sell and dispose of the same, and apply the proceeds, so far as may be necessary, to compensate him for his labor and expenses, and to pay the rent: *Provided*, the tenant may, at any time before sale of the property so seized, redeem the same by tendering the rent due and the reasonable compensation and expenses of the cultivation and harvesting or gathering the same, or he may replevy the property seized.

§ 34. Chapter sixty of the Revised Statutes of 1845, entitled "Landlord and Tenant," and chapter forty-three of the Revised Statutes of 1845, entitled "Forcible Entry and Detainer;" and an act entitled "An act to extend the jurisdiction of justices of the peace and constables in actions of forcible entry and detainer or forcible detainer only," approved February 25, 1845; and an act entitled "An act to amend an act entitled 'an act amendatory of the practice act,' approved February 16, 1849," approved February 17, 1851; and an act entitled "An act to amend the sixtieth chapter of the Revised Statutes entitled 'Landlord and Tenant,'" approved February 10, 1857; and an act entitled "An act to amend the statute in relation to forcible entry and detainer and landlord and tenant," approved February 20, 1861; and an act entitled "An act in relation to landlord and tenant," approved February 21, 1861; and an act entitled "An act to amend chapter LX of the Revised Statutes of 1845, entitled 'Landlords and Tenants,'" approved February 16, 1865; and an act entitled "An act to amend chapter forty-three of the

Revised Statutes entitled 'Forcible Entry and Detainer,' approved February 16, 1865; and an act entitled "An act to amend an act entitled 'an act to amend chapter forty-three of the Revised Statutes entitled 'Forcible Entry and Detainer,' approved May 16, 1865," approved March 5, 1867; and an act entitled "An act to amend the law of landlord and tenant," approved March 27, 1869; and all other acts and parts of acts inconsistent with the provisions of this act, or with the provisions of an act entitled "An act in regard to forcible entry and detainer," approved April 10, 1872, are hereby repealed: *Provided*, that this section shall not be so construed as to affect any rights existing or actions pending at the time this act shall take effect.

APPROVED May 1, 1873.

LIMITATIONS.

- § 1. Amend section eighteen of an act approved April 4, 1872.
 § 2. When new actions may be commenced.
 § 3. Judgments may be revived by *scire facias*.
 In force July 1, 1873.

AN ACT to amend an act entitled "An act in regard to limitations," approved April 4, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, Section eighteen (18), of an act entitled "An act in regard to limitations," approved April 4, 1872, be and the same is hereby amended, so that it shall read as follows:

§ 18. If, when the cause of action accrues against a person, he is out of the state, the action may be commenced within the times herein limited, after his coming into or return to the state; and if, after the cause of action accrues, he departs from and resides out of the state, the time of his absence is no part of the time limited for the commencement of the action. But the foregoing provisions of this section shall not apply to any case, when, at the time the cause of action accrued or shall accrue, neither the party against nor in favor of whom the same accrued or shall accrue, were or are residents of this state."

§ 2. In any of the actions specified in any of the sections of said act, if judgment shall be given for the plaintiff, and the same be reversed by writ of error, or upon appeal; or if a verdict pass for the plaintiff, and, upon matter alleged in arrest of judgment, the judgment be given against the plaintiff; or, if the plaintiff be non-suited, then, if the time limited for bringing such action shall have expired during the pendency of such suit, the said plaintiff, his or her heirs, executors, or administrators, as the case shall require, may commence a new action within one year after such judgment reversed or given against the plaintiff, and not after.

§ 3. Judgments in any court of record in this state may be revived by *scire facias*, or an action of debt may be brought thereon within twenty years next after the date of such judgment, and not after; and the provisions of the foregoing section shall apply also to this section.

APPROVED April 11, 1873.

MANUFACTURERS.

- § 1. *To file in office of secretary of state and county clerk a description of the names and marks used by them.*
- § 2. *Declared unlawful to re-fill, traffic in or destroy any such.*
- § 3. *Possession prima facie evidence.*
- § 4. *Search warrant to issue on oath of owner or agent.*
- § 5. *How fines are disposed of.*
In force July 1, 1873.

AN ACT to protect manufacturers, bottlers and dealers in ale, porter, lager beer, soda, mineral water and other beverages, from the loss of their casks, barrels, kegs, bottles and boxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons engaged in the manufacture, bottling or selling of ale, porter, lager beer, soda, mineral water or other beverages, in casks, barrels, kegs, bottles or boxes, with their names or other marks of ownership stamped or marked thereon, may file in the office of the secretary of state, and also in the office of the county clerk of the county in which such articles are manufactured, bottled or sold, a description of the names or marks so used by them, and cause the same to be printed for six successive weeks in a weekly newspaper, printed in the English language, in counties where no daily newspaper is printed or published; and in counties where a daily newspaper is printed and published, the same shall also be published in a daily newspaper of general circulation, printed in the English language, six times a week, for six successive weeks, in counties where such articles are manufactured, bottled or sold.

§ 2. It is hereby declared to be unlawful for any person or persons, hereafter, without the written consent of the owner or owners thereof, to fill with ale, porter, lager beer, soda, mineral water or other beverage, or any other articles of merchandise, medicine, compound or preparation, for sale or to be furnished to customers, any such casks, barrels, kegs, bottles or boxes so marked or stamped, or to sell, dispose of, buy or traffic in, or wantonly destroy any such cask, barrel, keg, bottle or box so marked or stamped by the owner or owners thereof, after such owner or owners shall have complied with the provisions of the first section of this act. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace or police magistrate in this state, shall be fined five dollars for each and every cask, barrel, keg or box, and fifty cents for each and every bottle so by him, her or them filled, bought, sold, used, trafficked in or wantonly destroyed, or by him, her or them caused to be so filled, bought, sold, used, trafficked in or wantonly destroyed, together with the costs of suit for the first offense, and ten dollars for each and every cask, barrel, keg and box, and one dollar for each and every bottle so filled, bought, sold, used, trafficked in or wantonly destroyed or caused to be so filled, bought, sold, used, trafficked in or wantonly destroyed, together with the costs of suit, for each subsequent offense.

§ 3. The using by any other person than the rightful owner thereof, without such written permission, of any such cask, barrel, keg, bottle or

box, for the sale therein of ale, porter, lager beer, soda, mineral water or other beverage, or any other article of merchandise, medicine, compound or preparation, or to be furnished to customers, or the buying, selling or trafficking in any such barrel, cask, keg, bottle or box, by any person other than the owner, without such written permission, or the fact that any junk dealer or dealer in casks, barrels, kegs, bottles or boxes shall have in his or her possession any such cask, barrel, keg, bottle or box so marked or stamped and registered as aforesaid, without such written permission, shall and is hereby declared to be *prima facie* evidence that such use, buying, selling, trafficking in or possession is unlawful, within the meaning of this act; and any person or persons found guilty of any such use, buying, selling, trafficking in or having in possession any such cask, barrel, keg, box or bottle, without such written permission, shall be liable to be arrested and fined, as provided in the second section of this act; and it is hereby declared to be the duty of any justice of the peace or police magistrate within this state, upon oath having been made in writing before him by any owner, or by the agent of any owner or owners, that any person has violated any of the provisions of this act, to immediately issue his warrant and cause such person or persons so accused to be brought before him, and proceed to try such accused party, as in cases of assault and battery; and in case such accused party shall be found guilty of having violated any of the provisions of this act, shall assess the fine as provided in the second section of this act; such fine and costs to be collected as provided by law in other cases of misdemeanor.

§ 4. In case the owner or owners of any cask, barrel, keg, bottle or box so marked, stamped and registered as aforesaid, shall, in person or by agent, make oath in writing, before any justice of the peace or police magistrate, that he has reason to believe and does believe that any manufacturer or bottler of ale, porter, lager beer, soda, mineral water or other beverage, or any other person, is using in any manner, by this act declared to be unlawful, any of the casks, barrels, kegs, bottles or boxes, of such person or his principal, or that any junk dealer or dealer in casks, barrels, kegs, bottles or boxes, or any other dealer, manufacturer or bottler has any such cask, barrel, keg, bottle or box secreted in, about or upon his or her or their premises, the said justice of the peace or police magistrate shall issue his search warrant and cause the premises designated to be searched, as in other cases where search warrants are issued, as is now provided by law; and in case any such cask, barrel, keg, bottle or box, duly marked or stamped and registered as aforesaid, shall be found in, upon or about the premises so designated, the officer executing such search warrant shall thereupon arrest the person or persons named in such search warrant and bring him, her or them before the justice of the peace or police magistrate who issued such warrant, who shall thereupon hear and determine such case, and if the accused is found guilty, he, she or they shall be fined as provided in the second section of this act.

§ 5. All costs incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over by the justice of the peace or police magistrate collecting the same, in the same manner and for the same purpose as fines in cases of assault and battery are now by law disposed of.

APPROVED May 2, 1873.

MINERS.

- § 1. *Amend section 6 of an act approved March 27, 1872, in regard to age and proof.*
In force July 1, 1873.

AN ACT to amend section 6 of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved March 27, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section six of said act be amended so as to read as follows: "The owner or agent of every coal mine or colliery, opened or operated by shaft or slope, shall provide a suitable means of signaling between the bottom and top thereof, and shall also provide a safe means of hoisting and lowering persons at the mines, with a sufficient cover over head, on every box or carriage used for hoisting purposes, for the protection of persons so hoisted or lowered at the mines. And no young person, under twelve years of age, or woman, or girl of any age, shall be permitted to enter any mine to work therein. The neglect or refusal of any person or party to perform the duties provided for and required to be performed by sections four, five and six of this act, by the parties therein required to perform the same, shall be taken and deemed to be a misdemeanor committed by them, or any or either of them, and upon conviction thereof, they, or any or either of them, shall be punished by imprisonment or fine, at the discretion of the court trying the same; subject, however, to the limitations as provided by section ten of said act."

APPROVED April 24, 1873.

MINORS.

- § 1. *Amend an act approved February 22, 1867.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to provide for the adoption of minors," approved February 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any minor child which may have been heretofore, or may hereafter be adopted by any person, in the manner prescribed by the act to which this is an amendment, or which may have been designated or declared to be the adopted child of such person in and by any deed, or last will and testament of the person so adopting, whereby any property may be or may have been given, be-

queathed or devised to such adopted child, shall, for all purposes of descent, inheritance and succession of property, be deemed and taken in law to be the child of the person so adopting, and all laws of descent and rules of inheritance shall apply to and govern the descent of any property which the child adopted may take or may have taken, by gift, devise, or descent, from the person so adopting, and the accumulations, income and profits thereof; but the foregoing provisions of this act shall not apply to any property which the adopted person may take or may have taken, by gift, devise, or descent, from the kindred by blood of such adopted person, nor to any property other than that which the adopted person may have taken, by gift, devise, or descent, from or through the person adopting, or his heirs or legal representatives, and the accumulations, income and profits thereof.

APPROVED April 25, 1873.

NOTARIES PUBLIC.

- § 1. *Amend section seven of an act approved April 5, 1872; official seal.*
 § 2. *Legalize official acts heretofore done.*
In force July 1, 1873.

AN ACT to amend section seven of an act entitled "An act to provide for the appointment, qualification and duties of notaries public, and certifying their official acts," approved April 5, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section seven of an act entitled "An act to provide for the appointment, qualification and duties of notaries public, and certifying their official acts," approved April 5, 1872, be amended so as to read as follows, to-wit:*

"Section 7. Each notary public shall, upon entering upon the duties of his office, provide himself with a proper official seal, with which he shall authenticate his official acts, upon which shall be engraved words descriptive of his office, and the name of the place or county in which he resides."

§ 2. All notarial acts of notaries public in this state which may have been authenticated by a seal, as described in the first section of this act, prior to the time that this act shall take effect, shall be held good and valid as if done and performed under this act.

APPROVED May 1, 1873.

OBSCENE LITERATURE.

- § 1. *Unlawful to have in possession or in any way to traffic in the same.*
 § 2. *Express companies, common carriers, forbidden to carry or have in possession.*
 § 3. *Duty of judge or justice of the peace.*
In force July 1, 1873.

AN ACT for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines and articles for producing abortion.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, If any person shall sell, or offer to sell, or shall give away, or offer to give away, or have in his or her possession, with or without intent to sell or give away, any obscene and indecent book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, or medicine for procuring abortion, or shall advertise the same for sale, or write or cause to be written, or print or cause to be printed, any circular, handbill, card, book, pamphlet, advertisement or notice of any kind, or shall give information orally, stating when, how or of whom, or by what means any of the said indecent and obscene articles and things hereinbefore mentioned can be purchased or otherwise obtained, or shall manufacture, draw and expose, or draw with intent to sell, or to have sold, or print any such articles, every such person shall, on conviction thereof, be imprisoned in the county jail or city bridewell, not more than six months, or be fined not less than one hundred nor more than one thousand dollars for each offense. Said fine to be paid to the school fund of the county in which the said conviction is obtained.*

§ 2. *If any person shall deposit or cause to be deposited in any post office within this state, or place in charge of any express company, or person connected therewith, or of any common carrier, or other person, any of the obscene and indecent articles and things mentioned in the first section of this act, or any circular, hand-bill, card, advertisement, book, pamphlet, or notice of any kind, or shall give oral information stating where, how or of whom such indecent and obscene articles or things can be purchased or otherwise obtained in any manner, with the intent of having the same conveyed by mail or express, or in any other manner; or if any person shall knowingly or wilfully receive the same with intent to carry or convey, or shall carry or convey the same by express, or in any other manner (except in the United States mail); every person so offending shall, on conviction thereof, be subject, for each offense, to the same fines and penalties as are prescribed in the said first section of this act, for the offenses therein set forth, and said fine shall be divided and paid in the same manner as therein provided.*

§ 3. *Any judge or justice of the peace is authorized, on complaint founded on information and belief, supported by oath or affirmation, to issue a warrant, directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal or police officer within said county, directing him, them, or any of them, to search for,*

seize and take possession of such obscene and indecent books, papers, articles and things; and said judge or justice of the peace shall transmit, inclosed and under seal, specimens thereof to the state's attorney of his county, and shall deposit within the county jail of his county, or such other secure place as to him shall seem meet, inclosed and under seal, the remainder thereof; and shall, upon the conviction of the person or persons offending under any of the provisions of this act, forthwith destroy, or cause to be destroyed, the remainder thereof so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction.

APPROVED May 3, 1873.

PARKS.

- § 1. *Authorized to levy and collect a three mill tax.*
- § 2. *To be styled a "Park Tax."*
- § 3. *Powers and duties of commissioners and corporate authorities.*
- § 4. *What officers shall constitute corporate authorities.*
- § 5. *Commissioners to make separate estimates on sewers when within two towns.*
- § 6. *Owners of property permitted to connect private drains with sewers.*
- § 7. *Proceedings to acquire right of way for sewers.*
- § 8. *Collection of delinquent assessments.*
- § 9. *Duties of county clerk and recorder of deeds.*
- § 10. *Commissioners authorized to negotiate for extension of time in payments of contracts.*
- § 11. *All improvements shall be under the immediate control of the commissioners upon contracts.*
- § 12. *Commissioners to connect pleasure ways, designate the lines and procure right of way by condemnation or otherwise.*
- § 13. *Commissioners shall make an annual report to board of auditors or legislative body of town or city.*
- § 14. *No member shall be interested in any sale or purchase of land, contract for improvement, or receive any compensation for personal services, except as provided in act creating such board.*
In force July 1, 1873.

AN ACT in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in any town which is now included within the limits of any city in this state, in which a board of park commissioners shall now exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public as public promenade and pleasure grounds and ways, but not for any other use or purpose, without the consent of a majority by frontage of the owners*

of the property fronting the same, and without the power to sell, alienate, mortgage or incumber the same, the corporate authorities of such town shall have the power to levy and collect, annually, a tax not exceeding three mills on the dollar of the taxable property in such town, according to the valuation of the same as made for the purposes of state and county taxation, to be used and expended by such park commissioners in governing, maintaining and improving such parks and boulevards or pleasure ways, and paying other necessary and incidental expenses incurred in and about the management of such parks and boulevards.

§ 2. Such board of park commissioners shall, annually, on or before the first day of August in each year, transmit to the corporate authorities of such town an estimate, in writing, of the rate or percentage of tax necessary to raise money sufficient to pay the cost of governing, maintaining and improving such parks and boulevards and the other necessary and incidental expenses to be incurred in and about the management of such parks and boulevards during the next succeeding year; and the corporate authorities of such town, if they, or a majority of them, decide to levy such tax, shall immediately certify to the county clerk of the county in which such town shall be located, the rate or percentage of tax by them levied for the purposes herein provided, and it shall be and is hereby made the duty of the county clerk to whom such estimate shall be furnished, to set down in the general tax warrant of the year for the collection of state and county taxes, in a separate column, to be styled a "park tax," a tax in amount equal to the sum resulting from the rate or percentage so levied by said town officers, upon the real and personal property within such town, according to the assessment roll as returned for the purposes of state and county taxation next preceding the estimate herein authorized, and shall set down in each column the amount of tax chargeable to the several persons, corporations, lots or parcels of land liable for taxes in such town according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now or may hereafter be provided by law for the collection of state and county taxes; and provisions of law in respect to collection of state and county taxes, and proceedings to enforce the same, which are now in force, or which may be hereafter enacted, so far as applicable, shall apply to said taxes; and as fast as such tax shall be collected by the collector or other officer receiving the same, it shall be paid over to such board of park commissioners, on the joint receipt of the president and treasurer of such commissioners, or such other officer of such board of commissioners as they may appoint to receive the same.

§ 3. In case such board of park commissioners shall desire to improve any boulevard or pleasure way under their control, or any part thereof, or if such commissioners shall deem it necessary, for drainage purposes, to construct a sewer or sewers through any lands or streets not under their control, to connect with any natural or artificial outlet, they shall make plans and specifications for such contemplated improvement. In case such contemplated improvement is the construction of a sewer, they shall carefully designate the line thereof, and shall prepare estimates of the cost of such contemplated improvement, and transmit such plans, specifications and estimates to the corporate authorities of the town where such improvement will be situated. Such corporate authorities may, upon the receipt of such plans, specifications

and estimates at their next meeting, whether the same be a regular or special meeting, or at any succeeding meeting, or at a special meeting called for that purpose, determine by ordinance, to be entered upon the records of such town, whether such improvement shall be made or not; if they shall determine to make the same, they shall also prescribe that the same shall be made by special assessment or special taxation of contiguous property: *Provided*, that the tax authorized by section one of this act shall not exceed the sum of one hundred thousand dollars, annually. If such ordinance shall provide that such improvement shall be wholly or in part made by special assessments, they shall direct the supervisor of such town to file a petition in the name of the town, in the county court of his county, for proceedings to assess the cost of such improvement; such petition shall recite the ordinance for the proposed improvement, and the plans, specifications and estimates of the cost thereof, and pray that the cost thereof may be assessed in the manner prescribed by law. The proceedings to levy and collect such assessment subsequent to the filing of such petition, shall in all things, as near as may be, conform to the provisions of article nine (9) of an act of the general assembly of this state, entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and all of the provisions of said article nine, so far as applicable, shall be in force and apply to any assessment made under this act. The clerk of such town shall perform the duties and possess the powers which are conferred upon the clerks of cities and villages under said article nine: *Provided*, that no improvement or sewer shall be made or constructed under the provisions of this section, except upon the petition of the owners of a majority of the land fronting on the proposed improvement or sewer: *Provided, further*, that no sewer shall be constructed under this act through any streets belonging to any incorporated city, or to connect with any sewers within any such city, unless the assent of the common council or board of public works of such city having control of the streets and sewers of such city shall be first obtained thereto.

§ 4. *Be it further enacted*, That the town supervisor, clerk and assessor of such town be and they are hereby designated and constituted the corporate authorities of such town, and they, or a majority of them, may levy the tax or any of the assessments herein authorized, in the manner and for the purposes herein provided, except in towns or villages which may have, or which shall hereafter become organized as a town or village under any law of this state, in which case the board of trustees of such town, so organized as a village, may levy the tax, or any of the assessments herein authorized, in the manner and for the purposes herein authorized.

§ 5. In case any sewer or sewers, located as designated in the foregoing section, shall be located in part in two or more towns, such commissioners shall make estimate of the cost of the portion of such sewer or sewers lying within each town, separately, and shall transmit to the proper town the cost of such sewer or sewers lying and being in such town.

§ 6. Such sewer or sewers shall be so constructed as to permit owners of property on the line of the same to connect private drains or sewers therewith, under such rules and regulations as the board of public works or other proper authority of the city or town may prescribe,

and the same shall be constructed, as near as can be, in conformity to any general plan of sewerage in use in such town.

§ 7. In case of the construction of any sewer or sewers under the provisions of this act, over or through any lands not under the control of such board of park commissioners, if the consent of the owner of the same cannot be obtained, the proceedings to acquire the right of way and for making just compensation therefor shall be in accordance with the provisions of said article nine (9), referred to in section three (3) in this act. The petition therein provided for shall be filed in the name of the town, and the proceedings shall, in all things, as near as may be, conform to the provisions of said article nine, and all of the provisions of said article, so far as applicable, shall apply to and be in force in proceedings under this act.

§ 8. If any assessment or assessments made by assessors appointed by the circuit court upon the application of such board of park commissioners, shall, for any cause, fail to be collected in whole or in part, such commissioners may, at any time within five years after the confirmation of such assessment or assessments, file a petition in the county court of their county, setting forth briefly the nature of the improvement or purpose for which such assessment or assessments were made, and the total cost of such improvement, the gross amount of such assessment or assessments, a description of the real estate, lots or parcels of land upon which such assessment or assessments remain unpaid, the amount as assessed against each piece or parcel of land so remaining unpaid, the date of confirmation of such assessment or assessments, and the name or names of the person or persons filing objections for such lots or parcels of land at the time of such confirmation, or at any other time during the proceedings had to collect such assessment or assessments, if known to such commissioners, and the names of persons who are interested in such lots or parcels of land, as purchasers or otherwise, as shown by the records of the county or by an abstract of such records, praying the court to summon such person or persons into court, to answer such petition, and to receive, stand by and abide such order as the court shall make in the premises: *Provided*, that any failure to procure the names of all the persons interested in such lots shall not hinder or delay the proceeding hereby authorized against those who are made parties. Upon filing such petition, the clerk shall issue a summons, directed to the sheriff of the county where such person or persons, or any or either of them, shall reside or be found, which shall be served in the same manner as writs in chancery; and in case any such person or persons so named in such summons cannot be found, or reside out of this state, or shall absent himself or herself from this state, so that summons cannot be served, it shall be lawful, upon filing an affidavit of such fact, to cause notice to such person or persons to be published and served as in chancery proceedings, which notice shall be held and construed in all courts and proceedings as sufficient service upon such person or persons. The hearing of such petition, and the determining of the matters therein alleged, shall have and take precedence over all other cases upon the dockets of such court; and such court shall at once (unless good cause for delay be shown) proceed to hear and determine the allegations in such petition contained. The said commissioners may introduce any evidence which shall tend to establish the allegations in such petition contained: *Provided*, that the original or certified copy of the original assessment roll, or so much thereof as refers to the special assessment

sought to be recovered, shall be *prima facie* evidence of the right of such petitioners to judgment according to the prayer of such petition. If either party shall demand that the matters in such petition shall be tried by a jury, the court shall order a jury to be impaneled as in cases at law; and such jury, under the direction of the court, (or, in case neither party shall demand a jury, the court) shall hear such proofs and witnesses as the respective parties may offer, and shall determine all questions of fact which shall be involved in the proceedings; and may upon such trial ascertain and find the sum or amount which each piece or parcel of land upon which such assessment or assessments remain unpaid, ought fairly and equitably to be assessed, having regard to the proportion of special benefits resulting to each separate piece or parcel of land benefited, after deducting the payments, if any, which shall have been made upon several lots and parcels of land: *Provided*, that in no assessment or proceeding under any of the provisions of this act shall the amount of any assessment upon any lot or piece of land exceed the amount of special benefits resulting to each piece or lot of land. Upon such finding, the court shall enter an order or decree declaring the amount so found to be a valid lien and assessment upon such lots or parcels of land. Such order or decree shall be *prima facie* evidence of the regularity of all previous proceedings necessary to the validity thereof, and all matters therein recited as having been heard and adjudged by said court. It shall be the duty of the clerk of such court to make a copy of such order or decree, properly certified, and file the same in the office of the county clerk of such county; and it shall be the duty of the county clerk of such county, in the next warrant thereafter issued for the collection of state and county taxes in the town in which the property against which such decree has been entered, or any part thereof, is situated, to set down in a column for that purpose provided, opposite the several pieces and parcels of real estate included in such order or decree, the amount assessed upon the same by such order or decree; and it shall thereupon be the duty of the collectors of taxes to collect said assessments and enforce the payment thereof in the same manner, and with all the rights, powers and authority that they have to collect state and county taxes; and all the provisions of law in respect to the collection of state and county taxes, and proceedings to enforce the same, which are now in force, or which may be hereafter enacted, so far as applicable, shall apply to such assessments. In proceedings under this section, either party, on leave of the court, may amend any of the proceedings, upon such terms as the court shall deem equitable; and it shall be lawful for such commissioners to include in such petition all of the lots, pieces or parcels of land included in any assessment or assessments which are delinquent, whether such lots are owned by one person or by several persons, or such commissioners may proceed by separate petition against each owner, or against each separate lot or tract of land. And the property may be described as the same was described in the original assessment, or by any subdivision which may have been made of the same subsequent to the making of such assessment. The proceedings herein authorized for the collection of delinquent assessments shall be held and construed as additional to, and not in limitation of, any proceedings now authorized; and such commissioners may proceed under any laws in force for the collection of such delinquent assessments; and lands shall be held and considered as delinquent, within the meaning of this act, which have not actually paid the amount of the assessment or assessments made on

such lands, it being the intention hereby to authorize proceedings to ascertain and collect the amount or proportion which any lot, tract or parcel of land should fairly contribute or pay toward the actual cost of any improvement or purpose for which any such assessment or assessments shall have been or shall be made; and to this end the county court of the proper county is hereby vested with the power and authority to make all needful rules and orders in any proceeding under this act, not herein provided, for the accomplishment of the purposes aforesaid.

§ 9. It shall be the duty of the clerk of the county court to which any lots, pieces or parcels of land shall be returned as delinquent for any assessment referred to in this act, after any sale shall have been made, and the warrant for such sale shall have been returned, to make a complete list of the lots, pieces or parcels of land against which any such assessment shall have been set aside, or the collection of which shall have been suspended by appeal or otherwise, and shall certify the same under the seal of the court, and deliver the same to the recorder of deeds of his county, and the recorder of the county shall record the same, which record shall be held and construed as sufficient notice to all purchasers and encumbrances of the existence of such assessment, for the full period of five years from the confirmation of the original assessment.

§ 10. In all cases in which such board of park commissioners shall have contracted with owners of property, taken or purchased for any park or boulevard, for annual payments, and the tax or assessment levied to meet such payments shall not be collected or paid in time to meet such payments as they become due, it shall be lawful for such board of park commissioners to negotiate and procure an extension of the time of payment of such contracts for such period as may be agreed upon by the parties, and may contract to pay interest from the time so extended, at a rate not exceeding eight per cent. per annum, payable annually, and may use and apply any funds under their control to pay such obligations when due, and the interest as the same accrues, except money raised by special assessment to build or construct sewers or improve boulevards.

§ 11. All improvements made under the provisions of this act shall be done under the immediate superintendence and control of such board of park commissioners, upon contracts to be made with them; and all moneys collected under any proceedings authorized by this act shall be paid to such commissioners by the person or officer collecting the same, on the joint receipt of the treasurer and president of such board of park commissioners, or such other officer as they may designate, except in towns or villages organized as towns or villages, in which case the money shall be paid by the treasurer of such town or village to the contractor or person entitled to receive the same, on the order of such park commissioners.

§ 12. *Be it further enacted*, That in cases where, by virtue of an act or acts heretofore passed, public parks or boulevards have been designated or established in two or more towns contiguous to each other, and where the commissioners, authorized by such act or acts to locate such parks or boulevard, shall desire to connect the same by a boulevard or pleasure-way so as to form a contiguous improvement, or shall desire to connect such park, with other portions of the park district in which such park is located by boulevard or pleasure-way, it shall and may be

lawful for such commissioners to select and designate the line of such boulevard or pleasure-way, and to acquire title to the lands which may be necessary to make such connection, by purchase or otherwise; and in case such commissioners cannot agree with the owner or owners, lessee or occupant of any of the real estate so selected, they may proceed to procure the condemnation of the same in such manner as is now or may be prescribed by any general law for the condemnation of lands for public use; and the cost and expense of acquiring title to such land shall be levied upon and collected by special assessment upon the property deemed specially benefited by the location of such boulevard or pleasure-way, in the same manner as the costs of other lands for parks and boulevards is assessed under the several acts creating such boards; and such boulevard or pleasure-way shall be under the control and management of such park commissioners, the same as other public grounds by them established.

§ 13. The said park commissioners shall annually, on or before the 15th day of March of each year, make a report to the board of auditors of their respective towns, and to the legislative body of the town or city in which said parks are located; and shall particularly set forth, in such report, the amount of money by them received from all sources during the preceding year, and how the same has been expended.

§ 14. No member of such board of park commissioners shall be directly or indirectly interested in the purchase or sale of any park lands, or in any contract for the improvement of any park, or shall receive any compensation for personal services, except, and only such as provided by the act creating such board of park commissioners; and for a violation of this section the commissioner offending shall forfeit his office, and the vacancy shall be filled in same manner as other vacancies.

§ 15. *Be it further enacted*, That an act entitled "An act to enable corporate authorities of towns to levy a tax to improve public parks and boulevards, and to provide for the extension of boulevards, and regulating the duties of park commissioners, and limiting the period within which they may be paid salaries," approved June 16, 1871, be and the same is hereby repealed: *Provided*, that any tax levied under such act shall not be impaired by such repeal, but the same shall be and remain in full force and effect, as to such tax.

APPROVED May 2, 1873.

RAILROADS.

- § 1. *More than a fair and reasonable rate declared extortionate.*
- § 2. *Unjust discrimination in rates declared a violation of this act.*
- § 3. *Discriminating rates, charges, collections, or receipts, directly or by rebate, drawback or other shift or evasion, to be prima facie evidence of unjust discrimination.*
- § 4. *Penalty for extortion or unjust discrimination.*
- § 5. *Fines—how recovered.*

- § 6. *Any person or corporation offended against may recover three times the amount of damages and attorney's fee.*
- § 7. *Duties of railroad and warehouse commissioners.*
- § 8. *Railroad and warehouse commissioners to make schedule for each railroad in this state.*
- § 10. *Rules of evidence—fines recovered—remedies cumulative—suits shall have precedence.*
- § 11. *Defining "railroad" as used in this act.*
In force July 1, 1873.

AN ACT to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freights on railroads in this state, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal an act entitled "An act to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in this state for the transportation of freights on said roads," approved April 7, A. D. 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* If any railroad corporation, organized or doing business in this state under any act of incorporation, or general law of this state, now in force or which may hereafter be enacted, or any railroad corporation organized or which may hereafter be organized under the laws of any other state, and doing business in this state, shall charge, collect, demand or receive more than a fair and reasonable rate of toll or compensation, for the transportation of passengers or freight, of any description, or for the use and transportation of any railroad car upon its track, or any of the branches thereof, or upon any railroad within this state which it has the right, license, or permission to use, operate, or control, the same shall be deemed guilty of extortion, and upon conviction thereof shall be dealt with as hereinafter provided.

§ 2. If any such railroad corporation aforesaid shall make any unjust discrimination in its rates or charges of toll, or compensation, for the transportation of passengers or freight of any description, or for the use and transportation of any railroad car upon its said road, or upon any of the branches thereof, or upon any railroads connected therewith, which it has the right, license, or permission to operate, control or use, within this state, the same shall be deemed guilty of having violated the provisions of this act, and upon conviction thereof shall be dealt with as hereinafter provided.

§ 3. If any such railroad corporation shall charge, collect, or receive, for the transportation of any passenger, or freight of any description, upon its railroad, for any distance, within this state, the same, or a greater amount of toll or compensation than is at the same time charged, collected, or received for the transportation, in the same direction, of any passenger, or like quantity of freight of the same class, over a greater distance of the same railroad; or if it shall charge, collect, or receive, at any point upon its railroad, a higher rate of toll or compensation for receiving, handling or delivering freight of the same class and quantity, than it shall, at the same time, charge, collect, or receive at any other point upon the same railroad; or if it shall charge, collect, or receive for the transportation of any passenger, or freight of any description, over its railroad, a greater amount as toll or compensation than shall, at the same time, be charged, collected, or received by it for the transportation of any passenger, or like quantity of freight of the same class, being transported in the same direction, over any portion of the same railroad, of equal distance; or if it shall charge, collect, or receive from any person or persons, a higher or greater amount of toll or

compensation than it shall, at the same time, charge, collect, or receive from any other person or persons for receiving, handling, or delivering freight of the same class and like quantity, at the same point upon its railroad; or if it shall charge, collect, or receive from any person or persons, for the transportation of any freight upon its railroad, a higher or greater rate of toll or compensation than it shall, at the same time, charge, collect, or receive from any other person or persons, for the transportation of the like quantity of freight of the same class, being transported from the same point, in the same direction, over equal distances of the same railroad; or if it shall charge, collect, or receive from any person or persons, for the use and transportation of any railroad car or cars upon its railroad, for any distance, the same or a greater amount of toll or compensation than is at the same time charged, collected, or received from any other person or persons, for the use and transportation of any railroad car of the same class or number, for a like purpose, being transported in the same direction, over a greater distance of the same railroad; or if it shall charge, collect, or receive from any person or persons, for the use and transportation of any railroad car or cars upon its railroad, a higher or greater rate of toll or compensation than it shall, at the same time, charge, collect, or receive from any other person or persons, for the use and transportation of any railroad car or cars of the same class or number, for a like purpose, being transported from the same point, in the same direction, over an equal distance of the same railroad; all such discriminating rates, charges, collections or receipts, whether made directly, or by means of any rebate, drawback, or other shift or evasion, shall be deemed and taken, against such railroad corporation, as *prima facie* evidence of the unjust discriminations prohibited by the provisions of this act, and it shall not be deemed a sufficient excuse or justification of such discriminations on the part of such railroad corporation, that the railway station or point at which it shall charge, collect, or receive the same or less rates of toll or compensation, for the transportation of such passenger or freight, or for the use and transportation of such railroad car the greater distance, than for the shorter distance, is a railway station or point at which there exists competition with any other railroad or means of transportation. This section shall not be construed so as to exclude other evidence tending to show any unjust discrimination in freight and passenger rates. The provisions of this section shall extend and apply to any railroad, the branches thereof, and any road or roads which any railroad corporation has the right, license, or permission to use, operate, or control, wholly or in part within this state: *Provided, however,* that nothing herein contained shall be so construed as to prevent railroad corporations from issuing commutation, excursion or thousand-mile tickets, as the same are now issued by such corporations.

§ 4. Any such railroad corporation guilty of extortion, or of making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railroad cars, or in receiving, handling or delivering freights, shall, upon conviction thereof, be fined in any sum not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000), for the first offense; and for the second offense not less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), and for the third offense not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000); and for every subsequent offense and conviction thereof,

shall be liable to a fine of twenty-five thousand dollars (\$25,000): *Provided*, that in all cases under this act either party shall have the right of trial by jury.

§ 5. The fines hereinbefore provided for may be recovered in an action of debt, in the name of the People of the State of Illinois, and there may be several counts joined in the same declaration as to extortion and unjust discrimination, and as to passenger and freight rates, and rates for the use and transportation of railroad cars, and for receiving, handling or delivering freights. If, upon the trial of any cause instituted under this act, the jury shall find for the people, they shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), and the court shall render judgment accordingly; and if the jury shall find for the people, and that the defendant has been once before convicted of a violation of the provisions of this act, they shall return such finding with their verdict, and shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000), and the court shall render judgment accordingly; and if the jury shall find for the people, and that the defendant has been twice before convicted of a violation of the provisions of this act, with respect to extortion or unjust discrimination, they shall return such finding with their verdict, and shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, at any sum not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000); and in like manner for every subsequent offense and conviction, such defendant shall be liable to a fine of twenty-five thousand dollars (\$25,000): *Provided*, that in all cases under the provisions of this act, a preponderance of evidence in favor of the people shall be sufficient to authorize a verdict and judgment for the people.

§ 6. If any such railroad corporation shall, in violation of any of the provisions of this act, ask, demand, charge or receive of any person or corporation any extortionate charge or charges for the transportation of any passengers, goods, merchandise or property, or for receiving, handling or delivering freights, or shall make any unjust discrimination against any person or corporation in its charges therefor, the person or corporation so offended against may, for each offense, recover of such railroad corporation, in any form of action, three times the amount of the damages sustained by the party aggrieved, together with cost of suit and a reasonable attorney's fee, to be fixed by the court where the same is heard, on appeal or otherwise, and taxed as a part of the costs of the case.

§ 7. It shall be the duty of the railroad and warehouse commissioners to personally investigate and ascertain whether the provisions of this act are violated by any railroad corporation in this state, and to visit the various stations upon the line of each railroad for that purpose, as often as practicable: and whenever the facts, in any manner ascertained by said commissioners, shall in their judgment warrant such prosecution it shall be the duty of said commissioners to immediately cause suits to be commenced and prosecuted against any railroad corporation which may violate the provisions of this act. Such suits and prosecutions may be instituted in any county in this state, through or into which the line of the railroad corporation sued for violating this

act may extend. And such railroad and warehouse commissioners are hereby authorized, when the facts of the case presented to them shall, in their judgment, warrant the commencement of such action, to employ counsel to assist the attorney-general in conducting such suit on behalf of the state. No such suits commenced by said commissioners shall be dismissed, except said railroad and warehouse commissioners and the attorney-general shall consent thereto.

§ 8. The railroad and warehouse commissioners are hereby directed to make, for each of the railroad corporations doing business in this state, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of passengers and freight and cars on each of said railroads; and said schedule shall, in all suits brought against any such railroad corporations, wherein is in any way involved the charges of any such railroad corporation for the transportation of any passenger or freight or cars, or unjust discrimination in relation thereto, be deemed and taken, in all courts of this state, as *prima facie* evidence that the rates therein fixed are reasonable maximum rates of charges for the transportation of passengers and freights and cars upon the railroads for which said schedules may have been respectively prepared. Said commissioners shall, from time to time, and as often as circumstances may require, change and revise said schedules. When any schedules shall have been made or revised, as aforesaid, it shall be the duty of said commissioners to cause publication thereof to be made for three successive weeks, in some public newspaper published in the city of Springfield, in this state: *Provided*, that the schedules thus prepared shall not be taken as *prima facie* evidence as herein provided until schedules shall have been prepared and published as aforesaid for all the railroad companies now organized under the laws of this state, and until the fifteenth day of January, A. D. 1874, or until ten days after the meeting of the next session of this general assembly, provided a session of the general assembly shall be held previous to the fifteenth day of January aforesaid. All such schedules, purporting to be printed and published as aforesaid, shall be received and held, in all such suits, as *prima facie* the schedules of said commissioners, without further proof than the production of the paper in which they were published, together with the certificate of the publisher of said paper that the schedule therein contained is a true copy of the schedule furnished for publication by said commissioners, and that it has been published the above specified time; and any such paper, purporting to have been published at said city, and to be a public newspaper, shall be presumed to have been so published at the date thereof, and to be a public newspaper.

§ 10. In all cases under the provisions of this act, the rules of evidence shall be the same as in other civil actions, except as hereinbefore otherwise provided. All fines recovered under the provisions of this act shall be paid into the county treasury of the county in which the suit is tried, by the person collecting the same, in the manner now provided by law, to be used for county purposes. The remedies hereby given shall be regarded as cumulative to the remedies now given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedies. Suits commenced under the provisions of this act shall have precedence over all other business, except criminal business.

§ 11. The term "railroad corporation," contained in this act, shall be deemed and taken to mean all corporations, companies or individuals now owning or operating, or which may hereafter own or operate any railroad, in whole or in part, in this state; and the provisions of this act shall apply to all persons, firms and companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon any of the lines of railways in this state (street railways excepted) the same as to railroad corporations hereinbefore mentioned.

§ 12. An act entitled "An act to prevent unjust discriminations and extortions in the rates to be charged by the different railroads in this state for the transportation of freight on said roads," approved April 7, A. D. 1871, is hereby repealed, but such repeal shall not affect nor repeal any penalty incurred or right accrued under said act prior to the time this act takes effect, nor any proceedings or prosecutions to enforce such rights or penalties.

APPROVED May 2, 1873.

§ 1. *Amend an act approved March 1, 1872; legalizing acts done under this act.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations, when so organized," approved March 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section number twenty-seven of an act entitled "An act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations, when so organized," approved March 1, 1872, be amended, so as to read as follows, viz: That an act entitled "An act to amend an act to provide for a general system of railroad incorporations," approved November 5, 1849, approved February 13, 1857, and also all of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5, 1849, except the sections of the last named act numbered 34, 35, 36, 37, 38, 39, 40, 41, 42 and 45, and all laws in conflict with the provisions of this act, be and the same are hereby repealed: *Provided, however,* that all general laws of this state in relation to railroad corporations, and the powers and duties thereof, so far as the same are not inconsistent with the provisions of this act, shall remain in force and be applicable to railroad incorporations organized under this act. The repeal of the acts and parts of acts mentioned in this section shall not be construed so as to affect any rights acquired thereunder; but all corporations formed or attempted to be formed under such acts or parts of acts, notwithstanding any defects or omissions in their articles of association, may, if they will adopt or have adopted this act, be entitled to proceed thereunder, and have all the benefits of this act; and all such corporations that have adopted or that will adopt this act, are hereby declared legal and valid corporations, within the provisions of this act, from the date of

the filing of their respective articles of association. And the fixing of the termini by any such corporation shall have the same effect as if fixed by the general assembly: *Provided*, that all corporations to which this act shall apply shall be held liable for, and shall carry out and fulfill all contracts made by them, or for, or on their behalf, or of which they have received the benefit, whether such corporation, at the time of the making of such contract or contracts, was organized, or had attempted to organize, under the general laws of the state of Illinois, or not; whether said contract was for right of way, work and labor done, or materials furnished, or for the running of trains, or carrying passengers or freight upon such road, or upon any other road in connection therewith. And if such corporation has or does take possession of or use such right of way, labor or material so furnished by other persons or corporations, it shall be evidence of its acceptance of such contract so entered into by such person or corporation with said persons or corporations for its benefit. And upon said corporation failing to pay said sum as it ought equitably to pay for such right of way, labor or materials, or fail to carry out such contracts as aforesaid, so made with persons or corporations, it shall be held liable in an action at law or in chancery for the recovery of the value of said right of way, labor or materials, and for damages for non-fulfillment of such contract, in any court of competent jurisdiction in any county through which the road of such corporation may be located: *And, provided, further*, that this act shall not in any manner legalize the subscription of any township, county or city to the capital stock of any railroad company, nor authorize the issuing of any bonds by any township, city or county in payment of any subscription or donation.

APPROVED April 26, 1873.

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- § 1. *Empowered to borrow money, issue bonds and mortgage property.*
 - § 2. *Requiring a two-thirds vote in the creating of debts and execution of mortgages.*
 - § 3. *Form of notice; how notified, and time of notice.*
 - § 4. *Resolution and mortgage to be recorded in the office of the recorder of deeds and secretary of state.*
- In force July 1, 1873.*

AN ACT to enable railroad companies to borrow money and to mortgage their property and franchises therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That every railroad company organized under any law or laws of this state, in force before the first day of March, A. D. 1872, is hereby empowered from time to time to borrow such sums of money as may be necessary for completing, furnishing, improving or operating any such railroad, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted by such corporation for the purposes aforesaid; but the concurrence of the holders of two-thirds in amount of the stock of such corporation—to be

expressed in the manner hereinafter provided—shall be necessary to the validity of any such mortgage; and the order or resolution for such mortgage shall be recorded as provided in this act; and the directors of such corporation shall be empowered, in pursuance of any such order or resolution, to confer on any holder of any bond, for money so borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of such corporation at any time not exceeding ten years after the date of such bond, under such regulation as may be provided in the by-laws of such corporation.

§ 2. The concurrence of the holders of at least two-thirds in amount of the capital stock of such corporation in the creation of any such debt and the execution of any such mortgages, shall be made manifest by the votes cast by such stockholders, in person or by proxy, on the passage of appropriate orders or resolutions at a meeting of the stockholders of such corporation, called by the directors thereof for such purpose.

§ 3. The directors of such corporation shall give notice of such meeting by causing written or printed notices thereof to be either personally served upon or duly mailed (postage prepaid) to such stockholders whose names and address shall be known to said directors, such notice to be so mailed at least sixty days before the time fixed for such meeting. The said notices shall state the time and place of such meeting and the purpose thereof, as well as the amount of the proposed indebtedness. The said directors shall also cause like notices to be inserted in some newspaper published in each county through which said road shall run, (if any newspaper shall be published therein) at least sixty days prior to the day appointed for such meeting.

§ 4. When such meeting shall be held, the resolution or order authorizing the creation of such indebtedness, and the execution of the mortgage to secure the same, together with the result of the vote thereon, shall be recorded in the office of the recorder of deeds of each county through which said road shall run, and shall also be recorded in the office of the secretary of state.

APPROVED May 7, 1873.

§ 1. *Right of way.*
In force July 1, 1873.

AN ACT granting a right of way to the Chicago and Pacific Railroad Company over lands of the Northern Illinois Hospital and Asylum for the Insane.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a strip of land one hundred (100) feet wide, extending across the northeast corner of the tract occupied by the Northern Illinois Hospital and Asylum for the Insane, situate in the county of Kane, and state of Illinois, bounded and described as follows, to-wit: Being a part of the north half ($\frac{1}{2}$) of section twenty-five (25), in township forty-one (41) north, range eight (8) east of the third principal meridian, commencing at a point that is sixty-nine (69) feet east of a point on the half section line, one hundred and seventy-seven (177) feet south of the northwest corner of the northeast quarter ($\frac{1}{4}$) of said section, and running a line thence north, fifty-four (54°) degrees

west, three hundred and three (303) feet, and embracing a strip of land fifty (50) feet wide on each side of and parallel with said line to a point on the section line that is one hundred and seventy-six (176) feet north, eighty-eight and one-half ($88\frac{1}{2}^{\circ}$) degrees west of the northeast corner of the northwest quarter ($\frac{1}{4}$) of said section; containing six hundred and ninety-five one-thousandths (695-1000) of an acre. Also, a part of the southwest quarter ($\frac{1}{4}$) of section twenty-four (24), in township and range aforesaid, to-wit: commencing at a point on the west line of the Chicago and Northwestern Railroad Company's land, that is, two hundred and ninety-four (294) feet north of a point on the section line, that is, six hundred and five (605) feet north, eighty-eight and one-half ($88\frac{1}{2}^{\circ}$) degrees west of the southeast corner of the southwest quarter ($\frac{1}{4}$) of said section; thence running a line northwesterly on a three (3°) degree curve, and embracing a strip of land fifty (50) feet wide on each side of and parallel with said curved line, four hundred and thirty-one (431) feet; thence north thirty-one (31°) degrees west (true meridian), three hundred and sixty-five (365) feet, to a point on the east bank of Fox river, that is ten hundred and sixty (1060) feet north, thirty and one-half ($30\frac{1}{2}^{\circ}$) degrees east of a point on the section line, that is nine hundred, twenty and one-half ($920\frac{1}{2}$) feet north, eighty-eight and one-half ($88\frac{1}{2}^{\circ}$) degrees west from the west line of the Chicago and Northwestern Railroad Company's lands, containing one and eighty-two one-hundredths (1 82-100) acres of ground. Also, extending or continuing said last mentioned line from the west bank of Fox river, and embracing a strip of land fifty (50) feet wide, on each side of and parallel with said line, fourteen hundred and seven (1407) feet, to a point on the north line of the said asylum grounds, that is seven hundred and one (701) feet south, eighty-eight and one-quarter ($88\frac{1}{4}^{\circ}$) degrees east of a point that is on a line north one (1°) degree east of the southwest corner of the southwest quarter ($\frac{1}{4}$) of said section twenty-four (24), two thousand five hundred and twenty-eight (2,528) feet, containing three and twenty-three one-hundredths (3 23-100) acres of land, be and the same is hereby granted to the Chicago and Pacific Railroad Company for a right of way for their railroad; and that said company are hereby authorized to enter into the immediate occupancy thereof, for the purpose of constructing their track thereupon: *Provided*, that when required by the trustees of said institution to do so, said railroad company shall construct for the use of said institution a sufficient side track at such point as may be designated by said trustees, and forever after maintain the same in good condition: *And, provided, further*, said railroad shall not collect for transporting freight over their road, delivered to them from the state, a greater amount than two-thirds of the present usual rates.

APPROVED May 3, 1873.

RECORDER OF DEEDS.

§ 1. *Amend act in force July 1, 1872.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to provide for the election of a recorder of deeds in counties having sixty thousand and more inhabitants," in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eight of said act be and the same is hereby amended, so as to read as follows, to-wit:

"§ 8. In counties having a population of more than sixty thousand and less than one hundred thousand inhabitants, when a recorder of deeds shall be elected, under the provisions of this act, such recorders shall receive as their only compensation a salary, to be fixed by the county board of their respective counties; and the said county board shall also fix upon the amount to be paid for their necessary clerk hire, stationery, fuel and other expenses. And the said recorder of deeds shall charge for recording all such instruments as are presented to them for record, only such fees as are provided by general law for recording the same in counties whose recorders of deeds are authorized by law to be elected. And they shall, semi-annually, under oath, make a report, in writing, to the county treasurer of their respective counties, of all fees and emoluments received by them. And they shall, at the time of making such report, pay over to the respective county treasurers, for the use of the county, all moneys in excess of what they are entitled to retain as salary. The number of his deputies and assistants shall be determined by rule of the circuit court, to be entered of record; and the compensation of such deputies and assistants shall be determined by the county board: *Provided*, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected. And the recorder of deeds in Cook county shall charge, for recording all instruments in writing, only such fees as are allowed by general law for recording in said county of Cook. And he shall make a semi-annual report, under oath, to the county treasurer of said county, in writing, of all fees and emoluments received by him; and shall, at the time of making such report, pay over to the said treasurer, for the use of the county of Cook, all fees and emoluments received from his said office above the amount which he is entitled to retain as salary: *Provided*, that in no case where a recorder of deeds shall be elected under the provisions of this act, shall the compensation allowed to him or his deputies and assistants, exceed the fees actually collected from said office."

APPROVED April 11, 1873.

REFORM SCHOOL.

1. *Recognized and continued.*
2. *Management vested in a board of trustees.*
3. *Oath of office.*
4. *Elect officers of their own number and treasurer not of their number.*
5. *Appoint superintendent and other officers needed.*
6. *Make needful rules and regulations, erect buildings, &c.*
7. *Shall meet quarterly.*
8. *Report annually to the governor.*
9. *Allowances while on necessary business.*
10. *Treasurer ; his duties.*
11. *Superintendent shall execute a bond ; his duties.*
12. *Court to order who shall be committed.*
13. *Said board shall be constituted a guardian.*
14. *Punishment for assisting convicts to escape.*
15. *Credited with good time.*
16. *Superintendent to supply discharged convicts with money and clothing.*

In force July 1, 1873.

AN ACT in regard to the State Reform School for Juvenile Offenders.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the reform school, now located and established at Pontiac, in the county of Livingston, and state of Illinois, be and the same is hereby recognized and continued as a state reform school for the confinement, discipline, education, employment and reformation of juvenile offenders in the state of Illinois, as herein provided.*

§ 2. *The management of said reform school shall be vested in a board of trustees, consisting of five citizens of the state of Illinois, who shall be appointed by the governor, with the advice and consent of the senate, for the term of five years, and until their successors are appointed and qualified, unless sooner removed by the governor, for good cause. If a vacancy shall occur in said board, by expiration of the term of any such trustee, or otherwise, when the senate is not in session, the governor shall fill such vacancy for the unexpired term, subject to the approval of the senate at its next regular session: Provided, that of the members of the board first appointed under this act, one shall be appointed for the term of one year, one for two years, one for three years, one for four years, and one for five years, whose term of service shall be determined by lot ; which board shall be appointed within ten days from the time this act shall take effect ; and until they are appointed and qualified, the trustees heretofore appointed and acting at the time this act shall take effect, shall continue to act as trustees of said school.*

§ 3. *The members of the board, before entering upon the duties of their office, shall take and subscribe to the oath of office required by the constitution, three of whom shall constitute a quorum to do business.*

§ 4. *The board shall, annually, elect, of their own number, a president and vice-president, whose term of office shall be for one year, and until their successors shall be duly elected and qualified. They shall also elect a treasurer, not one of their own number, whose term of office*

shall be for two years, and until his successor shall be duly elected and qualified, and who shall, at all times, be subject to removal by the board for good cause.

§ 5. The board shall appoint a superintendent of said reform school, whose salary shall not exceed two thousand dollars per annum, and shall also appoint such other officers and such assistants as the wants of the institution may from time to time require, and shall prescribe their duties, and fix their salaries as may be reasonable.

§ 6. The board shall make all needful rules and regulations concerning their meetings and the mode of transacting their business; they shall erect all necessary buildings, and make all necessary repairs and improvements, and shall take charge of said institution to see that its affairs are properly conducted; that strict discipline is maintained, and that employment and education are provided for its inmates; they are authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, and anything necessary to equip the institution for the purposes herein specified, and to maintain and operate the same: *Provided*, said board shall incur no expense, nor contract any debt, beyond appropriations made for said reform school.

§ 7. There shall be quarterly meetings of the board each year, at such times as the board shall appoint; special meetings may be held when the exigencies of the institution demand the same, upon the call of the president, or otherwise, as the board may prescribe.

§ 8. The board shall prepare an annual report of their proceedings, showing the condition and wants of the institution, with a financial statement of all moneys received and disbursed, which shall be forwarded to the governor, on or before the first day of December in each year, to be by him transmitted to the general assembly.

§ 9. Each member of the board shall be allowed his traveling expenses, while on necessary business of the institution.

§ 10. The treasurer, before entering upon the duties of his office, shall execute a bond to the People of the State of Illinois, with sureties, to be approved by the board, in at least double the sum of money for which he may be responsible as treasurer, conditioned for the faithful performance of all his duties as such treasurer. He shall take charge of all the funds of the institution, receiving the same and disbursing them on the written order of the secretary, countersigned by the president, and shall account to the board, in such manner as they may require, for all funds entrusted to him from whatever source. His books shall at all times be open to the inspection of the board, who shall, at least once in every six months, carefully examine the same, and all the accounts, vouchers and documents connected therewith, and make a record of the result of such examination.

§ 11. The superintendent, before entering upon the duties of his office, shall execute a bond to the People of the State of Illinois, with sureties, to be approved by the board, in a sum to be fixed by the board, conditioned for the faithful performance of all his duties as such superintendent. He shall be a resident at the institution, and shall be (*ex-officio*) the secretary of the board, taking charge of all its books and papers. He shall have charge of the land, buildings, furniture, apparatus, tools, stock, provisions, and every other species of property belonging to the institution, and shall account to the board in such manner as they may require for all the property entrusted to him; and all moneys received by him, from whatever source, shall be deposited with the treasurer.

His books shall at all times be open to the inspection of the board, who shall, at least once in every three months, carefully examine the same, and all the accounts, vouchers and documents connected therewith, and make a record of the result of such examination in a book provided for the purpose. He shall have charge of the inmates of the institution; shall discipline, govern, instruct, employ and use his best efforts to reform the children and youth under his care, and shall, at all times, be subject to removal by the board for incapacity, cruelty, negligence, immorality or other good cause.

§ 12. Whenever any boy between the ages of ten and sixteen years is convicted, before any court of competent jurisdiction, of any crime which, if committed by an adult, would be punishable by imprisonment in the county jail or penitentiary, such juvenile offender shall be committed by the order of such court to said state reform school for a term not less than one year nor more than five years: *Provided*, that when the crime is punishable by imprisonment in the county jail the court may, in the exercise of its discretion, commit such offender to the county jail for the term authorized by law for the punishment of the offense of which the offender is convicted: *And, provided, further*, that nothing in this act shall be construed to debar any court from punishing for any capital offense in such manner as is or may be provided by law.

§ 13. When any such juvenile offender is committed to the said reform school, by order of any court of competent jurisdiction, said board shall be constituted the guardian of his person, and shall detain him during the term of his sentence, less such time as may be credited to him pursuant to the provisions of this act.

§ 14. If any officer or other person procure the escape of any person committed to the reform school, or advise or connive at, aid, conceal or assist in such escape, or conceal any such person so committed after such escape, he shall, upon conviction thereof in any court of competent jurisdiction, be sentenced to hard labor in the penitentiary, for any term not less than one year, nor more than five years, or, if under sixteen years of age, to the reform school, as in this act provided.

§ 15. Every person committed to the reform school shall, by good behavior, earn to himself and be credited with time as follows, to-wit: Each month in the first year, five days; each month in the second year, six days; each month in the third year, seven days; each month in the fourth year, eight days; each month in the fifth year, nine days. When such person shall be degraded for misconduct or violation of the rules of the institution, then for every time so degraded such person shall lose five days of the good time that may stand placed to his credit; and the superintendent shall release every such person from the institution as many days before the expiration of the term of his sentence as such person shall have balance of good days to his credit.

§ 16. Upon the discharge of any person so committed to the reform school from the same, the superintendent shall provide him with suitable clothing, and five dollars in money, and procure transportation for him to his home, if resident in this state, or to the county in which he may have been convicted, at his option.

§ 17. The following acts and parts of acts, [except] as herein re-enacted, are hereby repealed, to-wit:

First—An act entitled "An act for the reformation of juvenile offenders and vagrants," approved March 5, 1867.

Second—An act approved March 11, 1869, entitled “An act to amend an act entitled ‘an act for the reformation of juvenile offenders and vagrants,’ approved March 5, 1867.

Third—An act approved April 19, 1869, entitled “An act to amend an act entitled ‘an act for the reformation of juvenile offenders and vagrants,’ approved March 5, 1867, and also to amend an act amendatory thereto, passed at the regular session of the twenty-sixth general assembly: *Provided*, that this section shall not be construed to affect any subscription, contract or obligation existing at the time this act shall take effect, nor operate to discharge any person heretofore committed to said reform school from serving the full term of his commitment.

APPROVED May 3, 1873.

REVENUE.

§ 1. *State relinquishes its right to tax or assess the land herein described.*
In force April 4, 1873.

AN ACT to authorize the United States to acquire certain property and to cede jurisdiction of the same to the United States, together with the right to tax and assess the same, or the property of the United States thereon, during the time that the United States shall be or remain the owner thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the United States of America may, pursuant to an act of congress entitled “An act to authorize the secretary of the treasury to dispose of the old post office property in Chicago,” approved March 3, 1873, acquire the following described property, situated in the city of Chicago, in the county of Cook and state of Illinois, at the corner of Polk street and Fifth avenue, fronting three hundred and eighty feet on Polk street, and one hundred and ninety-eight and one-half feet on Fifth avenue, and being the property of the school fund of the city of Chicago. And when the United States shall so acquire the same, the state of Illinois hereby cedes to the United States of America jurisdiction over the property thus acquired by the United States, together with the right to tax or in anywise assess said land or the property of the United States that may be thereon, during the time the United States shall be or so remain the owner thereof.*

§ 2. Whereas, owing to the burning of the public buildings in Chicago, and the need of public buildings, an emergency exists requiring this act to take effect immediately from and after its passage; therefore this act shall take effect from and after its passage.

APPROVED April 4, 1873.

§ 1. *Levy and collection of taxes for general state purposes.*
In force July 1, 1873.

AN ACT to provide the necessary revenue for state purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be raised, by levying a tax, by valuation, upon the taxable property in this state, the following sums for the purposes hereinafter set forth—

For general state purposes, to be designated "Revenue Fund," two millions five hundred thousand dollars upon the assessed value of property for the year 1873, and one million five hundred thousand dollars annually thereafter; for state school purposes, to be designated "State School Fund" (in lieu of the two mill tax therefor) one million dollars annually.

§ 2. The governor and auditor shall, annually, compute the separate rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for state purposes, to the contrary notwithstanding; and when so ascertained, the auditor shall certify to the county clerks the proper separate rates per cent. therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law to be levied and collected as state taxes.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed.

APPROVED May 3, 1873.

ROADS AND BRIDGES.

1. *Turn to the right.*
2. *Drunken driver.*
3. *Notice and discharge.*
4. *Fast driving.*
5. *Teams to be fastened.*
6. *Liability of owners and drivers.*
7. *The term "carriage."*
8. *Hackney coaches and carriages.*
9. *Public highways defined.*
10. *New roads; application therefor.*
11. *Duty of the county court.*
12. *County court to appoint viewers to establish and locate.*
13. *Duty of viewers in locating.*
14. *County court to appoint viewers to vacate.*
15. *Commissioners to notify supervisors to open roads.*
16. *Petition county court to appoint viewers to locate cartways.*
17. *Proceedings in re-location.*
18. *Proceedings in altering, re-locating or vacating at a county line.*
19. *Petition and remonstrance to be considered.*
20. *All surveys and plats to be recorded.*

21. *Location and alteration to be as direct as circumstances allow.*
 22. *County surveyors may act as viewers.*
 23. *Proceedings to obtain right of way through lands.*
 24. *Obstruct or injury to public or private roads, etc.*
 25. *Form of proceedings in case of obstructing.*
 26. *Penalty for plowing or turning a current of water.*
 27. *Fast driving across bridges.*
 28. *Powers of county courts.*
 29. *Define districts by boundaries, and appoint surveyors.*
 30. *Supervisors to be notified of their appointment, and their duties.*
 31. *Penalty for refusing or failure to perform the duties thereof.*
 32. *Duties of supervisors.*
 33. *Shall call out persons bound to labor to remove obstructions.*
 34. *Amount of road labor.*
 35. *County court to assess road tax; counties may elect to work under the tax system in whole.*
 36. *List of road tax to be furnished supervisor.*
 37. *Time when supervisor is to call on persons liable to road labor.*
 38. *Supervisor to notify each person amount of tax due.*
 39. *Incorporated cities and towns under special or general law exempt.*
 40. *Collection of unpaid taxes; how disbursed.*
 41. *Before whom suits are to be brought.*
 42. *Collection of road labor or taxes, and enforce contracts.*
 43. *Time when supervisor is to make return of list to county court, with affidavit attached.*
 44. *Supervisors to report to county court, annually.*
 45. *Authorized to enter upon lands; proceedings, if consent of owner cannot be had.*
 46. *Authorized to hire teams, contract for material, etc.*
 47. *Penalty for neglect of duty.*
 48. *Grand jury to be furnished with list of supervisors.*
 49. *Supervisors to take good care of all implements; forbidden to lend the same.*
 50. *Time when road labor shall be performed.*
 51. *Who shall be paid a reasonable compensation for services.*
 52. *Power and jurisdiction vested in county courts, regarding roads.*
 53. *County courts to make such rules and regulations necessary to carry this act into effect.*
 54. *Additional notices to be served upon railroads.*
 55. *Notice to be served on station agents of railroads.*
 56. *Tax collected under act approved April 10, 1872, to be paid to supervisors.*
- In force April 18, 1873.*

AN ACT in regard to gateways, roads and bridges, in counties not under township organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, Whenever any persons, traveling with any carriages, 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 center of the road 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 injured: Provided, this section shall not be construed to apply to any case, un-*

less some injury to persons or property shall occur by the driver of the carriage or wagon refusing to turn to the right of the beaten track; nor shall it be construed to extend 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.

§ 2. No person owning any carriage running or traveling upon any road in this state, for the conveyance of passengers, shall 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, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept any such driver in his employment, to be sued for by any person, and collected in any court having competent jurisdiction; and the court may allow a portion of said penalty, not exceeding twenty-five dollars, to be retained by such complainant, as a compensation for his services and expenses; the balance to be paid in the county treasury.

§ 3. 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, to be sued for and applied as directed in section two (2) of this act.

§ 4. No person driving any carriage upon any turnpike, road or public highway within this 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 one hundred dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

§ 5. 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 horses 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 twenty dollars, 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.

§ 6. The owner 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 willful, negligent or otherwise, in the same manner as such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, willfully offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding three hundred dollars, or imprisoned not exceeding four months.

§ 7. The term "carriage," as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds and every other carriage or vehicle used for the transportation of passengers or goods, or either of them:

§ 8. 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 in all cases arising under this act, where the penalty does not exceed two hundred dollars.

§ 9. All roads within this state, which have been laid out in pursuance of any law of this state, or of the late territory of Illinois, and which have not been vacated in pursuance of law, are hereby declared to be public highways: *Provided*, that all roads that have not been used within five years shall be deemed vacated.

§ 10. No new road shall be opened by order of the county court, unless the same shall be applied for by at least thirty-five voters residing within five miles of the road proposed to be laid out or altered, except in counties which shall not have more than three hundred (300) voters, when only fifteen shall be required. Such applicants shall deposit in the hands of the clerk of the county court a sufficient sum of money to pay the viewing. If the report of the persons appointed to view such road be in favor of establishing the road, the money so deposited shall be returned to the persons who deposited the same; but if the report be unfavorable, the expense of the view shall be paid out of the money so deposited.

§ 11. It shall be the duty of the county court, upon the presentation of the petition for the location or re-location of a road, to inquire into the manner in which the same was gotten up, if signed by individuals through whose lands the same may pass, as far as practicable, and require proof, and be satisfied that the notices required by law of such intended application have been given, in view that the owners of lands which may be damaged shall have notice thereof.

§ 12. When a new road shall be applied for, as aforesaid, the county court shall, if in their opinion the public good and convenience require it, appoint three disinterested persons to view the ground proposed for the same; and if, after such view, the viewers shall believe the road applied for to be necessary, taking into consideration the expense of constructing the same, and its utility to the public, they shall proceed to locate and establish the same, on the nearest and most eligible route, from point to point given, having due regard to private property, causing the same to be surveyed, designating its course through prairies and improved land by fixing stakes in the ground, and through the timbered land by marking trees, and shall make report thereof to the next county court; but after the view, if they deem such road unnecessary or improper to be made, they shall report their opinion to that effect to the next term of said court.

§ 13. Viewers, in locating a road, shall ascertain, as far as practicable, where damages will be claimed, and report the names of the individuals claiming to the county court at the time of making their report. It shall be incumbent on such owners of property, by themselves or agents, to inform the court, at the term at which the road viewers shall report, their claims for damages; and no damages shall be allowed, unless claim be made to the court as aforesaid, or to the supervisor, commissioner, or superintendent, appointed to open the road, as provided by law. After a road shall be opened, and no claim for damages being set up, the state or county shall not be liable for any damages whatever.

§ 14. Whenever it shall be represented to the county court, by petition of thirty-five voters, that a public road established by said court, or any part thereof, is useless or burdensome, the said court, upon a sufficient sum of money being deposited with the clerk to pay the expenses of a review (such money to be returned if the road shall be declared useless), shall appoint three suitable and disinterested persons to view the same, who shall report to the said court at the next term after such appointment, whether such road be useless and burdensome, together with their reasons for such opinion; and the county commissioners may then order such road to be vacated, if, in their opinion and discretion, they shall deem such order proper: *Provided*, that no petition praying for the establishment or vacation of a public road shall be received by the said court, unless the same petitioners, or some of them, shall have given twenty days' public notice of such application, by a written notice, posted up in the most public place in each road district through which the road or proposed road shall pass, and a like notice, particularizing the route and important points, on the door of the court house, and of the county clerk's office, should it be kept in a separate building.

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

§ 16. Any person or persons desirous of having a cart road laid out, for his or their convenience, from the dwelling or plantation of such person or persons to any public road, or from one public road to another, or from one lot of land to another, shall present a petition to the county court of the proper county, setting forth the reason for desiring such road, and describing the points from and to which said road or cartway is desired to pass; and the court shall, upon a sufficient sum of money being deposited to pay for viewing such road, appoint three freeholders to view the same: *Provided*, that twenty days' notice shall be given of the intention to present such petition, to each person residing in the county through whose land such cartway is desired to pass, and also by posting up a notice thereof on the door of the court house and clerk's office of the county, if not kept in the court house, for the same period

of twenty days; and the viewers, when appointed, shall examine the route proposed for such road, and shall examine any other route which they may deem proper. And if they shall be of opinion that a cartway is necessary and proper, from and to the points named in the petition, they shall lay out the same in such manner as to produce the least inconvenience to the parties through whose land the same shall pass, and shall make a written report to the court, describing the route of the road, and the numbers of the lots of land through which the same shall pass, and naming the owners thereof, if known—which report shall be examined by the court. And on hearing the objections, if any, if the court shall be of opinion that the road is necessary and right, an order shall be made establishing the same not exceeding thirty feet wide: *And provided, also*, that if any owner of land shall object to the opening of such road, the same shall not be opened by the person or persons desiring the same, until the person or persons objecting shall be paid all the damages to be sustained by the opening thereof; and in case the parties cannot agree on the amount of damages, the same shall be ascertained and assessed as hereinafter provided. And the damages being paid on final decision, or a sufficient sum deposited with the court for that purpose, the person or persons applying therefor, their heirs and assigns, shall have the right to open said road, and shall have the right of way upon the same forever thereafter: *Provided, further*, the court may pay a portion of said damages.

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

§ 18. When it shall become necessary to have a state or county road now located and established, altered, re-located or vacated at a county line, or a new road laid out, the same being petitioned for and notice given as required in the preceding section, the same shall be agreed upon by reviewers from each county, to be appointed by the counties immediately interested; and no road shall be altered at a county line, or elsewhere, unless a majority of the viewers appointed agree on such change or alteration: *Provided*, that no application shall be acted upon

or viewers appointed, as contemplated in the preceding sections, unless the petitioners deposit money sufficient to pay the reviewers in case an unfavorable report be made, to be refunded should the road be located, altered or vacated, as petitioned for. In case of a disagreement in the location or alteration of any road crossing a county line by the county authorities, either county may appeal to the circuit court, who shall hear and determine the case, grant a review, appoint reviewers, and make such order therein as shall seem right in the establishment of the road in dispute.

§ 19. In all cases where a petition is presented to the county court, praying for a change, alteration, location or vacation of a county road, as provided for in this act, if there shall be remonstrances presented against granting the same, it shall be the duty of said court to give due consideration both to the petition and remonstrance, and grant or refuse the prayer of such petitioners, as in their discretion shall be just and proper.

§ 20. All roads shall be surveyed, and a plat, with the courses and distances thereof, returned with the report of the viewers to the county court, which shall be recorded and filed. The county court, on the return of the report and plat, shall determine and establish on record the width of the road, making the main leading roads four rods wide and none less than fifty feet.

§ 21. In the location and alteration of all roads, it shall be the duty of viewers to make the same as direct as the ground and circumstances will allow, particularly the main leading roads. Previous to entering upon their duties, they shall be sworn before some officer authorized to administer oaths, that they will faithfully, impartially, and to the best of their judgment, discharge the duties incumbent on them as road viewers, under the law and appointment of the court.

§ 22. County surveyors may act as road viewers in their respective counties, without further qualification, and may administer the proper oath of office to other road viewers who may be associated with them, or otherwise.

§ 23. In all cases where a public road shall have been or may be authorized by law to be laid out or constructed in this state, either by state or county authority, and the same is required to pass over the land belonging to any company, corporation or individual, and the owner or owners shall object thereto, and cannot agree with the commissioner, superintendent or supervisor authorized to construct the same, on the amount of damage which such owner or owners may claim, it shall be lawful and shall be the duty of the county court to cause a jury of six freeholders to appear before said court, at such time as may be fixed by said court; and the said jury, after being duly sworn faithfully and impartially to examine the ground which shall be pointed out to them, shall assess the damages which the owner of the land will sustain by the said road, and make written report to the said court, at such time as the court may direct—a copy of which award shall be furnished to the party claiming damages; and the money being paid or tendered to the party to whom the same is assessed, the said road may be opened by the proper authority of the county, and the right of way acquired by the public for a public road: *Provided*, that the corporation, company, owner or owners of the land shall have the right to appeal from the award of the jury to the circuit court, within twenty days from the approval of said award by said county court, upon executing bond, to be approved by

said court, and the case shall be acted upon in such manner as the circuit court may determine, with a view to justice, and make such order thereon as may seem right and just, which decision shall be final. The provisions of this section shall extend to the right of way for a cartway or private road, as contemplated in section sixteen of this act.

§ 24. If any person shall obstruct any public or private road by felling a tree or trees across the same, by encroaching upon or fencing up the same (except for the purpose of raising a hedge, in which case not more than one-fourth of the width of the road shall be occupied for such purpose), or by placing any other obstruction therein, he shall forfeit for any such offense a sum not exceeding ten dollars, and a sum not exceeding three dollars for every day he shall suffer such obstruction to remain, after he shall have been ordered to remove the same by any supervisor, county commissioner or justice of the peace; and if any person shall purposely destroy or injure any bridge or causeway, or remove any of the timber or plank thereof, or destroy or deface any guide board, post or mile stone on a public or private road, or dig any drain or ditch across a public or private road, such person so offending shall be indicted or sued before a justice of the peace, and on conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars, except bridges, which shall be double the value thereof, and for burning a bridge, to be punished agreeably to the criminal code: *Provided, however,* that this section shall not be construed to extend to any person who shall lawfully cut down any timber for rails, firewood or other purposes, and who shall immediately remove the same out of the road, nor to any person through whose land a road shall run, who shall dig a ditch or drain across such road, and keep the same in good repair.

§ 25. If any person or persons shall obstruct any public or private road, in the manner provided in sections twenty-four (24) and twenty-five (25) of this act, the penalty provided for in said section may be recovered either by an indictment, or in an action of debt, before any justice of the peace of the county in which the offense was committed, which action may be brought upon the complaint, on information, of any person who may complain, for the use and benefit of the county.

§ 26. If any person shall impair any public or private road, by plowing or turning a current of water so as to saturate or wash the same, he shall forfeit and pay a fine, for the first offense five dollars; and for a second offense ten dollars; and at that rate for every additional offense, which fines shall be collected either before a justice of the peace or by indictment in the circuit court, as now provided by law.

§ 27. If any person shall ride, lead or drive any wagon, carriage, dray, cart or other vehicle or conveyance, or any horse, mare, mule or ox, or other animal, over, on or across any public bridge, or any bridge used by the public, within the limits of this state, faster than a walk, he shall forfeit and pay, for each offense, the sum of five dollars, which penalty shall be collected, either before a justice of the peace or by indictment in the circuit court of said county, as is provided by the last preceding section.

§ 28. The county courts of the several counties in this state not under township organization, shall have and are hereby vested with general superintendence over the public roads within their respective counties, and are hereby authorized to cause new roads to be located

and made, and to alter or vacate public roads within their respective counties, in the manner in this act provided and pointed out.

§ 29. The county court, in counties not under township organization, of each county, shall, at their December term, or as soon thereafter as may be, in each and every year, lay out and divide their respective counties into such road districts as they may deem convenient and proper, defining accurately the boundaries of said districts; and they shall appoint one supervisor in each district, who shall serve one year, and continue in office until a successor shall be appointed: *Provided*, that the county courts of all counties not under township organization shall, at their first meeting after the passage of this act, appoint supervisors, and divide their respective counties into districts, as contemplated in this section.

§ 30. It shall be the duty of the clerk of the county court in each county, to make out and deliver to the sheriff written notices to all the supervisors, as aforesaid, within ten days after such appointment has been made, informing them of their said appointment, describing the bounds of their respective districts, and the roads therein; and the said sheriff shall immediately deliver the said notices to the persons to whom the same shall be directed, respectively; and if any supervisor shall refuse to accept his said appointment, the sheriff shall return the said notice to the clerk who issued the same, noting such refusal on the back thereof. But if the said supervisor shall agree to accept the same, such supervisor shall, within fifteen days thereafter, return to the clerk of the county court a list of the names of all persons residing within the road district liable to be taxed for road purposes; and the said sheriff shall notify the said clerk of such acceptance. And the said sheriff shall, in all cases, make return of acceptance or refusal within twenty days after the delivery to him of the notice aforesaid. For any failure on the part of the clerk to make out and deliver to the sheriff any one of the notices required by this section, he shall be fined in the sum of ten dollars; and the sheriff shall incur the same penalty for a failure to deliver any one of said notices in the manner and within the periods herein prescribed: *Provided*, that supervisors shall not be required to make such return, unless the county court shall have levied a tax according to the provisions of this act: *Provided, further*, that any county court or board of county commissioners are hereby authorized and empowered to open and keep in good repair all public highways in their respective counties, and to build and keep in repair all bridges, either by taxation in whole or in part, or by labor in part and taxation in part, as they may elect.

§ 31. When any person shall refuse to accept the appointment as supervisor, or after having accepted the same, shall fail to perform the duties thereof, he shall be fined five dollars, to be appropriated to road purposes: *Provided*, that the county court may excuse any supervisor from the payment of said fine, upon being satisfied that such person ought not to have been appointed. The county court shall have power, at any time, to remove from office any supervisor who shall fail or refuse to perform his duty, and all vacancies shall be filled at the term of court at which any removal shall be made or vacancy occur.

§ 32. It shall be the duty of such supervisor to cause all the public roads within his district to be kept well cleared, smooth, and in good repair; causing all stumps to be cut low, so as to afford at all times a free and safe passage to wagons and other carriages along such road; to

cause bridges and causeways to be made wherever the same shall be necessary, and to keep the same in repair; and to cause to be erected and kept in repair, at the forks or crossing place of every public road, a post and guide-boards, with plain inscriptions thereon in letters and figures, giving the direction and distance to the most noted places to which said roads may lead.

§ 33. Whenever any public road shall be obstructed by falling timber, or in any other manner, and when any bridge or causeway shall be destroyed, or become impassable or dangerous to travelers, it shall be the duty of the supervisor to cause such obstruction to be removed, and to have such bridges or causeways rebuilt or repaired; and for that purpose he shall call out the persons bound to labor on the road in his district, or as many of them as may be necessary; but if the persons bound to perform such labor in his district shall have previously performed the number of days required by this act, or if the labor due from such persons shall not be sufficient, he shall then proceed to hire as many laborers or teams as may be necessary to remove such obstruction or repair such damages: *Provided*, that in counties electing to keep up roads in their respective counties, by taxation, then and in that case the supervisor shall proceed to hire as many laborers or teams as may be necessary to remove such obstructions and repair such damages: *And, provided, further*, that the cost shall not exceed ten dollars; and if the cost of such work shall be estimated by said supervisor to exceed ten dollars, then he shall report such obstruction or damage to any one or more of the county commissioners, whose duty it shall be immediately to cause such obstruction to be removed, or such bridge or causeway to be rebuilt or repaired, as the case may be, either by ordering the supervisor to hire laborers and teams for that purpose, or by making a contract with some fit person or persons, as they may deem best; and all moneys required to carry any of the provisions of this section into effect, shall be paid out of the county treasury, on the order of the county court.

§ 34. The county courts of the several counties in this state, who shall adopt the system of part tax and part labor, or all labor, at the December term, annually, shall fix and cause to be entered upon the records of their courts a certain number of days, not exceeding three nor less than two, that each and every able-bodied man between the ages of twenty-one and fifty years shall labor on some public road within the county during the year. And it shall be the duty of the clerk of said court to certify the number of days fixed as aforesaid in the notice to each supervisor appointed in said county.

§ 35. The county court of each and every county, in addition to the work required in the foregoing section (34,) may, at the September term, annually, assess a road tax of not more than twenty cents on each one hundred dollars' worth of taxable property, real and personal, or either, in their counties; and a column in the tax book shall designate the amount of such road tax due from each person from whom the same is to be collected; which road tax, assessed on property owned by citizens living in incorporated towns of the county, and also owned by non-residents of the county, shall be collected by the collector as other county revenue, and paid into the treasury in like manner; and the county court shall appropriate the same on roads and bridges as they may deem proper: *Provided*, that counties electing to work under the tax system in whole, for road purposes, may levy a road tax not exceeding forty

cents on every one hundred dollars' worth of property, real or personal, as provided in section thirty of this act.

§ 36. The clerk of the county court, in all counties adopting the labor system, in whole or in part, shall, by the first day of February in each year, make out a list of all persons owing road tax in each road district in the county, with the amount of tax due from each person; which list shall be by said clerk delivered to the sheriff, and by him delivered to the proper supervisor within twenty days from the date such list is delivered to the sheriff; and any clerk or sheriff who shall neglect or fail to perform the duties required in this section within the time specified, shall be liable to the penalties stated in section thirty of this act.

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

§ 38. The tax list being placed in the hands of the supervisor, he shall notify each person residing in said supervisor's district, of the amount due, and that the same may be discharged in labor on the road, and shall thereupon request payment in money or labor, first notifying such person of the time and place, to attend and work the same out at the rate of such sum per day as the county court may fix, bringing with him such tools as may be directed by the supervisor—the labor to be performed by the principal or a substitute equally able, working at least eight hours each day; and if such person shall spend the day in idleness, be turbulent, or disobey the supervisor, he shall be discharged from the road, and the balance due shall be collected with twenty-five per cent. advance: *Provided*, all money collected by supervisors for road purposes, shall be disbursed on some road within their district.

§ 39. Where any city or town has or may become incorporated under a special law, or under a general law authorizing cities to become incorporated, no requisition in labor or money from the citizens thereof, on property within said corporation, shall be required to improve roads in the county different from the grant in the charter, but they shall be required to work and pay a tax to improve the streets and roads, and such improvements as shall be specified in the charter, or within the

limits of the incorporation, so long as the charter or incorporation shall remain in full force. In all towns and villages not incorporated, the citizens thereof shall contribute in labor and by tax, when assessed by the county court of the county, in improving the streets of the town or village, and the public roads of the road district, including the same, under the supervisor.

§ 40. It shall be the duty of the supervisors to sue in the name of the county, for all labor and taxes which shall be due from each person residing in their respective districts, and remain unpaid after notice shall have been given and a failure to settle the same, as provided in the foregoing sections; and having collected the same, shall, without delay, disburse the money to the best advantage on public roads in the district to which such labor or tax properly belongs. In all cases the supervisor shall be competent witness in such suits brought as above stated; and an appeal may be taken to the circuit court by either party, as in other cases of appeal from justices of the peace.

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

§ 42. All suits, actions and proceedings necessary to be had on any right or cause of action, for failures to perform road labor or pay road taxes, or to enforce any contract or promise in reference to the opening or repairing of public roads, shall be had in the corporate name of the county wherein the right of action accrued: *Provided*, that no suits shall be dismissed on account of informality in the name of the plaintiff; but the court may, on application, permit the record to be so amended as to place the name of the proper plaintiff on the record.

§ 43. Every supervisor shall endeavor to collect all road and labor tax, and close the work by the first Monday in December, annually; and it shall be their duty, when such road and labor tax has been paid, either in money or labor, to write the word "paid" distinctly against each name or tract of land on his list on which the same has been paid, and such list shall be delivered to the county court, with an affidavit thereto, sworn to before some justice of the peace of the county, or other officer empowered by law to administer oaths, that on all tracts of land on such list opposite which the word "paid" is written, [such tax] is paid; and that on all tracts of land on such list opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

§ 44. At the December term of the county court, annually, each supervisor shall make a report, showing the whole number of days' work that has been done in his district during the year, by whom done, the amount of money by him received, from whom received, for road tax or otherwise, due on roads, the amount paid out by him in constructing roads, with the vouchers accompanying; at which term he shall make a settlement with the court, and if a balance should appear in his hands, the same shall be disbursed in the district, or added to the general road fund, as the court shall order. Supervisors may appoint one or more persons to warn in the hands, and make an allowance out of the labor tax due from such person.

§ 45. The supervisors of the several road districts are hereby authorized to enter upon any land adjacent to any highway in their respective districts, for the purpose of opening any ditch, drain, necessary sluice or water course, whenever it shall be necessary to open a water course from any highway to the natural water courses; 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 highway: *Provided*, that unless the owner of such land, or his agent, shall first consent to the cutting of such ditches, the supervisors shall apply to any justice of the peace of the county in which such road is situated, directed to any constable of said county, commanding him to summons the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damage assessed which such owner may sustain by reason of the digging or opening 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*, if required by either party, shall be issued for a jury as in other cases, which jury shall assess such damages and render a verdict therefor, which shall be final and conclusive of the amount of damages sustained by such person; and the amount so awarded shall be paid out of the county treasury on the order of the commissioners. And the supervisor shall be warranted and is hereby empowered to enter such lands and dig, open and clean such drains, ditches and water courses as aforesaid, for the purposes contemplated in this act; and is further authorized to use and employ the road labor and money of his district for such purposes: *Provided*, 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 same manner as prescribed in proceedings for opening roads.

§ 46. Supervisors are hereby authorized to hire teams to do the necessary hauling, plowing and scraping; to contract for materials for building bridges, causeways, erecting guide boards, for making and furnishing road scrapers, and repairing roads in discharge of labor and road tax due, and so far as funds shall come into their possession, procuring said teams, materials, implements and work, on the best possible terms; but all contracts made under this section, exceeding in amount ten dollars, shall be first approved or ordered by the county court: *Provided*, that nothing contained herein shall prevent the supervisors from expending, within their road districts, the road labor or money collected by them in lieu thereof.

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

§ 48. The clerk of the county court in each county shall, at each term of the circuit court, make out and furnish the grand jury with the list of the names of all supervisors in the county, with the date at which they were appointed.

§ 49. It shall be the duty of the supervisors to take good care of plows, road scrapers and other implements belonging to the county, in

their charge; not to lend the same, unless to the supervisor, to aid him in constructing public roads. Any person who shall violate the provisions of this section, shall forfeit and pay a fine of not less than three dollars, or more than ten dollars.

§ 50. Each and every supervisor shall call out his hands, and do a proportion, at least one-half, of the labor due, by the tenth day of June in each year, in putting the roads and bridges in good repair, and grading the same where most needed.

§ 51. Sheriffs, and clerks of the county court, surveyors, viewers, and supervisors, shall be allowed a fair and reasonable compensation for discharging the duties required of them by this act, to be paid out of the county treasury on the allowance and order of the county courts.

§ 52. All power, jurisdiction and control is hereby given to the county court of the several counties of and concerning state roads, located directly by the state, and all other roads, and the same shall be opened, improved and kept in repair as roads in the counties, subject to alteration, change and re-location, as hereinbefore pointed out.

§ 53. The county courts of the several counties of this state shall have the supervision and control of all roads and public highways within their respective counties, and shall make such rules and regulations as may be necessary to carry this act into proper effect: *Provided*, that after the election of the commissioners provided in section six (6), article ten (10), constitution of this state, the duties herein provided to be discharged by county courts shall devolve upon and be discharged by the board of county commissioners.

§ 54. In addition to the notices now required by law, in proceedings for locating, laying out and opening of public roads, similar notices shall be served upon 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 and cities.

§ 55. The notices, as required by this act, shall be served upon the station agent of any such railroad company, nearest to the proposed location of such projected public road.

§ 56. Any tax or moneys collected by the sheriff and county collectors of the various counties for road and bridge purposes, under the provisions of an act entitled "An act in regard to roads and bridges," approved April 10, 1872, shall be distributed to the supervisors of the various road districts from which it was collected, as near as may be, to be by them expended in improving the roads in their respective road districts.

§ 57. An act entitled "An act in regard to roads and bridges," approved April 10, 1872, and in force August 15, 1872, and also all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

§ 58. Whereas by the passage of the act in regard to roads and bridges, in force August 15, 1872, hereby repealed, much confusion has arisen in carrying out and enforcing the law of this state in regard to roads and bridges, an emergency has arisen requiring this act to take immediate effect; therefore, be it enacted that this act shall take effect and be in force from and after its passage.

APPROVED April 18, 1873.

1. *Public highways defined.*
2. *Turn to the right.*
3. *Drunken driver.*
4. *Notice and discharge.*
5. *Fast driving.*
6. *Teams to be fastened.*
7. *Liability of owners and drivers.*
8. *The term "carriage."*
9. *Hackney coaches or carriages.*
10. *Duty of commissioners of highways.*
11. *Election and duties of treasurer.*
12. *Commissioners to report annually.*
13. *Time and place of meetings.*
14. *Town clerk to deliver list.*
15. *Who shall be required to labor on highways.*
16. *Commissioners to assess road tax.*
17. *To affix to each name the number of days.*
18. *List to be delivered to overseers.*
19. *Overseer to add names to list.*
20. *Work on private roads to be credited.*
21. *Duty of town clerk.*
22. *Penalty for refusing or neglecting duties.*
23. *Election of overseers.*
24. *Duty of overseers to repair and keep in order highways.*
25. *Appointment to fill vacancies.*
26. *Town clerk to give notice of appointment.*
27. *Penalty for refusing or neglecting duties.*
28. *Notice to be given.*
29. *How commutation money shall be expended.*
30. *Time in which commutation money shall be paid.*
31. *Powers of overseers.*
32. *Labor in person or by substitute.*
33. *Penalty for not working faithfully.*
34. *Failure to appear ; penalty.*
35. *Overseer to make complaint.*
36. *Justice of the peace to issue summons.*
37. *Judgment and execution.*
38. *Constables' duties.*
39. *Fine collected.*
40. *Not exempt.*
41. *Overseers to warn all persons.*
42. *Mark list "paid."*
43. *Delivery of tax list and affidavit.*
44. *Penalty for not delivering tax list with affidavit.*
45. *Time when three-fourths of road labor to be worked or expended.*
46. *Overseer to report under oath to commissioner.*
47. *Moneys to be paid over to successor.*
48. *Penalty for neglect or refusal to render account.*
49. *Duty of town supervisors.*
50. *Duties of the board of commissioners and county board.*
51. *Per diem of overseers.*
52. *Road tax may be collected in money only by a vote of the people*

53. *Boundary lines of towns.*
54. *Tax books to show to what district the tax belongs.*
55. *County and township collectors to make abstracts.*
56. *Commissioners to pay over district road tax to overseers.*
57. *Penalty for defacing guideboard, etc.*
58. *Injuries and obstructions to public roads.*
59. *Injury to bridges, etc.*
60. *Suits to be brought in the name of the town.*
61. *Fines to be paid to commissioner of town.*
62. *Shade trees.*
63. *Crossings under highways.*
64. *Owners of land may connect road fence with pier or abutment.*
65. *Width of roads.*
66. *What notice may be placed on bridges.*
67. *Fast driving across bridges.*
68. *Drainage of wet lands ; damages to be assessed by jury.*
69. *Petition for altering or laying out roads.*
70. *Form of petition.*
71. *Petition to be posted in public places.*
72. *Meeting of the commissioners.*
73. *Decision of the commissioners.*
74. *Order to be filed with the town clerk.*
75. *If prayer of petitioners be granted, shall cause plat and survey to be made.*
76. *Damages ascertained—in case of appeal.*
77. *Agreements and releases shall be recorded, and a perpetual bar.*
78. *If damages are not agreed upon jury to assess.*
79. *Notify each and every owner of land.*
80. *Manner of impanneling jury.*
81. *Either party have right of challenge for cause.*
82. *Notice to be posted when owner cannot be found.*
83. *Upon whom notice shall be served or left with.*
84. *Jury to be sworn.*
85. *Shall hear lawful evidence and by request visit and examine.*
86. *Jury may award to one or more, or all, at the same time.*
87. *Meeting for final determination.*
88. *May revoke all proceedings if deemed too high.*
89. *In case proceedings are not revoked to make an order.*
90. *Proceeding when amount of damages is agreed upon.*
91. *Inducements to commissioners.*
92. *Record or certified copy prima facie evidence.*
93. *Roads for private and public use may be laid out.*
94. *Order rescinded by limitation.*
95. *Reasonable time allowed to harvest crops.*
96. *Persons may work out their road tax on private roads.*
97. *Public roads may be established on township or county lines.*
98. *How roads to be kept in repair on township lines.*
99. *Any person may appeal from commissioners' decision.*
100. *Trial of appeal before supervisors.*
101. *Decision to be final—compensation and limitation.*
102. *Any person taking an appeal from award or verdict to pay costs.*
103. *Majority to make decision.*
104. *Disagreement—appeals from.*
105. *Roads on county or town lines.*

- § 106. *On state lines.*
 § 107. *Repair of bridges.*
 § 108. *Joint contracts.*
 § 109. *Failure to perform contracts.*
 § 110. *Any judgment enforced.*
 § 111. *Petition for building or repair of expensive bridges.*
 § 112. *Special town meeting ; vote for or against borrowing money to build a bridge.*
 § 113. *Re-surveys and plats.*
 § 114. *Establishment of new roads.*
 § 115. *Contracts for building bridges.*
 § 116. *Road and bridge tax orders.*
 § 117. *Road through inclosed lands—removal of fences.*
 § 118. *Compensation of commissioners.*
 § 119. *Shall be declared vacant—limitation.*
 § 120. *Ascertain annually amount of road and bridge tax needed, and levy the same.*
 § 121. *County clerk to extend necessary tax in a separate column.*
 § 122. *Certificate of county clerk to treasurer.*
 § 123. *Tax to be paid to treasurer of commissioners.*
 § 124. *Commissioners to furnish clerk list of taxpayers.*
 § 125. *Taxes collected under act approved April 10th, 1872, to be paid to treasurer of commissioners.*
In force April 11, 1873.

AN ACT in regard to roads and bridges, in counties under township organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all roads within this state, which have been laid out in pursuance of any law of this state, or of the late territory of Illinois, or which have been established by dedication or user for twenty years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.*

§ 2. Whenever any persons, traveling with any carriages, 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 centre of the road, 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 injured: *Provided*, this section shall not be construed to apply to any case, unless some injury to persons or property shall occur by the driver of the carriage or wagon refusing to turn to the right of the beaten track; nor shall it be construed to extend 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.

§ 3. No person owning any carriage, running or traveling upon any road in this state, for the conveyance of passengers, shall 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, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept any such driver in his employment.

§ 4. If any driver, whilst 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 three months 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.

§ 5. No person driving any carriage upon any turnpike road or public highway within this 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; 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 ten dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

§ 6. 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 first making such horses 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 twenty dollars, 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.

§ 7. The owners of every carriage running upon any turnpike road or public highway, for the conveyance of passengers, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and 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 willful, negligent or otherwise, in the same manner that such driver would be liable. Any driver of any mail stage coach, or any other vehicle for the conveyance of passengers, willfully offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned not exceeding four months, or fined not exceeding three hundred dollars.

§ 8. The term "carriage," as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 9. 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 in all cases arising under this act, where the penalty does not exceed their jurisdiction.

§ 10. The commissioners of highways in the several towns in this state shall have the care and superintendence of highways and bridges therein, and it shall be their duty:

First—To give directions for the repairing of roads and bridges in their respective towns, and to cause the building of bridges when the public interests or necessity require it.

Second—To lay out and establish roads, to regulate the roads already laid out, and to alter or vacate such roads, as they or a majority of them shall deem proper, as hereinafter provided.

Third—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 years, but not recorded, to be ascertained, described and entered of record in the town clerk's office.

Fourth—To cause the highways and bridges which are or may be erected over streams intersecting highways, to be kept in repair.

Fifth—To divide their respective towns into so many road districts as they shall deem convenient, by writing, under their hands, to be lodged with the town clerk, and by him to be entered in the town book. Such division to be made annually, if they shall think it necessary; and in all cases to be made at least ten days before the annual town meeting.

Sixth—To assign to each of the said road districts such of the inhabitants liable to work on highways as they shall think proper, having regard to proximity of residence as much as may be.

Seventh—To require the overseers of highways, from time to time, and as often as they shall deem necessary, to warn all persons to work on highways to come and work thereon, with such implements, carriages, plows and teams as they may have; and the said commissioners, or any of them, shall direct and see that persons working or repairing the highways leave undisturbed all stones or other monuments marking sectional and other corners, which may be in the public roads worked or repaired by them.

Eighth—To take possession of and keep all scrapers, plows and other tools belonging to their town, wherever the same may be found, and not allow the same to go to waste, and not to lend the same, except to persons employed by them to work on the roads by contract or otherwise.

Ninth—To purchase for use upon highways such necessary tools, implements and machinery as may be necessary.

Tenth—To cause to be erected and kept in repair, at the forks or crossing place of the most important public roads, a post and guide boards, with plain inscriptions thereon in letters and figures, giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockle-burs, mustard, yellow dock, Indian mallow and 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, so far as the same may obstruct public travel; and the said highway commissioners may, in their discretion, sink and construct wells, with a suitable pump or other suitable fixture, and a water-trough attached thereto, and keep the same in repair, for public use for watering teams, at the intersection of the most important roads in their towns or road districts; and they may also adopt any other suitable and convenient mode of supplying water in troughs conveniently situated on the public highways for public use, at other points than at such intersections; and the cost of such improvements shall be paid out of the road and bridge funds of such town.

§ 11. At the first meeting of the commissioners of highways, after they shall have been duly elected and qualified, they shall proceed to choose one of their number as treasurer. The treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges. He shall hold such moneys, at all times, subject to the order of the commissioners of high-

ways, and shall pay them over upon their order, or a majority of said commissioners, and not otherwise. He shall execute bond, with good and sufficient security, in such manner as the supervisor and town clerk shall determine, conditioned for the faithful discharge of his duties as such treasurer, and that he will honestly and faithfully account for and pay over upon the order of the commissioners of highways, all moneys that shall come to his hands by virtue of his said office; which bond shall be payable to the supervisor of the town and his successor in office, and be approved by the supervisor and town clerk, and filed in the town clerk's office.

§ 12. The commissioners of highways of each town shall render to the board of town auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating :

First—The labor assessed and performed in such towns.

Second—The sums received by such commissioners for fines and commutations, and all other moneys received under this act.

Third—A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable expense of making such improvement, beyond what the labor to be assessed in that year and the road tax will accomplish.

Fourth—Also, a statement, in writing, of all expenses and damages in consequence of laying out, altering or discontinuing roads.

Fifth—Also, a statement of the amount received from the collector of the town, or from any other source, up to the time of such statement, and the manner in which the same, if any sum, has been paid out and expended, to whom, and on what account.

§ 13. The commissioners of highways of each town shall meet, within ten days after they shall be chosen, at the town clerk's office, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.

§ 14. The town clerk shall deliver the lists filed by the overseers to the commissioners of highways of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

§ 15. Every able-bodied male inhabitant, being above the age of twenty-one years and under the age of fifty (excepting paupers, idiots, lunatics, and such others as are exempt by law), shall be required to labor on the highways, in their respective road districts, not less than one nor more than three days in each and every year.

§ 16. The commissioners of highways shall assess a road tax on all real estate and personal property liable to taxation of the town, to any amount they may deem necessary, not exceeding forty cents on each one hundred dollars' worth, as valued on the assessment roll of the previous year: *Provided*, that the tax on property lying within any 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, under the direction of the corporate authorities.

§ 17. The commissioners of highways shall affix to the name of each person named in the lists so furnished by the overseers the number of days assessed to each person for highway labor, personal property, and also a description of each tract of land, and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of road tax assessed thereon, in a

separate column. The lists so prepared shall be subscribed by the commissioners, and deposited with the town clerk, to be filed in his office.

§ 18. The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies, after which they shall cause the several copies to be delivered to the respective overseers of highways of the several districts in which the highway labor is assessed. One copy for each overseer shall contain the name and number of days assessed to each person, the other the real and personal property road tax.

§ 19. It shall be the duty of the overseers to add the names of persons left out of any such list, and of new inhabitants, and to rate the persons so added in the same proportion to work on the highways as others rated by the commissioners on such list, subject to an appeal to the commissioners.

§ 20. It shall be the duty of commissioners of highways of each town to credit such persons as live on private roads and work the same so much on account of their assessment as such commissioners shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

§ 21. The town clerk shall, within ten days after the commissioners of highways have filed in his office the amount of road tax assessed on the real and personal estate of the towns, post a notice on the outer door of the house where the town meeting was last held, stating the amount of road tax assessed on each one hundred dollars' worth of the real and personal estate of the town, and that all persons interested can pay the same in labor on the highways, under the direction of the overseer of highways, in the district where the land or personal property is situated.

§ 22. If the commissioners of highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county having jurisdiction.

§ 23. There shall be chosen, at the annual town meeting in each town, as many overseers of highways as there are road districts in the town; and each overseer of highways, so chosen, shall be a resident of the road district for which he is elected, and shall hold his office for one year: *Provided*, there shall be chosen at the annual town meeting in April, 1873, one overseer of highways for each road district, as constituted previous to the passage of an act entitled "Roads and bridges," approved April 10, 1872.

§ 24. It shall be the duty of overseers of highways in each town:

First—To repair and keep in order the highways within their several districts for which they shall have been elected.

Second—To warn all persons from whom road labor is due to work on the highways, at such times and places, within their several districts, as they may think proper. The overseers of highways may contract with persons owing poll tax for road purposes, to perform a certain amount of labor on any road or bridge in their town or road district for the amount of such tax; and if the work is done within the time that the money should have been paid, the overseer shall give such person a receipt for such labor done or performed.

Third—To collect all fines and commutation money, and to execute all lawful orders of the commissioners of highways.

Fourth—To deliver to the clerk of the town, within sixteen days after their election or appointment, a list, subscribed by such overseers, of the names of all the inhabitants in his road district who are liable to work on highways.

§ 25. If any person chosen or appointed to the office of overseer of highways, shall refuse to serve, or if his office shall become vacant, the commissioners of the highways of the town shall, by warrant, under their hands, appoint some other person in his stead; and the overseer so appointed shall have the same powers, be subject to the same orders and liable to the same penalties as overseers chosen at the town meeting.

§ 26. The commissioners making the appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases.

§ 27. Every overseer of highways who shall refuse or neglect to perform any of the duties hereinbefore enumerated, or which may be lawfully enjoined on him by the commissioners of highways of his town, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered, to be applied by them in making and improving the roads and bridges therein.

§ 28. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on highways, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person, being a resident of the town, shall be required to work on any highway other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in some district where he has any land; and in such case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated.

§ 29. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an overseer of highways, may elect to commute for the same, or for any part thereof, at the rate of one dollar and fifty cents per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 30. Any person intending to commute for his assessment, or any part thereof, shall, within three days after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice; and the commutation shall not be considered as complete until such money be paid.

§ 31. Every overseer of highways shall have power to require a team or a cart, wagon or plow, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment; and the person furnishing the same, upon such requisition, shall be entitled to a credit of two days for each day's service therewith.

§ 32. Every person assessed to work on the highways, and named to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute shall actually work eight hours in each

day, under a penalty of twenty-five cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

§ 33. If any person, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit to the town the sum of two dollars.

§ 34. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear, as above provided, shall forfeit to the town, for every day's refusal or neglect, the sum of two dollars. If he was required to furnish a team, carriage, man or implement, and shall refuse or neglect to comply, he shall be fined as follows:

First—For wholly failing to comply with such requisition, four dollars for each day.

Second—For omitting to furnish a pair of horses or oxen, one dollar and fifty cents for each day.

Third—For omitting to furnish a man to manage the team, two dollars for each day.

Fourth—For omitting to furnish a wagon, cart or plow, seventy-five cents for each day.

§ 35. It shall be the duty of every overseer of highways, within six days after any person assessed and notified shall be guilty of any refusal or neglect, for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint, on oath, to any justice of the peace of the county.

§ 36. The justice to whom such complaint shall be made shall forthwith issue a summons, directed to any constable of the county, requiring him to summons such delinquent to appear within five days before such justice, according to law, [to answer] for such refusal or neglect.

§ 37. On the day of trial the justice shall proceed to hear and determine the case according to law, for the offense complained of, and shall forthwith issue an execution under his hand and seal, directed to any constable of the county where such delinquent shall reside, commanding him to levy such fine, with the costs of the proceeding, of the goods and chattels of such delinquent.

§ 38. The constable to whom such execution shall be delivered, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer.

§ 39. Every fine collected for refusal or neglect to appear and work on the highways, shall be set off against his assessments or personal labor tax upon which it was founded, estimating every two dollars collected as a satisfaction for one day's work.

§ 40. The acceptance by an overseer of any excuse for refusal or neglect shall not, in any case, exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

§ 41. It shall be the duty of overseers of highways to warn all residents of his district against whom a land or personal property road tax is assessed, giving them three days' notice, to work out the same upon the highways; and he shall receive such tax in labor from every able-

bodied man, or his substitute, at the rate of one dollar and fifty cents per day. And any person or his agent may pay such tax in road labor, at the rate of one dollar and fifty cents per day, and in proportion for a less amount: *Provided*, that any person may elect to pay such tax to the overseer in money.

§ 42. It shall be the duty of the overseer of highways, when such land tax has been paid, either in money or labor, to write the word "paid" distinctly against each name or tract on his list, on which the same has been paid, and give a receipt for the same, whether paid in labor or money, when demanded.

§ 43. Every overseer of highways shall deliver to the supervisor of his town, and in Cook county to the county board, at least five days previous to the annual meeting of the board of supervisors, the lists furnished by the commissioners of highways, containing the land and personal property road tax, with an affidavit thereto, sworn to before the supervisor of the town, or some justice of the peace of the county, that on all tracts of land on such list opposite which the word "paid" is written, such tax is paid, and that on all tracts of land on such list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

§ 44. If any overseer shall refuse or neglect to deliver such list to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the affidavit, as therein directed, he shall, for every such offense, forfeit the sum of five dollars, and also the amount of tax or taxes remaining unpaid, to be recovered by the commissioners of highways of the town, to be applied by them in improving the roads and bridges of such town.

§ 45. It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district worked out or actually expended on the highways, previous to the first day of October in every year.

§ 46. Every overseer of highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render, under oath, to one of the commissioners of highways of the town, an account, in writing, containing—

First.—The names of all persons assessed to work on the highways in the district of which he is overseer.

Second.—The names of all those who have actually worked on the highways, with the number of days they have actually worked.

Third.—The names of all those who have been fined, and the sums in which they have been fined.

Fourth.—The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

Fifth.—The amount of uncollected road tax which he has returned to the supervisors of the town, as required in section forty-three of this act.

§ 47. Every such overseer shall also, then and there, render an account, in writing, of all moneys in his hands by virtue of his office, and shall also pay over the same to his successor in office.

§ 48. If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offense, forfeit the sum of five dollars, to be recovered, with the balance

of the moneys remaining in his hands, by the commissioners of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty, in every instance in which no return is made.

§ 49. It shall be the duty of the supervisors of the several towns to receive the list of the overseers of highways when delivered, pursuant to section forty-four of this act, and to lay the same before the board of supervisors of the county.

§ 50. It shall be the duty of the board of supervisors, and in Cook county the county board, to cause the amount of arrearages of road tax returned by the overseer of highways to the supervisors, as provided in section forty-three of this act, to be levied on the lands returned, and to be collected in the same manner that other taxes of the county are levied and collected, and to order the same, when collected, to be paid over to the commissioners of highways of the town, to be by them applied to the construction of roads and bridges.

§ 51. Each and every overseer of highways shall be entitled to one dollar and a half per day for every day he is necessarily employed in the execution of the duties of overseer, exceeding the amount of his highway labor and road tax, the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that the number of days to be audited shall be left discretionary with the commissioners of highways.

§ 52. The legal voters of any township in the state, in counties where township organization has been or may hereafter be adopted, may, by a majority vote at their annual town meeting, provide that thereafter the road tax assessed by the commissioners of highways, under the provisions of this act, be collected in money only, to be expended by the commissioners of highways in such townships, on roads within their jurisdiction, by such agents or officers as they shall direct, and in such manner as they shall direct.

§ 53. The town clerk of each town shall, on or before the first day of September next, and annually thereafter, (if the boundary lines be changed), furnish to the county clerk a certified plat of the several road districts of his town.

§ 54. In all counties acting under township organization, the county clerk, in extending district road tax upon the tax books, shall designate to what district said tax belongs.

§ 55. It shall be the duty of county and township collectors to make out an abstract of the amount of district road tax due to each district of the respective townships, and deliver the same to the treasurer of the commissioners of highways.

§ 56. The commissioners of highways shall pay over the district road tax according to the abstracts as furnished above, to the various overseers of roads in their respective districts, to be applied on the roads of said districts.

§ 57. For destroying or defacing any guideboard, post or mile stone, or any notice or direction put up on any bridge or otherwise, the offender shall forfeit a sum not less than three dollars nor more than fifty dollars.

§ 58. If any person shall injure or obstruct a public road by falling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by 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 thereupon, for more than five days, 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 any of the commissioners of highways, complaint to be made by any person feeling himself aggrieved: *Provided*, this section shall not apply to any person who shall lawfully fell any tree for use, and will 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 shall give due notice to the commissioners of such intention: *And, provided, further*, that any commissioners or overseers of highways, after having given reasonable notice (to the owners) of the obstruction, or person so obstructing or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by said commissioners before any justice of the peace having jurisdiction.

§ 59. If any person shall purposely destroy or injure any 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 dollars nor more than one hundred dollars, and shall be liable for all damages occasioned thereby, and all necessary costs of rebuilding or repairing the same.

§ 60. All suits for the recovery of any fine or penalty under this act, shall be brought in the name of the town in which the offense is committed; and it shall be the duty of commissioners and overseers of highways to seasonably prosecute for all fines and penalties under this act; but in case of a failure of said officers to so prosecute, complaint may be made by any person whatever.

§ 61. All fines recovered under the provisions of this act, unless otherwise provided, shall be paid over to the commissioners of highways of the town where the offense is committed, to be expended upon the roads and bridges in the town.

§ 62. It shall be lawful for the owners or occupants of land bordering upon any public road, to plant shade and ornamental trees along and in such road, at a distance not exceeding one-tenth of the legal width of the road from its margin; and also to erect and maintain a fence, so long as shall be actually necessary for the purpose of raising a hedge on said margin, a distance of four feet from and within said marginal lines.

§ 63. 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 secure railing on each side thereof, and build an embankment of easy grade, on either side of said bridge; said bridge not to be less than sixteen feet wide, and to be approved by the commissioners of highways of the town in which the bridge is built, and the same to be kept constantly in good repair by the owner or occupant of said land, subject to their discretion: *And, provided, further*, that in case such crossing is made on any water-

way or natural channel for water, and where a culvert or bridge is maintained or required for road purposes, said owner or occupant shall not be required to pay for or construct any more of said crossing 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.

§ 64. And where any bridge on a public road is constructed over a stream or body of water, where the depth or current of water or the nature of the bank or banks of such stream or body of water is such as to render a fence on the marginal line of the public road impracticable or very expensive to construct and keep in repair, the owner of the land bordering on the public road shall have the right to connect the road fence on either or both banks of the stream or body of water, to said bridge or any pier or abutment thereof, or to any embankment or timber approach to said bridge: *Provided*, that no necessary ford across said stream or body of water shall be permanently obstructed thereby: *And, provided, further*, that any such connecting fence shall be constructed by the consent and under the direction of the commissioners of highways of the town in which the bridge may be located.

§ 65. All public highways laid out by order of the commissioners of highways, or supervisors, on appeal, shall not be less than fifty feet, nor more than sixty-six feet wide.

§ 66. The commissioners of highways of each town may, when they shall deem it advisable, put up and maintain, in conspicuous places, at each end of any bridge in such town, maintained at the public charge, a notice with the following words, in large characters: "Five dollars fine for riding or driving on this bridge, faster than a walk."

§ 67. Whoever shall ride or drive faster than a walk, over any bridge upon which notice shall have been placed and shall then be, shall forfeit to the town, for every such offense, the sum of five dollars.

§ 68. The overseers of highways of the several towns are hereby authorized to enter upon any land adjacent to any highway in their respective districts, for the purpose of opening any ditch, drain, necessary sluice or water course, whenever it shall be necessary to open a water course from any highway to the natural water courses, 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 highway: *Provided*, that unless the owner of such land or his agent, shall first consent to the cutting of such ditches, the overseer of highways 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 nor more than fifteen days from the date thereof, for the purpose of having the damage assessed which such owner may sustain by reason of the digging or opening such ditches or drains. The said summons shall be under the hand of such justice and be served in the same manner as a 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, which shall be final and conclusive of the amount of damages sustained by such person; and the amount so awarded shall be audited, levied and collected in the same manner provided in section fourteen, article seventeen, of the township organization law; and the

overseer of highways shall be warranted and is hereby empowered to enter such lands, and dig, open and clean such drains, ditches and water courses as aforesaid, for the purposes contemplated in this act, and is further authorized to use and employ the road labor and money of his district for such purposes: *Provided*, 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 same manner as prescribed in section eighty-two of this act.

§ 69. The commissioners of highways may alter, widen or vacate any road, or lay out any new road in their respective town, when petitioned by any number of freeholders not less than twelve, residing within three miles of the road so to be altered, widened, vacated or laid out.

§ 70. Said petition shall set forth, in writing, a description of the road, and what part thereof 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 be so stated, over which the road is to pass, the points at which it is to commence, its general course, and the place at or near where it is to terminate.

§ 71. Whenever any such number of freeholders determine to petition the commissioners of highways for the alteration, widening or vacation of any road, or laying out any new road, they shall cause a copy of this petition to be posted up in three of the most public places in the town, in the vicinity of the road to be laid out, altered, widened or vacated, at least twenty days before any action shall be had in reference to such petition. The posting of any such notice required by this act, may be proved by the affidavit of the person posting the same, or by other legal evidence.

§ 72. Whenever the commissioners of highways shall receive any such petition, with the proof of the posting of copies, as in the next preceding section specified, they shall fix upon a time when and where they will meet to examine the route of such road, and to hear reasons for or against the altering, widening, vacating or laying out the same—which meeting shall be within twenty days after the expiration of the twenty days required for the posting of the copies of the petition in the next preceding (71) section, and they shall give at least ten days' notice of the time and place of such meeting, by posting up notices in three of the most public places in the township, in the vicinity of the road to be widened, altered or vacated.

§ 73. The commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than twenty days in all; and shall, at the first, or such adjourned meeting, within said twenty days, decide and publicly announce whether they will grant or refuse the prayer of the petition, and shall indorse upon or annex to the petition a brief memorandum of such decision, to be signed by the commissioners. Such decision shall be subject to revocation, in case the prayer of the petition is granted, in the manner hereinafter provided. In case the commissioners refuse to grant the prayer of the petition, they shall, within ten days thereafter, file the same, so indorsed, or with such decision annexed thereto, in the office of the town clerk.

§ 74. If the petition is simply for the vacation of a road, and the commissioners of highways, or a majority of them, shall, at such meet-

ing, decide that the prayer of the petitioners should be granted, they shall order such road to be vacated—a copy of which order, together with the petition, shall be by them filed with the town clerk; such order to be so filed within ten days after the date of such decision.

§ 75. If such petition is for the establishment of a new road, or the alteration or widening of an existing road, and the commissioners of highways, or a majority of them, shall be of the opinion that the prayer of the petitioners should be granted, they shall cause a survey and a plat of such road to be made by a competent surveyor, who shall report such survey and plat to said commissioners, giving the courses and distances, and specifying the land over which said road is to pass—in which they may make such changes between the termini of the road described in the petition, as the convenience and interest of the public, in their judgment, may require.

§ 76. They shall also, before they order any road to be established, altered, widened or vacated, ascertain, as hereinafter provided, the aggregate amount of damages which the owner or owners of the land over which such road is to pass, shall be entitled to, by reason of the location, alteration or vacation of such road: *Provided, however,* that in case an appeal is taken from the assessment of damages before the justice of the peace, the commissioners may, in their discretion, make an order laying out, widening, altering or vacating such road, either before or after such appeal is determined, in the manner hereinafter provided.

§ 77. The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract, and the commissioners of highways, or they may be released by such owners—in which case the agreement or release shall be in writing, and shall be filed and recorded with the copy of the order establishing or altering such road, in the town clerk's office, and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

§ 78. In case such damages are not released or agreed upon, as in the preceding section specified, the commissioners of highways shall, within twenty (20) days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are 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 land, 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 shall summon a jury of six persons in the manner hereinafter provided, having the qualifications of juror, to appear before such justice of the peace at a time to be fixed by him, within ten days from the time such certificate was presented to him, to assess such damages.

§ 79. The commissioners of highways shall also notify each and every owner of land—if known, and a resident of the county—whose damages are to be assessed, that they will apply to some justice of the peace of the county (giving the time when and place where) to have a jury impaneled to assess such damages.

§ 80. Upon the presentation of such certificate by the commissioners of highways, the justice of the peace shall forthwith name eighteen

persons having the qualifications of jurors, two-thirds of whom shall not be residents of the town in which the proposed road is located. The commissioners of highways shall have the right to strike from such list of names the names of six of such persons named, and the owners of the lands whose damages are to be assessed, or their authorized agent or agents, shall also have the right to strike from such list the names of six other persons. The striking from the list of said names shall be done alternately, one at a time, by the commissioners of highways and the claimants, the commissioners beginning first; and the six persons whose names still remain on said list, shall comprise the jury to assess such damages: *Provided*, that if the commissioners of highways and the owners of lands shall fail to strike from such list the names of twelve persons, the justice of the peace shall select from the names still remaining, the six persons to constitute said jury.

§ 81. At the trial of the case, either party shall have the right of challenge for cause, and for that only; and any deficiency in the number of jurors, from whatever cause, shall be supplied by summoning other persons residing in the township, or in an adjoining township, in the same manner as in a civil case. Such justice of the peace shall notify the owners of such land mentioned in such certificate to appear at the same time before such justice to prove their damages.

§ 82. In case it shall appear, either from the certificate of the commissioners, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service, that there is an unknown owner or owners who cannot be found and served within the county, such justice shall also cause notice to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least six days before the time fixed for the appearance of such jury, stating when such jury is to be impaneled by him, and describing the road to be established, altered, widened or vacated as petitioned for, and the lands for which damages are to be assessed.

§ 83. The notice to such owners of lands may be served by any constable or one of the petitioners, or other person of lawful age, at least five days before the time of appearance. If any of such owners is an infant, such summons shall be served by delivering a copy to the infant or 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; if any such owner is a married woman, by delivering a copy to her.

§ 84. The jury shall appear before and be sworn or affirmed by such justice, faithfully and impartially to assess the damage 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.

§ 85. The jury shall hear such lawful evidence touching the question of such damages as may be presented to them; and shall also, on request of a majority of the road commissioners 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 and affected thereby, and make a written verdict specifying the amount of damages, if any, which each 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, to be paid by such commis-

sioners, together with the costs of such suit, in case they shall finally determine to establish, alter, widen or vacate such road; and the money therefor shall be paid by the town, out of the funds in the hands of the treasurer of the commissioners of highways, raised for road and bridge purposes: *Provided*, that in estimating damages the jury may consider the benefits conferred, or may disregard such benefits; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 86. *Provided*, that when there are several such owners the jury may assess the damages or one or more or all of them at the same time, or they may assess such damages at different times, or there may be different juries and trials at different times for different owners if any owner shall demand a separate trial; and any such assessment of damages may be continued from time to time for good cause, with the like effect as continuances in other cases before justices of the peace.

§ 87. Within thirty days after the total amount of damages shall have been ascertained, either by release or agreement of the parties, or by assessment before a justice of the peace and a jury, in the manner hereinbefore provided, the commissioners shall hold a meeting to finally determine upon the laying out, altering, widening or vacation of such road, of which meeting said commissioners shall give public notice, by causing not less than three notices thereof to be posted in public places within the town, at least five days prior thereto.

§ 88. In cases where the damages are not wholly released or agreed upon, and the commissioners shall be of the opinion that the damages assessed by the jury are manifestly too high, and that the payment of the same would be an unreasonable burden upon the tax payers of the town, the commissioners may revoke all proceedings had upon the petition by a written order to that effect. And such revocation shall have the effect to annul all such proceedings and assessments; releases and agreements, in respect to damages growing out of the proceedings upon the petition.

§ 89. In case the commissioners shall not revoke such prior proceedings they shall make an order, to be signed by them, declaring such road so altered, widened or laid out a public highway, and which order shall contain or have annexed thereto a definite description of the line of such road, together with a plat thereof. The commissioners shall, within ten days from the date of such order, cause the same, together with the report of the surveyor, the petition and releases or agreements in respect to damages, to be deposited and filed in the office of the town clerk, who shall note upon such order the date of such filing. It shall be the duty of such clerk, after the time for appeal to supervisors has expired, and in the case of such appeal, after the same shall have been determined, in case the prayer of the petition is granted, to record such order, together with the plat of the surveyor, in a proper book to be kept for that purpose.

§ 90. In cases where the damages claimed by the land owners for the right of way is released, or is agreed upon between the land owners and the commissioners, the commissioners may, at their first meeting, or at an adjourned meeting, examine the route of the road, and cause a survey thereof to be made, and make their order establishing, altering, widening or vacating the road, according to the prayer of the petition, and return the same within the time and in the manner specified in this act.

§ 91. Any person or persons interested in the establishment, alteration, widening or vacation of any road in this state, are hereby authorized to offer inducements to the commissioners of highways, for the establishment, alteration, widening or vacation of any such road, by entering into contract with said commissioners, conditioned upon such establishment, alteration, widening or vacation, to pay money or any other valuable thing to the town, for the benefit of the road and bridge funds of the same, or to perform any labor, or to construct any road, bridge or culvert on any road which said person or persons desire to have established, widened or altered. And such contracts, in writing, made with said commissioners, shall be deemed good and valid in law, and may be enforced by said commissioners or their successors in office, before any court having jurisdiction.

§ 92. The record of the town clerk, or a certified copy of such record, and papers relating to the establishment, location, alteration, widening or vacation of any road, shall be *prima facie* evidence in all cases that all the necessary antecedent provisions had been complied with, and that the action of the commissioners of highways, or other persons and officers in regard thereto, were regular in all respects.

§ 93. 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 one lot of land to another, or from a lot of land to the highway, on petition to the commissioners of highways, by any person directly interested. The commissioners, on receiving such petition, shall have power to lay out the road as asked for therein, to which end they shall proceed and examine into the merits of the case, and shall be governed in their proceedings by the rules and regulations prescribed in this act in relation to public roads. The jury shall consider the damages that may result to parties from said proposed road, and shall assess the damages to each individual owner of lands affected thereby. The amount of such damages shall be paid by the persons benefited thereby, to the extent and in proportion that they are benefited, to be determined and declared by the jury. The remainder of the amount of damages over and above that to be paid by the parties as aforesaid, shall be paid by the land as in other cases. The amount of damages to be paid by individuals, shall be paid to the persons entitled thereto before the road shall be opened for use. An appeal may be taken on the question of the propriety and necessity of such road as in other cases.

§ 94. If such private road or cartway shall not be opened by the petitioners or their assigns within two years from the time of making the order for the location of the same, such order shall be regarded as rescinded.

§ 95. When such private road or cartway is proposed to pass over inclosed 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 land before such road or cartway shall be opened.

§ 96. The commissioners of highways may, in their discretion, pay persons who live on or have private roads which are used by the public, for work done on such roads; but in no case shall they be allowed more than the amount of their road tax for the year in which the work is done.

§ 97. Public roads may be established, altered, widened or vacated on township or county lines, in the same manner as other public roads, except that in such case a copy of the petition shall be posted up in and presented to the commissioners of highways of each town interested; whereupon it shall be the duty of the commissioners of highways of the several towns to meet and act as one body, 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 majority of all such commissioners must concur in all such orders. And a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns interested.

§ 98. The commissioners of highways shall also, in case a new road is established, allot to each of such towns the part of such road which such town shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town. 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 three disinterested freeholders, as arbitrators, whose decision shall be final.

§ 99. Any person or persons interested in the decision of the commissioners of highways, in determining to or in refusing to lay out, alter, widen or vacate any road, or revoking any previous order or decision relative to any road, or from the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to three supervisors of the county, outside of the town in which such road or proposed road is located, by giving a written notice of such appeal to the said commissioners of highways, and to at least three of the petitioners, and also to the same parties a notice when and where such appeal will be tried, at least three days before such trial, within ten days after such decision has been filed in the office of the proper clerk; and shall also present a written petition to some justice of the peace of the county, asking for an appeal, and stating on what grounds such appeal is taken.

§ 100. It shall be the duty of the justice of the peace to cause to be summoned three supervisors of the county to hear such appeal; and said supervisors shall fix upon a time and place when said appeal will be heard by them; and upon such appeal the said supervisors shall have the same power and authority that is by this act conferred on the commissioners of highways, not only in regard to the laying out, altering, widening or vacating any road, but shall have the same power to cause a jury to be called to assess damages, whenever the state of the proceedings require it, and the supervisors cannot agree with the owners of the land in regard to the same.

§ 101. And they shall make a report of their proceedings and decision in the case, and in like manner that is by this act required by the highway commissioners, and shall be entitled to the same compensation; and their decision shall be final in regard to laying out, altering widening or vacating such road, or in refusing to do the same, for one year after such decision.

§ 102. Any parties taking an appeal from the award of the decision of the highway commissioners, or the verdict of the jury, shall pay the cost of such appeal, in case the award or the decision of the highway commissioners, or the verdict of a jury, is in all things sustained; and

shall file a sufficient bond with the justice of the peace or town clerk, before taking such appeal, guaranteeing such payment in such case.

§ 103. The decision of a majority of the supervisors in any appeal case shall be taken as the decision of said supervisors.

§ 104. When the commissioners of highways of one town disagree with the commissioners of highways of an adjoining town in regard to the laying out of a new road, or the alteration, widening or vacation of an old road, on any county or town line, appeals may be taken from such decision in the same manner as set forth in section 99 of this act: *Provided*, that when such decision is in regard to a road on a county line, two supervisors and one commissioner of highways shall be selected from one county, and two commissioners of highways and one supervisor shall be selected from the other. The county from which the two supervisors shall be selected, shall be determined by the party or parties taking the appeal, and the justice of the peace shall issue his summons accordingly.

§ 105. All roads heretofore laid out upon town or county lines, shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall hereafter be laid out on a county or town line, shall be held to be a road or a county or town line, although, owing to the topography of the ground along said county or town 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 town line.

§ 106. 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.

§ 107. Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, shall be built and repaired at the equal expense of such towns or counties: *Provided*, that for the building and maintaining of bridges over streams near county or town lines, in which both are equally interested, the expense of building and maintaining any such bridges shall be borne equally by both counties or towns.

§ 108. For the purpose of building or keeping in repair such bridge or bridges, it shall be lawful for the commissioners of highways of such adjoining towns or 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 damages growing out of such neglect.

§ 109. If the commissioners of highways of either of such towns, after reasonable notice in writing from the commissioners of highways of any other such towns, 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, and 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 commissioners so neglecting or refusing.

§ 110. Any judgment so recovered against the commissioners of highways of either of such towns, shall be a charge on such town, un-

less the court shall certify that the neglect of [or] refusal of such commissioners was willful or malicious, in which case only such commissioners shall be personally liable for such judgment, and the same may be enforced against them in their personal and individual capacity.

§ 111. When it shall be necessary to build, construct or repair any bridge or road in any town, which would be an unreasonable burden to the same, the cost of which will be more than can be raised in one year by ordinary road taxes in such town, the commissioners of highways shall present a petition to the county board of the county in which such town is situated, praying for an appropriation from the county treasury to aid in the building, constructing or repairing of such bridge or road, and such county board may (a majority of all the members elect voting for the same) make an appropriation of so much for that purpose as, in their judgment, the nature of the case requires and the funds of the county will justify; said appropriation to be expended under the supervision of an authorized agent or agents of the county, if the county board shall so order.

§ 112. When it shall be necessary to build a bridge in any town which would require a larger sum of money to complete than is authorized to be raised by taxation under the constitution upon a single year's assessment, the commissioners of highways shall petition the supervisor of the town to call a special town meeting to vote on the proposition "to borrow money to build a bridge," which said petition shall be signed by said commissioners in their official capacity, and by at least twenty-five freeholders of such town; and thereupon such petition shall be filed in the office of the town clerk of such town. Upon the filing of said petition, the supervisor shall order the town clerk, by an instrument in writing, to be signed by him, to post up in four of the most public places in said town, notices of such special town meeting; which notice shall state the object, time and place of meeting, and the manner in which the voting is to be had, which shall be invariably by ballot, and shall be "to borrow money to build a bridge," when the voter desires to vote in favor of that proposition, and "against the proposition to borrow money to build a bridge," when the voter desires to vote against said proposition. The special town meeting shall be held and returns thereof made in the same manner as other special town meetings 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 supervisor and town clerk, acting under the direction of the commissioners of highways of said town, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town for the purpose of building such bridge; such bonds to be of such denominations, bear such rate of interest, not exceeding ten per cent., upon such time, and be disposed of as the necessities and conveniences of said town officers require: *Provided*, that said bonds shall not be sold or disposed of for less than their par value, and such town shall provide for the payment of such bonds and the interest thereon by appropriate taxation.

§ 113. Upon the petition of twelve legal voters, it shall be the duty of the commissioners of highways of each town, within a reasonable time, to employ a competent surveyor, and have any road or roads designated in such petition in their several towns re-surveyed, and plats thereof made, which plats and surveys shall be by them filed for record in the office of the town clerk: *Provided*, that this section shall not apply

where the same has been already done, unless the exact location of such road is uncertain.

§ 114. The establishment of a new road on the route of a road already established according to law, shall not vacate the road previously established, unless such vacation is prayed for in the petition, and so declared in the order establishing the new road.

§ 115. The commissioners of highways of the several towns are hereby authorized to contract for the building and repairing of bridges in their respective towns, and they may let such contracts by a public letting to the lowest responsible bidder, upon proper notice being given by posting copies of such notice in at least three public places in their town, not less than ten days before the time of such public letting; or if they deem it to be to the interest of their town, they may, to an amount not exceeding twenty-five dollars, privately contract with persons, as they shall deem best, for putting bridges in good repair; but in no case shall such contracts exonerate such commissioners from liability for failure to keep such bridges in repair.

§ 116. *Provided*, that the collector of taxes shall receive from any taxpayer, in payment of said taxpayer's road and bridge tax, any order of the commissioners of highways, on their treasurer, for work done on or material furnished for the construction or repairs of the highways or bridges, in any sum not to exceed the amount of such person's road and bridge tax then due.

§ 117. 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 inclosed land, the commissioners of highways shall give the owner or occupant of such land sixty days' notice in writing, to remove his fences. If such owner or occupant does not remove his fence within sixty days after such notice, the commissioners shall cause the same to be removed, and direct the road to be opened and worked; and such owner shall forfeit to such commissioners the sum of one dollar for every day he shall permit his fence to remain after the expiration of said sixty days, and shall pay all necessary cost of removal, to be collected by said commissioners before any justice of the peace having jurisdiction.

§ 118. The commissioners of highways shall receive for their services the sum of one dollar and fifty cents per day for each day necessarily employed in the performance of their duties, the same to be audited by the town auditors and paid out of the town funds.

§ 119. All highways laid out by order of the commissioners or supervisors, on appeal, shall be opened within five years from the time of laying out the same. If not opened within the time aforesaid, the same shall be deemed to be vacated.

§ 120. The highway commissioners of each town shall, annually, ascertain, as near as practicable, how much money must be raised by tax on real and personal property for the making and repairing of bridges, the payment of damages by reason of the opening, altering and laying out of new roads, the purchase of necessary tools, implements and machinery for working roads; the purchase of the necessary material for building or repairing roads and bridges, the pay of the overseers of highways during the ensuing year; and shall levy a tax on all the real and personal property in said town, not exceeding forty cents on the one hundred dollars; and they shall give to the supervisor of the township, and in Cook county to the county board, a statement of the amount necessary to be raised, and the rate per cent. of taxation, signed by said

commissioners, or a majority of them, on or before the Tuesday next preceding the annual September meeting of the board of supervisors, or the county board in Cook county, who shall cause the same to be submitted to said board for their action at such September meeting of said board: *Provided*, that if the commissioners of highways, or any three legal voters, shall give notice, by posting notices in at least three of the most public places of the town at least ten days before the annual town meeting, that a larger amount of money will be required for the purpose of constructing or repairing roads or bridges in their town than can be realized from the real and personal property tax authorized by law to be assessed by the commissioners, the legal voters present at such meeting may authorize an additional amount to be raised by tax, not exceeding sixty cents on each one hundred dollars' valuation, and said board shall cause the same to be extended on the tax books.

§ 121. According to the amount certified as aforesaid, the county clerk, when making out the tax books for state and county taxes for the collector, shall extend the necessary tax in a separate column against each taxpayer's name, or taxable property, as other taxes are extended, which shall be collected the same as state and county taxes.

§ 122. It shall be the duty of the county clerk to make out and deliver, on demand, to the treasurer of the commissioners of highways, a certificate of the aggregate amount of tax so levied and placed upon the tax books.

§ 123. The tax so collected shall be paid to the treasurer of the commissioners of highways, except as provided in section sixteen (16) of this act, by the collector, as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same.

§ 124. The commissioners of highways shall furnish to the clerk of the county court, previous to the first day of October in each year, a list of taxpayers (alphabetically arranged) of each district.

§ 125. Any tax or moneys collected by the township or county collectors of the various counties for road and bridge purposes under the provisions of an act entitled "An act in regard to roads and bridges," approved April 10, 1872, shall be paid by said collectors to the treasurer of commissioners of highways, and be by said commissioners, after reserving sufficient to pay for the purchase of implements and the payment of damages, and the pay of the overseers, distributed to the overseers of highways of the various road districts from which it was collected, as near as may be. Said moneys shall be used by said overseers in improving the roads and bridges in their respective towns.

§ 126. That an act entitled "An act in regard to roads and bridges," approved April 10, 1872, and in force August 15, 1872, so far as the same relates to counties under township organization, and also all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed: *Provided*, that the repeal of said act shall not affect any suit or proceeding pending, or impair any rights existing at the time this act shall take effect.

§ 127. Whereas an emergency exists: therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 11, 1873.

- § 1. *To appropriate surplus moneys in the payment of any indebtedness existing against towns or villages.*
In force May 3, 1873.

AN ACT in relation to surplus funds raised in towns and villages for town, road and bridge purposes.

WHEREAS various towns and villages in this state, by a vote of the electors thereof, did, in pursuance of law, raise moneys for town, road and bridge purposes; and whereas, in many towns and villages in this state, a surplus of such moneys remains on hand; and whereas, there is no statute authorizing the appropriation or use of such surplus for any other purpose than that for which the same was raised; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the several towns and villages of this state which may have a surplus of money raised for town, road and bridge purposes, as aforesaid, be and they are hereby authorized, by vote of a majority of the trustees or other proper officers of any such town or village, to appropriate any such surplus moneys to the payment of any indebtedness existing against any such town or village, and for no other purpose.*

§ 2. Whereas there is now no statute authorizing the transfer of such funds, wherefore an emergency exists for the immediate passage of this act; therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 3, 1873.

STATE TREASURER.

1. *Amount, security and approval of bond.*
2. *Oath prescribed and where to be filed.*
3. *Governor may require additional bond.*
4. *When office shall be declared vacant.*
5. *Official seal.*
6. *Suits may be instituted against treasurer or sureties.*
7. *Shall receive all revenues and other public moneys.*
8. *Auditor's order directing treasurer to receive money.*
9. *Treasurer to receipt for moneys in duplicate.*
10. *Shall not pay out any money except on auditor's warrants.*
11. *To countersign and record all warrants.*
12. *Shall keep regular and fair accounts of receipts and disbursements.*
13. *All warrants to be canceled when paid.*
14. *Report monthly to auditor amount received and paid out.*
15. *Biennial report to the governor.*
16. *Duty of governor in case of vacancy by death.*
In force July 1, 1873.

AN ACT to revise the law in relation to the state treasurer.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the treasurer of this state shall, before entering upon the duties of his office, give bond, with two or*

more sufficient sureties, to be approved by the governor and two justices of the supreme court, payable to the People of the State of Illinois, in the penal sum of five hundred thousand dollars, conditioned for the faithful discharge of his duties, and to deliver up all moneys, papers, books, records and other property appertaining to his office, whole, safe and undefaced, to his successor in office, and that he will give additional bonds, with sufficient sureties, when legally required; which bond shall be filed in the office of the secretary of state.

§ 2. He shall, before entering upon the duties of his office, take and subscribe the oath or affirmation prescribed by section twenty-five, article five, of the constitution; which shall be filed in the office of the secretary of state.

§ 3. Whenever the governor shall deem any bond filed by the treasurer insufficient, he may require additional bond, in any penalty not exceeding that specified in section one hereof.

§ 4. If any person elected to the office of treasurer shall fail to give bond or take the oath required of him, within ten days after he is declared elected, the office shall be deemed vacant, and if the treasurer, being required to give additional bond, as provided in section three hereof, fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the governor, be declared vacant, and filled as provided by law.

§ 5. The treasurer shall keep an official seal, which shall be used to authenticate all writings, papers and documents, required by law to be certified from his office; and copies of all records, writings, papers and documents legally in his keeping, when certified by him, and authenticated by his official seal, shall be received in evidence in the same manner and with like effect as the originals.

§ 6. Whenever the condition of the bond of the treasurer is broken, it shall be the duty of the governor to order the same to be prosecuted. Suit may be instituted and prosecuted thereon to final judgment against the treasurer or his sureties, or one or more of them, jointly or severally, without first establishing the liability of the treasurer, by obtaining judgment against him alone.

§ 7. The state treasurer shall receive the revenues and all other public moneys of the state, and all moneys authorized by law to be paid to him, and safely keep the same.

§ 8. All persons paying money into the state treasury shall first obtain from the auditor an order, directing the treasurer to receive the same; and if the treasurer shall receive and receipt for any money, without such order being presented to him, he shall be removed from office. When moneys are sent to the treasury, by express or otherwise, it shall be the treasurer's duty to obtain the auditor's order, hereinbefore required, before receipting therefor.

§ 9. The treasurer shall, on the receipt of any money, give the person paying the same duplicate receipts therefor; which shall be presented to the auditor, who shall countersign and return one of them to the person presenting the same, and retain the other on file in his office, and charge the amount thereof against the treasurer. No receipt shall be of any validity unless the same is so countersigned.

§ 10. The treasurer shall not pay out of the treasury any money, except upon the warrant of the auditor.

§ 11. When any warrant is presented to him to be countersigned, or for payment, the treasurer shall personally countersign the same, and shall also enter in a book, to be kept for that purpose by him, the date, amount and name of the person to whom the same is made payable.

§ 12. He shall keep regular and fair accounts of all moneys received and paid out by him, stating, particularly, on what account each amount is received or paid out.

§ 13. On the payment of any warrant, the treasurer shall cancel the same with a canceling hammer, or some proper canceling instrument, which will cut or perforate the paper.

§ 14. He shall, at the close of each month, report to the auditor the amount of money received and paid out by him during the month, stating on what account the same was received and paid; and shall, at the same time, deposit with the auditor all warrants, properly canceled, which he may have paid, and take the auditor's receipt for the same.

§ 15. He shall also make out and present to the governor, at least ten days before each regular session of the general assembly, a full report of all moneys by him received and paid out, and also a general account of all the business of his office.

§ 16. In case of the death of the treasurer, it shall be the duty of the governor to take possession of the office of such treasurer, and cause the vaults thereof to be closed and securely locked, and so remain until a successor is appointed and qualified; and at the time such successor takes possession of the office, he, together with the auditor of public accounts and any of the bondmen of the deceased treasurer who shall be present, shall proceed to take an account of all the moneys, papers, books, records and other property coming into his possession; and the auditor shall take of such succeeding treasurer his receipt therefor, and keep the same on file in his office.

§ 17. So much of chapter thirteen of the Revised Statutes of 1845, entitled "Auditor and Treasurer," as refers to the state treasurer, and an act entitled "An act to provide for canceling auditor's warrants," approved February 18, 1845, and an act entitled "An act concerning the public treasury," approved February 21, 1845, and all other acts and parts of acts in conflict with this act, are hereby repealed, except as herein re-enacted: *Provided*, that this act shall not affect any rights existing or actions pending at the time it takes effect.

APPROVED April 23, 1873.

WAREHOUSES.

- § 1. *The board of railroad and warehouse commissioners to establish grades for the inspection of grain.*
- § 2. *To appoint committee of appeals.*
- § 3. *Duties of committee of appeals.*
- § 4. *Commissioners to fix fees in cases of appeals.*
- § 5. *Warehouse receipts to be returned—fees for inspection of grain.*
- § 6. *What to remain in force.*
In force July 1, 1873.

AN ACT to amend an act entitled "An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of the state," approved April 25, 1871, in force July 1, 1871, and to establish a committee of appeal, and prescribe their duties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the board of railroad and warehouse commissioners shall establish a proper number and standard of grades for the inspection of grain, and may alter or change the same from time to time: Provided, no modification or change of grades shall be made, or any new ones established, without public notice being given of such contemplated change, for at least twenty days prior thereto, by publication in three daily newspapers printed in each city containing warehouses of class "A": And, provided, further, that no mixture of old and new grades, even though designated by the same name or distinction, shall be permitted while in store.*

§ 2. Within twenty days after this act takes effect, the board of railroad and warehouse commissioners shall appoint three discreet and competent persons to act as a committee of appeals, in every city wherein is located a warehouse of class A, who shall hold their office for one year and until their successors are appointed. And every year thereafter a like committee of appeals shall be appointed by said commissioners, who shall hold their office for one year and until their successors are appointed: *Provided, said commissioners shall have power, in their discretion, to remove from office any member of said committee at any time, and fill vacancies thus created by the appointment of other discreet persons.*

§ 3. In all matters involving doubt on the part of the chief inspector, or any assistant inspector, as to the proper inspection of any lot of grain, or in case any owner, consignee or shipper of grain, or any warehouse manager, shall be dissatisfied with the decision of the chief inspector or any assistant inspector, an appeal may be made to said committee of appeals, and the decision of a majority of said committee shall be final. Said board of commissioners are authorized to make all necessary rules governing the manner of appeals, as herein provided. And all complaints in regard to the inspection of grain, and all notices requiring the services of the committee of appeals, may be served on said committee, or may be filed with the warehouse registrar of said city, who shall immediately notify said committee of the fact, and who shall furnish said committee with such clerical assistance as may be necessary for the proper discharge of their duties. It shall be the duty of said commit-

tee, on receiving such notice, to immediately act on and render a decision in each case.

§ 4. For every case decided by said committee of appeal, they shall be entitled to such fees as may be fixed by the board of railroad and warehouse commissioners, not to exceed three dollars for each member of said committee for each case submitted; said fees to be paid either from the inspection fund or by the party taking the appeal, as the commissioners shall direct; and all necessary expenses incurred in carrying out the provisions of this act, except as herein otherwise provided, shall be paid out of the funds collected for the inspection service, on the order of the commissioners.

§ 5. No grain shall be delivered from store from any warehouse of class A, for which or representing which warehouse receipts shall have been issued, except upon the return of such receipts, stamped or otherwise plainly marked by the warehouse registrar with the words "registered for collection," and the date thereof; and said board of commissioners shall have power to fix the rates of charges for the inspection of grain, both into and out of warehouses; which charges shall be a lien upon all grain so inspected, and may be collected of the owners, receivers or shippers of such grain, in such manner as the said commissioners may prescribe.

§ 6. Section thirteen (13) of the act to which this is an amendment, is hereby repealed: *Provided*, the provisions contained in said section shall remain in force until the grades for the inspection of grain shall have been established by the commissioners, as provided in section one of this act.

APPROVED April 15, 1873.

WATER WORKS.

- § 1. *Erection, construction and maintaining waterworks authorized.*
 - § 2. *May borrow money, levy and collect a tax therefor.*
 - § 3. *May go beyond its territorial limits, and procure right of way as provided by law.*
 - § 4. *Powers of common council.*
 - § 5. *Assessment and collection of taxes for special benefits.*
 - § 6. *Separate fund to pay costs, interest on bonds or money borrowed.*
 - § 7. *What cities, towns or villages this act shall not apply to.*
- In force April 15, 1873.*

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all cities, incorporated towns and villages in this state be and are hereby authorized, and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns and villages, by the erection, construction, maintaining of a system of water works: Provided, that all contracts for the erection or construction of such works, or any part thereof, shall be let to the lowest responsible*

bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let having been given, by publication in a newspaper published in such city, town or village; or if no newspaper is published therein, then in some newspaper published in the county: *And, provided, further,* that no member of the city council or board of trustees, or mayor, shall be directly or indirectly interested in any such contract; and in all cases the council or board of trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

§ 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same.

§ 3. For the purpose of erecting, constructing, locating, maintaining, or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits and may take, hold and acquire property and real estate by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

§ 4. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate, upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide.

§ 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

§ 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct.

§ 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

§ 8. Whereas many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore an emergency exists, that this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 15, 1873.

WOMEN.

- § 1. *Any woman, having the qualifications prescribed for men, eligible to any office under general or special school laws.*
- § 2. *Shall qualify and give bond.*
In force July 1, 1873.

AN ACT to authorize the election of women to school offices.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any women, married or single, of the age of twenty-one years and upwards, and possessing the qualifications prescribed for men, shall be eligible to any office under the general or special school laws of this state.

§ 2. That any woman elected or appointed to any office under the provisions of this act, before she enters upon the discharge of the duties of the office, shall qualify and give bond as required by law, and such bond shall be binding upon her and her securities.

APPROVED April 3, 1873.

DEPARTMENT OF STATE, OFFICE OF SECRETARY,
 SPRINGFIELD, ILLINOIS, *May 20, 1873.*

I, GEORGE H. HARLOW, Secretary of State of the State of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws passed at the first session of the Twenty-eighth General Assembly, and on file in this office, with the exception of the words printed in brackets, thus [].

GEO. H. HARLOW,
Secretary of State.

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