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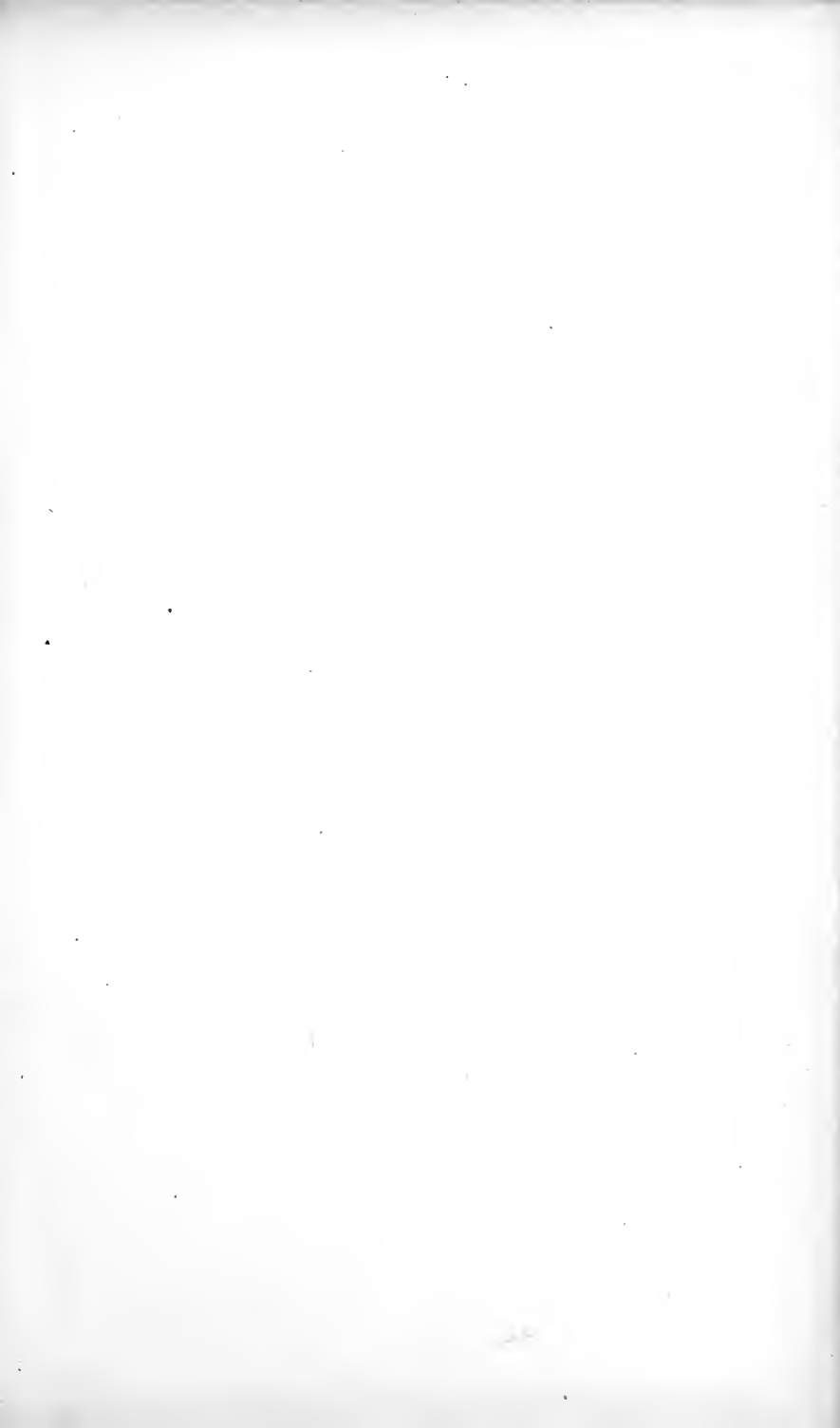
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LAWS

OF THE

STATE OF ILLINOIS,

ENACTED BY THE

THIRTY-FOURTH GENERAL ASSEMBLY,

AT THE SESSION WHICH

COMMENCED JANUARY 7, 1885, AND ADJOURNED JUNE 26, 1885.

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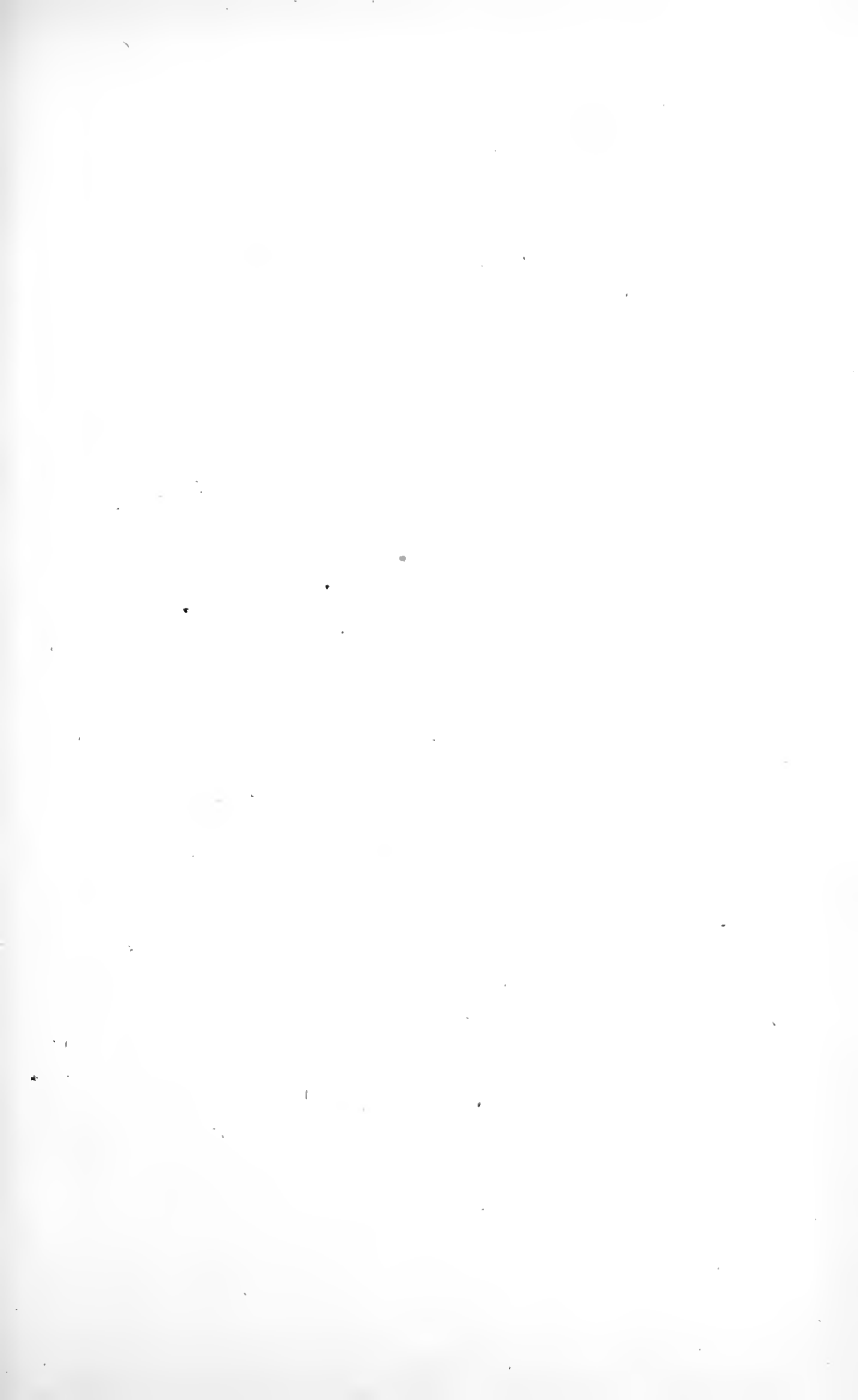
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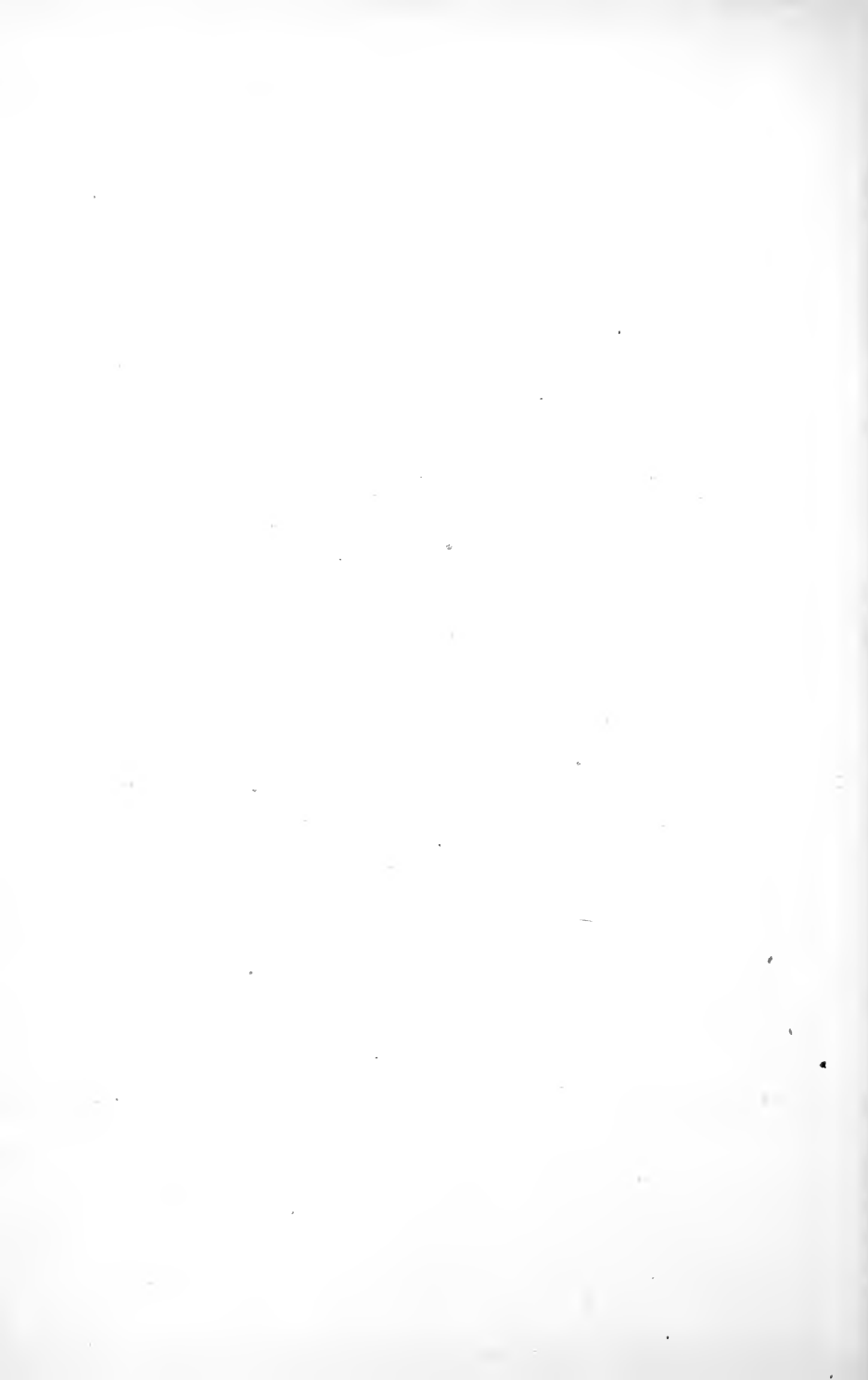
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LAWS OF ILLINOIS.

ANIMALS.

CONTAGIOUS DISEASES.

- | | |
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| § 1. Appointment of Live Stock Commissioners; term of office; oath of office. | § 5. Damages against the State for animals slaughtered. |
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AN ACT to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor shall, with the advice and consent of the Senate, appoint three practical stock breeders, who shall constitute a board of live stock commissioners, who shall hold their office in the order in which they are named, the first for one year, the second for two years, and the third for three years; and their successors in office shall be appointed for three years each. Before entering on the duties of their office, they shall take and subscribe to an oath of office for the faithful performance of their duties as such commissioners, and shall file the same with the Governor.

§ 2. It shall be the duty of said board of commissioners to cause to be investigated any and all cases, or alleged cases, coming to their knowledge, of contagious or infectious diseases among domestic animals, and to use all proper means to prevent the spread of such diseases, and to provide for the extirpation thereof; and in the event of reasonable ground for belief that any such contagious or infectious disease has broken out in this State, it shall be the duty of the person owning or having in charge animals infected with disease, or any other person having knowledge or reason to suspect the existence of such disease, to immediately notify said board of commissioners, or some member thereof, by communication to said board, of the existence of such disease, and thereupon it shall be the duty of said board, immediately to cause

proper examination thereof to be made, and if said disease shall be found to be a dangerously contagious or infectious malady, said board shall order said diseased animals, and such as have been exposed to contagion, to be strictly quarantined in charge of such person as the board, or any authorized member thereof, shall designate, and they shall have power to order any premises or farms, where the disease exists or has recently existed, as well as exposed premises or farms, to be put in quarantine, so that no domestic animal which has been or is so diseased, or has been exposed to such contagious or infectious disease, be removed from or brought to the premises or places so quarantined; and said board shall prescribe such regulations as they may deem necessary to prevent such disease from being communicated in any way from the premises quarantined. The said board shall have power to order the slaughter of diseased animals, and in cases of contagious and infectious diseases, they shall have power to order the appraisement and slaughter of all such animals as have been exposed to such contagion.

§ 3. The Governor shall appoint a competent veterinary surgeon, who shall be known as the State Veterinarian, who, together with his assistants, shall act under the direction of said board in carrying out the provisions of this act. In the event of the inability of the said State Veterinarian to perform all the work which he may be directed to do by said board of commissioners, he may, by and with the advice and consent of said board, appoint necessary assistants, upon terms not exceeding that paid the State Veterinarian. The State Veterinarian shall receive for his services the sum of \$8 per day for each day actually employed under the provisions of this act, together with his necessary traveling expenses, to be certified to by said board of commissioners.

§ 4. Whenever said board of commissioners shall report to the Governor that such diseases have become epidemic in certain localities in other States, or that their condition would render such domestic animals liable to convey diseases, he may, by proclamation, schedule such localities, and prohibit the importation of any live stock, of the kind diseased, into the State, except under such regulations as may be prescribed by the said board and approved by the Governor. Any corporation which shall knowingly transport, receive, or convey such prohibited stock, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$10,000 for each and every offense, and shall become liable for any and all damage or loss that may be sustained by any party or parties, by reason of the importation or transportation of such prohibited stock. Any individual who shall knowingly sell, buy, receive, convey, or engage in the traffic of diseased or exposed stock, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned not less than one, nor more than ten years in the penitentiary, and fined not less than \$500 nor more than \$5,000 for each and every offense, and shall become liable for any and all damage or loss that may be sustained by any party or parties, resulting from exposure to said diseases. Any veterinary practitioner having information of any such contagious or infectious disease in this State, and who shall fail to promptly report such knowledge to the board of live stock commissioners, shall be fined not less than \$100 nor more than \$500, or be imprisoned in the county jail not more than one year for each offense.

§ 5. All cases against the State arising from the slaughter of animals, as herein provided for, shall be made to said board of commissioners,

under such rules and regulations as they may prescribe, and it shall be the duty of said board of commissioners to determine the amount which shall be paid in each case on account of animals so slaughtered, which shall be based on the fair cash market value thereof for beef, or for use for dairy purposes, not to exceed seventy-five dollars per head, and report the same to the Governor; but in no case shall there be anything allowed, or paid, for such animals as are already diseased at the time of their slaughter, and the Governor shall endorse thereon his order to the State Auditor, who shall thereupon issue his warrant on the State Treasurer for the same.

§ 6. Said board of commissioners, and the State Veterinarian and his assistants in the performance of their duties under this act, shall have power to call on sheriffs, constables and peace officers to assist them in carrying out its provisions, and it is hereby made the duty of sheriffs, constables and peace officers in this State to assist in carrying out the provisions of this act when ordered so to [do] by said board of commissioners; and said commissioners, and the State Veterinarian and his assistants, shall have, while engaged in carrying out the provisions of this act, the same powers and protection that other peace officers have.

§ 7. It shall be the duty of said board of commissioners to keep a record of all their acts and proceedings, and report the same to the Governor, annually, or oftener, if required, for publication. The annual report shall include an itemized statement of all sums expended by them under this act, including a statement of all damages recommended by them to be paid for all animals slaughtered and the amounts paid therefor.

§ 8. The members of said board shall receive their necessary traveling expenses, and other incidental expenses, necessarily incurred in the performance of their duties under this act, to be paid on certified and itemized vouchers to be approved by the Governor.

§ 9. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State treasury, out of any money not otherwise appropriated, for the purpose of carrying out the provisions of this act: *Provided*, that no part of this sum shall be used for the payment of damages for animals slaughtered under the provisions of this act.

§ 10. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED June 27, 1885.

TO PREVENT CRUELTY.

§ 1. Amends section 1, act 1877, by providing for the appointment of an officer in the city of Peoria.

Amends section 4, by providing that animals fed at distilleries, etc., be properly cared for.

AN ACT to amend sections one (1) and four (4) of an act entitled "An act to secure the enforcement of the law for the prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 and section 4 of an act entitled "An act to secure the enforcement of the law for the prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877, be amended so as to read as follows:

"Section 1. That it is hereby made the duty of the Governor to appoint, by and with the consent of the Senate, one officer for the town of Lake, Cook Co.; one officer for East St. Louis, St. Clair Co., and one officer for the city of Peoria, Peoria Co., whose term of office shall be two years respectively, or until a successor to such officer shall be appointed and qualified, and the duty of each officer so appointed shall be to cause the enforcement of the law for the prevention of cruelty to animals."

"Section 4. It shall be the further duty of the officer so appointed to see that all stock in the stock yard or stock yards in his respective county, or at any distillery, brewery, factory, or other place where stock are confined, housed or fed, are properly fed and cared for, and that stock receive the full amount of feed for which the owner or shipper is charged."

APPROVED June 30, 1885.

APPROPRIATIONS.

AGRICULTURAL BOARDS.

§ 1. Appropriates as follows:

\$5,000 per annum for State Fair and Fat Stock Show; county societies.

\$2,400 per annum for salary of secretary.

\$1,500 per annum for clerk hire.

\$600 per annum for salary of curator.

\$600 per annum for porter.

\$300 per annum for the museum.

\$1,200 per annum for collecting crop statistics.

\$400 per annum for the library.

\$1,200 for office expenses.

§ 2. How drawn.

§ 3. Payment to county societies.

AN ACT making an appropriation for the State Board of Agriculture and the county and other agricultural fairs.

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 to the State Board of Agriculture, the following sums, to wit:

For the payment of premiums at the annual State Fair and Fat Stock Show, the sum of five thousand dollars per annum, for the years 1885

and 1886; and for the use of each county or other agricultural society, the sum of one hundred dollars per annum, to be paid to the treasurer for the society, for fairs held in the years 1884 and 1885.

For the salary of the secretary, the sum of two thousand four hundred dollars per annum, for the years 1885 and 1886.

For clerk hire, the sum of fifteen hundred dollars per annum, for the years 1885 and 1886.

For curator, the sum of six hundred dollars per annum for the years 1885 and 1886.

For porter, the sum of six hundred dollars per annum for the years 1885 and 1886.

For the agricultural museum, the sum of three hundred dollars per annum, for the years 1885 and 1886.

For the expense of collecting and publishing crop statistics, the sum of twelve hundred dollars per annum for the years 1885 and 1886.

For the agricultural library, the sum of four hundred dollars per annum, for the years 1885 and 1886.

For office expenses, repairs, postage, expressage, the sum of twelve hundred dollars per annum, for the years 1885 and 1886.

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture and approved by the Governor, the State Auditor shall draw his warrant upon the Treasurer, in favor of the treasurer of the State Board of Agriculture, for the sums herein appropriated: *Provided*, that each warrant shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society, unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such agricultural society held an agricultural fair during the preceding year, in compliance with the rules and regulations, as provided by law: *Provided, further*, that no part of the moneys herein provided for shall be drawn from the public treasury, prior to the first day of July, A. D. 1885: *And, provided, further*, that no warrant shall be drawn in favor of any agricultural society, until the president and treasurer of such society have filed an affidavit with the State Board of Agriculture that no wheel of fortune or any other gambling device were licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the proper officer of each agricultural society the sum received for its use and benefit as aforesaid, and make a biennial report to the Governor, of all such appropriations received and disbursed by him.

APPROVED June 27, 1885.

HEIRS OF WILLIAM ALLEN, DECEASED.

§ 1. Appropriates \$1,900 to Mary F. Allen | § 2. How drawn.
et al. for damages to lands.

AN ACT for the relief of the widow and heirs at law of William Allen, of Putnam county, Illinois, and making an appropriation for their benefit.

WHEREAS, the General Assembly, by an act entitled "An act to provide for the payment of damages to lands and other property sustained by the owners thereof, by the construction of the dam on the Little Wabash river at New Haven, in Gallatin county, Illinois, and by the construction of the dam on the Illinois river, near Henry, in Marshall county, Illinois," approved May, 31, 1879, appropriated (among other appropriations, for the benefit of many of such owners) to the said William Allen, the sum of one thousand nine hundred dollars, for damages sustained by him to his lands by reason of the construction of said dam across the Illinois river near Henry, Illinois; and, whereas, the said one thousand nine hundred dollars remains wholly unpaid, said William Allen is dead, his administratrix discharged, and the said appropriation has lapsed into the State treasury; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the said sum of one thousand nine hundred dollars be and the same is hereby appropriated to the use and benefit of the widow and heirs-at-law of the said William Allen, deceased, to-wit: Mary F. Allen widow, and John E. Allen, Mary Hartenbower, Annie J. Denning, Mattie A. Brumfield and William A. Stouffer, children, in payment of the damages allowed to him in the above act, and the same shall be in full of all claim or on demand for damages against the State sustained by said William Allen or his heirs at law, by reason of the construction of said dam.

§ 2. Upon a release being filed with the Auditor of Public Accounts of all such damages which have or may hereafter accrue by the said widow and heirs at laws of the said William Allen, the Auditor of Public Accounts shall draw his warrant for the sum of one thousand nine hundred dollars, on the State Treasurer, payable out of any funds not otherwise appropriated, in the State treasury, in favor of the said widow and heirs of the said William Allen, and the said State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED May 12, 1885.

HENRY BURRILL AND WILLIAM H. GARDNER.

§ 1. Appropriates \$340.95 to pay certain claims.

AN ACT to direct the Canal Commissioners to pay certain parties herein named the sum of \$340.95, due them out of the revenues of the Illinois and Michigan Canal.

WHEREAS, from the report of the Canal Commissioners, it appears that there is now due from said Canal Commissioners to Henry Burrill

and William H. Gardner, the sum of \$340.95, on account of damages accruing to the canal boat Belle France; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Canal Commissioners be, and are hereby, authorized and directed to pay to the said Henry Burrill and William H. Gardner, the said sum of \$340.95, out of the revenues of the Illinois and Michigan Canal, upon said Burrill and Gardner, or their legal representatives, giving to said commissioners their receipt therefor in full satisfaction and release of all claim for damages on account of loss to said canal boat and cargo.

APPROVED June 30, 1885.

CANAL—ILLINOIS AND MICHIGAN.

§ 1. Appropriates \$20,000 per annum for repairs and running expenses. | § 2. How drawn.
 | § 3. Financial statements filed quarterly.

AN ACT making appropriations for the necessary repairs and running expenses of the Illinois and Michigan Canal until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, for the purpose of making necessary repairs and providing means to put and keep the Illinois and Michigan Canal in navigable condition, until after the adjournment of the next General Assembly, there is hereby appropriated from the State treasury, for the first year the sum of twenty thousand dollars (\$20,000), and for the second year the sum of twenty thousand dollars (\$20,000), or so much of each as may be absolutely necessary for that purpose: *Provided*, that no portion of the money hereby appropriated shall be used for the purpose above specified until all the surplus earnings of the canal have been fully exhausted in making needed repairs and defraying necessary expenses of operating the said canal.

§ 2. The appropriations made by this act shall only be paid upon detailed statements made by the Canal Commissioners, filed with the Auditor, bearing the order of the Canal Commissioners and the approval of the Governor.

§ 3. Said Board of Canal Commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter transmit to the Auditor of Public Accounts a full and complete statement, showing, in detail, the amount of money received during said preceding quarter, from every source, and how and to whom the same has been disbursed.

APPROVED June 27, 1885.

CHARITABLE INSTITUTIONS, STATE.

ASYLUM FOR FEEBLE MINDED CHILDREN.

§ 1. Appropriates \$6,000 for purchase of land; \$5,000 for hospital building.

AN ACT *making appropriations for the Illinois Asylum for Feeble Minded Children at Lincoln.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and are hereby, appropriated to the Illinois Asylum of Feeble Minded Children at Lincoln, for the purposes hereinafter named:

For the purchase of thirty-eight acres of land lying west of and adjoining the lands now owned by the State and occupied by the asylum, six thousand dollars (\$6,000): *Provided*, that the Attorney-General shall examine and approve in writing the title to said land before warrant is drawn for the amount.

For the erection of a detached hospital building and for furnishing and heating same, the sum of five thousand dollars (\$5,000).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

ASYLUM FOR FEEBLE MINDED CHILDREN.

§ 1. Appropriates as follows:

\$56,500 per annum for ordinary expenses.	§ 2. How drawn.
\$3,000 per annum for repairs and improvements.	

\$500 per annum for improvement of grounds.	§ 2. How drawn.

AN ACT *making appropriations for the Illinois Asylum for Feeble Minded Children at Lincoln.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the Illinois Asylum for Feeble Minded Children at Lincoln, for the purposes hereinafter named:

For ordinary expenses, the sum of fifty-six thousand five hundred dollars (\$56,500) per annum, payable quarterly in advance, from the first day of July, 1885, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and improvements, three thousand dollars per annum.

For improvement of grounds, five hundred dollars per annum.

§ 2. The money herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

INSTITUTION FOR THE BLIND.

<p>§ 1. Appropriates as follows :</p> <p>\$30,000 per annum for ordinary ex- penses.</p> <p>\$1,500 per annum for repairs.</p>	<p>\$4,000 for storehouse and refrigerator.</p> <p>\$500 for sewer.</p> <p>\$3,000 for pipe organ.</p>	<p>§ 2. How drawn.</p>
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AN ACT making appropriations for the *Illinois Institution for the Education of the Blind.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly :* That the following sums be and are hereby appropriated to the Institution for the Education of the Blind, for the purposes hereafter named :

For ordinary expenses, thirty thousand dollars per annum, payable quarterly in advance from July 1, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly ;

For repairs and improvements, fifteen hundred dollars (\$1,500) per annum ;

For the construction of a refrigerator and storehouse, four thousand dollars (\$4,000) ;

For the extension of sewer, five hundred dollars (\$500) ;

For the construction of a pipe organ, the sum of three thousand dollars.

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 29, 1885.

CENTRAL HOSPITAL FOR THE INSANE.

<p>§ 1. Appropriates as follows :</p> <p>\$144,000 per annum for ordinary ex- penses.</p> <p>\$5,000 per annum for repairs and im- provements.</p>	<p>\$1,000 per annum for care of grounds.</p> <p>\$16,000 for purchase of lands.</p> <p>Re-appropriates balance.</p>	<p>§ 2. How drawn.</p>
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AN ACT making appropriations for the *Illinois Central Hospital for the Insane at Jacksonville.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly :* That the following amounts be, and hereby are, appropriated to the Illinois Central Hospital for the Insane at Jacksonville :

For defraying the ordinary expenses of said hospital from July 1, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, the sum of one hundred and forty-four thousand dollars (\$144,000) per annum, payable quarterly, in advance.

For improvements and repairs, five thousand dollars (\$5,000) per annum.

For care and improvement of grounds, one thousand dollars (\$1,000) per annum.

For the purchase of lands, sixteen thousand dollars (\$16,000), the title to such land to be examined and approved by the Attorney-General, before the warrant shall be drawn for the amount.

Any balance remaining of the appropriation of one hundred and thirty-five thousand dollars (\$135,000), or so much of such balance as may be needed, for an additional building made by the last General Assembly, after the same is fully completed in accordance with the act making the appropriation, is hereby re-appropriated for the purpose of constructing an additional reservoir, extending water pipes, and in increasing the water supply of the hospital.

§ 2. The moneys, herein appropriated, shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

CENTRAL HOSPITAL FOR THE INSANE.

§ 1. Appropriates \$15,000 for fire-proof doors, finishing attics and fire walls. | § 2. How drawn.

AN ACT making appropriation to the Illinois Central Hospital for the Insane at Jacksonville, for additional protection against fire.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the State treasury, out of any money not otherwise appropriated, to the Illinois Central Hospital for the Insane at Jacksonville, for the purpose of putting in thirty-six iron fire-proof doors between the different sections of the building; flooring, lighting and plastering all the attics, carrying out ventilating flues and extending fire walls above the roof between the different sections of the building.

§ 2. The amount herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now prescribed by law.

APPROVED June 27, 1885.

INSTITUTION FOR THE DEAF AND DUMB.

§ 1. Appropriates as follows :	
\$98,000 per annum for ordinary expenses.	\$1,800 for new boiler.
\$5,000 per annum for repairs.	\$1,000 for sewerage.
\$500 per annum for pupils' library.	\$8,000 for gymnasiun.
\$4,000 for dairy barn.	§ 2. How drawn.

AN ACT making appropriations for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for other expenses thereof.

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, and for the extension of its articulation department and the establishment of an aural department therein, the sum of ninety-eight thousand (98,000) dollars per annum is hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly. And that there be and are hereby appropriated the further sums of five thousand dollars (\$5,000) per annum for repairs and improvements; five hundred dollars (\$500) per annum for the pupils' library; four thousand dollars (\$4,000) for the erection of a dairy barn; one thousand eight hundred dollars (\$1,800) for the purchase and setting of a new boiler, with necessary attachments thereto; one thousand dollars for the construction of sewer to connect with sewer of the city of Jacksonville; eight thousand dollars for the erection of a gymnasium and amusement hall.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the aforesaid institution, or their order, on the terms and in the manner now provided by law.

APPROVED June 29, 1885.

* DEAF AND DUMB SCHOOL, CHICAGO.

§ 1. Appropriate \$5,000 in aid of school. | § 2. How drawn.

AN ACT to appropriate money for the support of day schools for the education of deaf and dumb children, located in the city of Chicago.

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, out of any money in the State treasury not otherwise appropriated, the sum of five thousand (\$5,000) dollars, as a donation for the benefit of, and to be used in the support and maintenance of day schools in the city of Chicago for the education of deaf and dumb children, under the management of the board of education of said city, said money to be used in the education of deaf and dumb children in said schools, and said schools shall, so far as their accommodations will permit, receive deaf and dumb children of school age from any portion of the State.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums of money hereby appropriated, in favor of the treasurer of the city of Chicago, upon the order of the board of education of the city of Chicago, signed by the president and attested by the secretary of said board, and filed in the office of the Auditor; and said money shall only be drawn from the treasurer of said city upon the orders of the said board for the expenses incurred in the education of deaf and dumb children in said day schools.

APPROVED June, 27 1885.

EASTERN HOSPITAL FOR THE INSANE.

§ 1. Appropriates as follows:		\$15,000 for repairs and improvements.
\$2,000 for improvement of grounds per annum.		\$7,500 for painting.
\$2,000 for stock and farm implements per annum.		\$18,600 for lands.
\$17,000 for kitchen fixtures, laundry and shops, pipe covering, furniture, bath house and morgue.		\$500 for farm drainage.
\$2,000 for library, musical instruments and pictures.		\$230,000 for ordinary expenses per annum.
		§ 2. How drawn.

AN ACT *making an appropriation for the ordinary and other expenses of the Illinois Eastern Hospital for the Insane at Kankakee.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Illinois Eastern Hospital for the Insane at Kankakee, for the purposes hereinafter named and for no other:

For improvement of grounds, two thousand dollars (\$2,000) per annum for two years.

For additional stock and farm implements, two thousand dollars (\$2,000) per annum for two years.

For fixtures for the kitchen, laundry and shops, and pipe covering and furniture for south wing and other new buildings, bath house and morgue, seventeen thousand dollars (\$17,000).

For library, musical instruments, and pictures for wards, two thousand dollars (\$2,000):

For repairs and improvements, fifteen thousand dollars (\$15,000).

For inside and outside painting, seven thousand five hundred dollars (\$7,500).

For seventeen acres of land, three thousand six hundred dollars (\$3,600).

For farm land, fifteen thousand dollars (\$15,000); and the lands purchased shall join other lands owned by the State.

For farm drainage, five hundred dollars (\$500).

For ordinary expenses for one year from July 1, 1885, the sum of two hundred and thirty thousand dollars (\$230,000), and from the 1st of July, 1886, at the rate of two hundred and thirty thousand dollars (\$230,000) per annum until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms now provided by law: *And, provided, further,* that the sums hereby appropriated for the improvements herein, to be the full amounts for the objects specified, and the trustees shall not make any contract for any portion of the above purposes, or expend any portion of the appropriation hereby made, unless the said appropriation is sufficient to complete all of the said improvements and finish the same.

APPROVED June 26, 1885.

EASTERN HOSPITAL FOR THE INSANE.

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| <p>§ 1. Appropriates as follows:
 \$73,000 for completion of main building.
 \$35,000 for completion of north wing.
 \$2,000 for gallery in amusement hall.
 \$8,000 for ice, slaughter and packing house.
 \$12,000 for kitchen and boiler house and shop and feed mill.</p> | <p>\$7,500 for electric lights.
 \$6,000 for bath house and conservatory.</p> | <p>§ 2. Contracts must fall within the amount appropriated for specific purposes: unexpended balances of former appropriations.</p> |
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AN ACT making appropriations for the Illinois Eastern Hospital for the Insane at Kankakee.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Illinois Eastern Hospital for the Insane at Kankakee, for purposes hereinafter named, and for no other:

For the construction and completion of the main building, to-wit: Main wards B and C south, to accommodate 75 patients, seventy-three thousand dollars (\$73,000).

For the construction and completion of the north wing of the employés quarters, and for sewing, tailor and upholstering shop, thirty-five thousand dollars (\$35,000).

For gallery in amusement hall, two thousand dollars (\$2,000).

For ice, slaughter and packing house, eight thousand dollars (\$8,000).

For detached kitchen and boiler house, and shop and feed mill, twelve thousand dollars (\$12,000).

For the electric lights, seven thousand five hundred dollars (\$7,500).

For bath house for males, and house for plants, six thousand dollars (\$6,000).

§ 2. The trustees shall not contract for, nor begin the erection of any building or buildings which cannot be fully completed within the amount of the present appropriations; but they may use any unexpended balances of the appropriations heretofore made or herein specified, for the better accomplishment of the purposes of this act, namely: to make the earliest and fullest provision for the insane of this State which may be expedient and possible: *Provided*, no portion of any sum herein appropriated shall be diverted from the specific purpose for which it is appropriated.

§ 3. The moneys, herein appropriated, shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

EASTERN HOSPITAL FOR THE INSANE.

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| <p>§ 1. Appropriates as follows:
 \$17,000 for re-building south infirmary.
 \$6,000 for fire-proof floors and walls.</p> | <p>\$5,000 for fire escapes.
 \$7,000 for fire apparatus.</p> | <p>§ 2. How drawn.</p> |
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AN ACT making an appropriation for re-building and re-furnishing the South Infirmary of the Illinois Eastern Hospital for the Insane at Kankakee, and for providing fire protection, fire apparatus and fire escapes for said hospital.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and are hereby appropriated

to the Illinois Eastern Hospital for the Insane at Kankakee, the following amounts for the purpose herein specified, and for no other:

For re-building and refurnishing the south infirmary of said hospital, seventeen thousand dollars (\$17,000).

For constructing fire-proof floors and walls around and above all furnaces in detached wards of said hospital, six thousand dollars (\$6,000).

For constructing fire escapes on outer walls of the building of said hospital, five thousand dollars (\$5,000).

For hose-house, hose-cart, hose, ladders, reels, hydrants about rear buildings, electric alarms and signals, and other fire apparatus for said hospital, seven thousand dollars (\$7,000).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of said hospital, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

EYE AND EAR INFIRMARY.

§ 1. Appropriates as follows :		\$800 for new floors.
\$18,000 per annum for ordinary ex-		\$225 for new range.
penses.		\$200 for library.
\$1,000 for repairs, per annum.		\$2,000 for heating apparatus.
\$3,500 for furniture.	§ 2. How drawn.	

AN ACT making appropriations for the Illinois Charitable Eye and Ear Infirmary at Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary at Chicago, for ordinary expenses, the sum of eighteen thousand dollars (\$18,000) per annum from the 1st day of July, 1885, payable quarterly in advance, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. For the purpose making needed repairs and improvements, the sum of one thousand dollars per annum; for furniture, the sum of two thousand five hundred dollars (\$2,500) for the first year, and one thousand dollars (\$1,000) for the second year; for new floors, eight hundred dollars (\$800); for new range, two hundred and twenty-five dollars, (\$225); for enlarging kitchen, six hundred dollars (\$600); for library, two hundred dollars (\$200); for steam heating apparatus, the sum of two thousand dollars (\$2,000).

§ 3. The moneys herein appropriated shall be drawn from the State treasury in the manner and subject to the conditions now provided by law.

APPROVED June 27, 1885.

NORTHERN HOSPITAL FOR THE INSANE.

<p>§ 1. Appropriates as follows:</p> <p>\$100,000 per annum for ordinary expenses.</p> <p>\$10,000 per annum for repairs and contingencies.</p> <p>\$1,000 per annum for care of grounds.</p> <p>\$1,500 for fences.</p>	<p>\$5,000 for reservoir for water for fire purposes.</p> <p>\$4,289.53 For outside fire-line and hydrants.</p> <p>\$4,366 for fire escapes and apparatus.</p> <p>\$1,400 for fire pump.</p>	<p>§ 2. How drawn.</p>
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AN ACT making appropriations for the ordinary and other expenses of the Illinois Northern Hospital 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 amounts be, and are hereby, appropriated to the Illinois Northern Hospital for the Insane, at Elgin, for the purposes hereinafter named, and for no other :

For ordinary expenses, payable quarterly in advance, for the year commencing July 1, 1885, the sum of one hundred thousand dollars (\$100,000), and the sum of one hundred thousand dollars (\$100,000) per annum thereafter, until after the expiration of the first fiscal quarter after the adjournment of the next General Assembly,—\$200,000.

For repairs and contingent fund, the sum of five thousand dollars (\$5,000) per annum,—\$10,000.

For care and improvement of grounds, the sum of one thousand dollars (\$1,000) per annum,—\$2,000.

Additional appropriation for front fence, the sum of one thousand five hundred dollars (\$1,500).

For artificial lake or reservoir for storage of water for fire purposes, the sum of five thousand dollars (\$5,000).

For outside fire-line, including hydrants, the sum of four thousand two hundred and eighty-nine dollars and fifty-three cents (\$4,289 53).

For fire escapes, fire extinguishers, hose-cart and hose (2,000 feet), extension ladders and other appliances, the sum of four thousand three hundred and sixty-six dollars (\$4,366).

For one fire pump with foundation, stand pipe, valves, piping, etc., the sum of one thousand four hundred dollars (\$1,400).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of said Illinois Northern Hospital for the Insane, at Elgin, or their order, only on the terms and in the manner now provided by law.

APPROVED June 26, 1885.

SOLDIERS' ORPHANS' HOME.

<p>§ 1. Appropriates \$50,000 per annum for ordinary expenses; \$5,000 for repairs and improvements; \$400 for pupils' library.</p>	<p>§ 2. How drawn.</p>
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AN ACT making appropriations to the Soldiers' Orphans' Home.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and

hereby are, appropriated to the Soldiers' Orphans' Home, at Normal, for the purposes named:

For ordinary expenses, fifty thousand dollars per annum, payable quarterly in advance, from July 1, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and improvements, five thousand dollars.

For books and papers for pupils' library, four hundred dollars.

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

SOLDIERS' AND SAILORS' HOME.

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| <p>§ 1. Establishes a Soldiers' and Sailors' Home.</p> <p>§ 2. Appropriates \$200,000 for the purchase of site and grounds and erection of buildings.</p> <p>§ 3. Object of the institution.</p> <p>§ 4. Appointment of commissioners to locate; oath of commissioners; selection of site.</p> <p>§ 5. Expenses of location.</p> <p>§ 6. Donations in aid of said home; no donation shall be received in consideration of the location.</p> <p>§ 7. Trustees; appointment, qualification and duties.</p> <p>§ 8. Plans and specifications for building; approval by the Governor.</p> <p>§ 9. Proposals for construction; advertisement.</p> | <p>§ 10. Opening of bids; letting contract; bonds of bidders.</p> <p>§ 11. Contract; terms; bond for performance, superintendent of construction; payment of contractor on estimates; arbitration of disputes; changes, etc.</p> <p>§ 12. Contract, how executed.</p> <p>§ 13. Bids in detail; estimates for payment in detail.</p> <p>§ 14. Cost of location and grounds; limitation.</p> <p>§ 15. Appropriations, how drawn.</p> <p>§ 16. Trustees or officers shall not be interested in contracts.</p> <p>§ 17. Abstract of title to lands purchased.</p> <p>§ 18. Rules and regulations for governing the home.</p> |
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AN ACT to establish and maintain a Soldiers' and Sailors' Home in the State of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created and established a Soldiers' and Sailors' Home in the State of Illinois, which shall possess all the corporate and other powers, and be subject to all the rules, regulations and conditions expressed in an act entitled "An act to regulate the State Charitable Institutions, and State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875.

§ 2. For the purchase of the site and the necessary land, which shall include not less than forty acres, nor more than three hundred and twenty acres, and for constructing buildings thereon for the "Soldiers' and Sailors' Home," and fit the said buildings for occupancy and use, there is hereby appropriated the sum of two hundred thousand dollars (\$200,000), to be paid out of any moneys in the State treasury not otherwise appropriated as hereinafter provided.

§ 3. The object of the Soldiers' and Sailors' Home shall be to provide a home and subsistence for honorably discharged ex-soldiers and sailors who enlisted from Illinois in the United States army or navy, during the war of the rebellion and the Mexican war, or who have since become and now are residents of the State of Illinois, who may have become disabled through the exigencies of such service, or who by reason of old age, or other disabilities, are disqualified from earning a livelihood, and who, under existing rules, are unable to procure admission to National Homes.

§ 4. That within ten days after taking effect of this act, the Governor shall appoint seven commissioners, not more than four of whom shall belong to the same political party and no two of whom shall be from the same congressional district. Said commissioners shall take and file in the office of the Secretary of State the following oath: "I do solemnly swear that I will support the constitution of the United States and of this State, and will faithfully discharge the duties of commissioner to locate the Soldiers' and Sailors' Home for the State of Illinois, according to the best of my ability, and that I have not received and will not knowingly or intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as such commissioner." And as soon as possible after their appointment and qualification, shall proceed to select a site for the said Soldiers' and Sailors' Home at such place as shall be at the same time most economical to the State and best adapted to the wants of the institution, having regard, in the selection, to elevation, sewerage and drainage, and abundant supply of living water, facilities of access, the quality of the soil and the price asked for the land.

§ 5. The said commissioners shall perform the duties imposed on them by the provisions of this act, without any compensation for their services, except their actual necessary expenses, incident to the location of said home, shall be paid from said appropriation.

§ 6. The said commissioners are empowered and authorized to receive, in behalf and for the benefit of the State, any donations of money, personal property, or real estate, offered for the purpose of aiding in the establishment of such home and for the future maintenance and comfort of disabled and indigent soldiers, sailors and mariners; but such donations shall not be received as consideration for the location of such home at any particular place.

§ 7. Within ten days after the selection of the site, the Governor shall appoint three trustees for the said Soldiers' and Sailors' Home, not more than two of whom shall belong to the same political party and who shall be a body corporate and politic, and shall be subject to the same rules, regulations, conditions and purposes as trustees of other State charitable institutions as now provided by law.

§ 8. The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, (for which not more than one per cent. shall be allowed, payable in installments as the work progresses, which shall be submitted to the Governor for his approval); but no plans shall be adopted by the trustees which shall not first have been approved by the Governor. Said plans shall be accompanied by specifications and by a detailed estimate of the

amount, quality and description of all material and labor required for the erection and full completion of the buildings according to said plans.

§ 9. Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be inserted in at least two of the daily or weekly newspapers, in the cities of Chicago, Springfield and the city or town at or near which the said home shall be permanently located, an advertisement for sealed bids for the construction of the buildings herein authorized; and they shall furnish a printed copy of the act and of the specifications to all parties applying 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.

§ 10. Not less than thirty days after the publication of said proposals for bids, on the day and hour to be named in said advertisement, at the place where the said institution shall be located, in the presence of the bidders, or 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 no contract shall be made and no expense incurred for any building or buildings requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act: *And provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of ten thousand dollars, signed by at least three good and sufficient sureties, conditioned as a guarantee for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted.

§ 11. 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 accepted, conditioned for the faithful performance of his contract, shall provide for the appointment of a superintendent of construction who shall receive not more than five dollars per day for his services, and who shall carefully and accurately measure the work done and the materials upon the grounds at least once a month, and for the payment of the contractor upon the aforesaid measurement 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, 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 for the completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding payment from the contractor, and by paying the parties to whom any moneys are due for service or materials as aforesaid directly for all work done or materials furnished by them in case of notice given to the trustees that any such party apprehends or fears that he will not receive all money due, and for the settlement of all disputed questions as to the value of alterations and extras, by arbitration at the time of final settlement, 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 said arbitrators to be practical mechanics and builders; and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion and to refuse to accept any work which may be done, not fully in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction

from the current price of all alterations ordered by the trustees, which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in the said contract, not herein above specified, as may seem to them necessary or expedient: *Provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that in no event shall the State be liable for a greater amount of money than is appropriated for said building and its appurtenances.

§ 12. The said contract shall be signed by the president of the board of trustees on 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 signature of the secretary of the board and by the seal of the institution. It shall be drawn in triplicate and one copy of the same shall be deposited in the office of the Board of Public Charities of this State.

§ 13. 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.

§ 14. The cost of location, including the cost of suitable grounds, may be paid out of the appropriations herein made, but shall not exceed the sum of ten thousand dollars.

§ 15. 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 required to draw the said warrants for money due under this act, upon the order of the board of trustees accompanied by vouchers approved by the Governor as now provided by law.

§ 16. No trustee or officer of the said institution shall be in any way interested in any contracts for the erection of said buildings or furnishing any materials for said buildings; and if any such trustee or officer shall be so interested he shall be deemed guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding five thousand dollars.

§ 17. Before making payment for the lands, for the purchase of which provision is herein made, the seller shall furnish to the trustees an abstract of title, which shall be submitted by the trustees to the Attorney-General for examination, and to the Governor for his approval, and no money shall be paid for the said lands without a perfect conveyance of title in fee simple to the State by a warrantee deed.

§ 18. Said trustees shall have the power and it shall be their duty to make such reasonable rules and regulations, governing the admission, maintenance and discharge of inmates of said home, as shall not be inconsistent with the spirit and provisions of this act, and of the act herein referred to.

SOUTHERN HOSPITAL FOR THE INSANE.

§ 1. Appropriates as follows:

\$100,000 per annum for ordinary expenses.
 \$5,000 per annum for repairs and improvements.
 \$1,000 per annum for care of grounds.
 \$3,258 for culvert and filling.

\$2,920 for slaughter house and cooling room.
 \$3,550 for conservatory and gate house.
 \$2,500 for settling basin.
 \$6,500 for new boilers.
 \$3,100 for carpenter and paint shop.

§ 2. How drawn

AN ACT making appropriations for the Illinois Southern Hospital for the Insane, at Anna.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated to the Southern Hospital for the Insane, at Anna, for the purposes herein named:

For ordinary expenses, the sum of one hundred thousand dollars per annum, payable quarterly in advance, from July 1, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For improvements and repairs, the sum of five thousand dollars per annum.

For care and improvement of grounds, one thousand dollars per annum.

For a stone culvert and earth fill, three thousand two hundred and fifty-eight dollars.

For renewing fences on the farm, five hundred dollars.

For slaughter house, with cooling room, two thousand nine hundred and twenty dollars.

For conservatory and gate house, three thousand five hundred and fifty dollars.

For additional settling basin, two thousand five hundred dollars.

For new boilers, six thousand five hundred dollars.

For a carpenter and paint shop and machinery, thirty-one hundred dollars.

§ 2. The money herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

WOMAN'S HOSPITAL, CHICAGO.

§ 1. Appropriates \$10,000 in aid of the | § 2. How drawn.
 Woman's Hospital of Chicago.

AN ACT making an appropriation to the Woman's Hospital of Chicago, Illinois.

WHEREAS, there is no hospital in the State, adequate to the wants of the community, exclusively devoted to the treatment of the diseases and accidents peculiar to women, irrespective of creed, color or condition in life; and

WHEREAS, the Woman's Hospital, of Chicago, is striving to erect and maintain such an institution for the afflicted women of the State; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of ten thousand dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the benefit of the Woman's Hospital, of Chicago.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum of ten thousand dollars, payable to the order of Julia Daggy, president of the board of managers, and the State Treasurer is hereby authorized to pay said warrant out of any money in the treasury not otherwise appropriated.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 7th day of July, A. D. 1885.

HENRY D. DEMENT,
Secretary of State.

DAIRYMEN'S ASSOCIATION.

§ 1. Appropriates \$500 in aid of the Illinois Dairy- | § 2. How drawn.
men's Association.

AN ACT to aid the Illinois Dairymen's Association in compiling, publishing and distributing their reports.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five hundred dollars (\$500), per annum, be and the same is hereby appropriated to aid the Illinois Dairymen's Association in compiling, publishing and distributing their reports.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the sum in this act specified, to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED May 29, 1885.

EXECUTIVE MANSION.

§ 1. Appropriates as follows:	
\$4,000 for building a kitchen.	\$3,000 for fence around the grounds.
\$1,000 for repairing drives and walks.	§ 2. Itemized account of expenditures made to the legislature.
\$3,000 for repainting and repairing mansion and coal house.	§ 3. How drawn.

AN ACT making an appropriation for repairing the executive mansion and grounds, and building a kitchen for the mansion.

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 the executive mansion and grounds and building a kitchen for the mansion, the following sums:

First—For constructing an addition to the executive mansion for kitchen, four thousand dollars.

Second—For repairing driveways and sidewalks within the executive mansion grounds, one thousand dollars.

Third—For repainting and repairing the executive mansion and repairing stable and coal house, three thousand dollars.

Fourth—For constructing a fence around the executive mansion grounds, three thousand dollars.

§ 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 purpose 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 June 27, 1885.

EDUCATIONAL INSTITUTIONS.

NORMAL UNIVERSITY AT NORMAL.

§ 1. Appropriates as follows:

One-half of the interest on the college and seminary funds.

\$18,500 additional for salaries and expenses.

\$3,000 for repairs and improvements.

§ 2. How drawn.

AN ACT to make an appropriation for the ordinary and other expenses of the Illinois State Normal University, at Normal.

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 Normal University, in addition to one-half of the interest of the college and seminary funds, which is hereby appropriated, the further sum of eighteen thousand five hundred dollars per annum, payable quarterly in advance, for the payment of salaries, for the purchase of fuel, for additions to the library, for school apparatus, and for incidental expenses; for the building of outhouses and making repairs, the sum of three thousand dollars: *Provided*, that the expenses of the model school connected with and forming a part of the said State Normal University, shall be paid out of the receipts for tuition of pupils in said school, and not from the above appropriation or any part thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money, upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board, with the corporate seal of said institution: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the money herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED June 26, 1885.

STATE LABORATORY OF NATURAL HISTORY.

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| <p>§ 1. Transfer of the State Laboratory of Natural History, at Normal University, to the University of Illinois.</p> <p>§ 2. Care of the University.</p> <p>§ 3. Supply of specimens to the State museum and the educational institutions in the State; State natural history survey; publication of reports; size of reports.</p> | <p>§ 4. Director of the Laboratory may be State Entomologist; salary.</p> <p>§ 5. Appropriations for salaries, etc.</p> <p>§ 6. How drawn.</p> <p>§ 7. Expiration of this act.</p> |
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AN ACT respecting the State Laboratory of Natural History and the State Entomologist's Office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Board of Education of the State of Illinois is hereby authorized and directed to transfer to the Board of Trustees of the Illinois Industrial University all the property now under their charge, belonging to the establishment known as the State Laboratory of Natural History, excepting that needed to illustrate the natural history work of the State Normal University, and further excepting a full series of the objects prepared and mounted for exhibition as museum specimens.

§ 2. The trustees of the Illinois Industrial University are hereby authorized and directed to receive from the State Board of Education the property mentioned in the preceding section, and to hold the same for the benefit of the State of Illinois. They shall also have power to appoint a director of the laboratory and such assistants as the work of the establishment may require, the latter upon the nomination of the director.

§ 3. The State Laboratory of Natural History is hereby especially charged with the supply of natural history specimens to the State museum, to the State educational institutions, and to the public schools. It shall be a further duty of the director of said laboratory to conduct a natural history survey of the State, giving preference to subjects of educational and economic importance; and he shall present for publication, from time to time, a series of systematic reports covering the entire field of the zoölogy and the cryptogamic botany of Illinois. These

reports shall not exceed six volumes in number, of 500 pages each, (not including plates) and shall be of the general form and typography of those of the State Geological Survey.

§ 4. The director of the laboratory may also be State Entomologist, in which case his salary as director shall cease and an amount equal to the quarterly installments thereof shall be deducted, each quarter, from the sum due the laboratory under legislative appropriations then current.

§ 5. There is hereby appropriated to the State Laboratory of Natural History, for the field work and office and incidental expenses of the laboratory, the sum of six hundred dollars per annum; for the traveling, office and incidental expenses of the State Entomologist, the sum of six hundred dollars per annum; for the improvement of the library, the sum of one thousand dollars per annum; for the salary of the director, the sum of two thousand dollars per annum; for the pay of the entomological assistant, the sum of one thousand dollars per annum; for the pay of the botanical assistant, the sum of one thousand dollars per annum; for miscellaneous assistance, the sum of one thousand dollars per annum; for the publication of bulletins, the sum of three hundred dollars per annum, and for the preparation and publication of the second volume of the report upon the zoölogy of the State, the sum of fifteen hundred dollars per annum.

§ 6. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, upon the order of the president of the board of trustees of the Illinois Industrial University, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of said sums shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for the expenditure of the last quarter's instalment of appropriations herein or heretofore made.

§ 7. This act shall be and continue in force from the first day of July, A. D. 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

APPROVED June 27, 1885.

SOUTHERN NORMAL UNIVERSITY.

<p>§ 1. Appropriates as follows:</p> <p>One-half of the interest on the college and seminary funds.</p> <p>\$13,216.44 per annum for salaries.</p> <p>\$1,000 per annum for fuel.</p> <p>\$300 per annum for repairs.</p> <p>\$200 per annum for library.</p>	<p>\$150 per annum for apparatus.</p> <p>\$200 per annum for museum.</p> <p>\$500 per annum for expenses of trustees.</p> <p>\$300 per annum for care of grounds.</p>
	<p>§ 2. How drawn.</p>

AN ACT making an appropriation for the ordinary expenses of the Southern Illinois Normal University, at Carbondale, in Jackson county.

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 to the Southern Illinois Normal University, at Carbondale, in Jackson county, in addition to the one-half of the interest on the college

and seminary fund, which is hereby appropriated, the further sum of thirteen thousand two hundred and sixteen dollars and forty-four cents (\$13,216.44) per annum, for the payment of salaries; the sum of one thousand dollars (\$1,000) per annum, for fuel; the sum of three hundred dollars (\$300) per annum, for repairs; the sum of two hundred dollars (\$200) per annum, for library; the sum of one hundred and fifty dollars (\$150) per annum, for apparatus; the sum of two hundred dollars (\$200) per annum, for the museum; the sum of five hundred dollars (\$500) per annum, for the expenses of the trustees; and the sum of three hundred dollars (\$300) per annum, for the care of the grounds; and these several sums shall be payable quarterly in advance, from the first day of July, 1885, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2 The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for said sums, upon the order of the trustees of the said Southern Illinois Normal University, signed by their president and attested by their secretary, with the corporate seal attached: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for all expenses, ordinary and extraordinary, of the preceding quarter, and no part of the money hereby appropriated shall be due and payable until such vouchers have been filed.

APPROVED June 27, 1885.

SOUTHERN NORMAL UNIVERSITY.

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| <p>§ 1. Appropriates \$152,065 for rebuilding the Southern Normal University.</p> <p>§ 2. Plans and specifications.</p> <p>§ 3. Advertising for bids for construction.</p> <p>§ 4. Opening bids and letting contract</p> <p>§ 5. Contract and bond; terms of the contract.</p> | <p>§ 6. Execution of the contract.</p> <p>§ 7. Bids shall be in detail; payment as the work progresses.</p> <p>§ 8. How appropriations shall be drawn.</p> <p>§ 9. Trustees or officers of the institution shall not be interested in contract.</p> |
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AN ACT to make an appropriation for rebuilding the Southern Illinois Normal University at Carbondale, Illinois.

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 sum of one hundred and fifty-two thousand and sixty-five dollars, payable out of any moneys in the State treasury not otherwise appropriated, for rebuilding the Southern Illinois Normal University at Carbondale, Illinois.

§ 2. The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect (for which not more than one per cent. shall be allowed, payable in installments as the work progresses, which shall be submitted to the Governor for his approval), but no plans shall be adopted by the trustees which shall not first have been approved by the Governor. Said plans shall be

accompanied by specifications and by a detailed estimate of the amount, quality and description of all material and labor required for the erection and full completion of the buildings according to said plans.

§ 3. Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be inserted in at least two of the daily or weekly newspapers in the cities of Chicago, Springfield and the city or town at or near which the said university shall be permanently located, an advertisement for sealed bids for the construction of the buildings herein authorized, and they shall furnish a printed copy of this act and of the specifications to all parties applying 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.

§ 4. Not less than thirty days after the publication of said proposals for bids, on a day and hour to be named in said advertisement, at the place where the said university shall be located, in the presence of the bidders, or 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 no contract shall be made and no expense incurred for any building or buildings, requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act: *And, provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of ten thousand dollars, signed by at least three good and sufficient sureties, conditioned as a guarantee for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act, in case his bid is accepted.

§ 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 accepted, conditioned for the faithful performance of his contract; shall provide for the appointment of a superintendent of construction who shall receive not more than five dollars per day for his services, and 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 measurement, 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, 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 for its completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding payment from the contractor, and by paying the parties to whom any moneys are due for service or materials as aforesaid, directly for all work done or materials furnished by them, in case of notice given to the trustees that any such party apprehends or fears that he will not receive all money due; and for the settlement of all disputed questions as to the value of alterations and extras, by arbitration at the time of final settlement, 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 said arbitrators, to be practical mechanics and builders, and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion, and to refuse to accept any work which may be done, not fully

in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the current price of all alterations ordered by the trustees which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in the said contract, not herein above specified, as may seem to them necessary or expedient: *Provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that, in no event, shall the State be liable for a greater amount of money than is appropriated for said building and its appurtenances.

§ 6. The said contract shall be signed by the president of the board of trustees, on 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 signature of the secretary of the board and by the seal of the university. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the board of education of this 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 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 required to draw the said warrants for money due under this act, upon the order of the board of trustees, accompanied by vouchers approved by the Governor as now provided by law.

§ 9. No trustee or officer of the said institution shall be in any way interested in any contracts for the erection of said building or furnishing any materials for said buildings; and if any such trustee or officer shall be so interested he shall be deemed guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding five thousand dollars.

APPROVED June 27, 1885.

UNIVERSITY OF ILLINOIS.

§ 1. Appropriates as follows:

- \$2,000 per annum for payment of taxes on lands.
- \$3,000 per annum for repairs.
- \$1,500 per annum for laboratories.
- \$1,500 per annum for mechanical instruction.

- \$1,500 per annum for the library.
- \$1,000 per annum for the museum.
- \$12,000 per annum for salaries.
- \$2,000 per annum for tools and machinery.
- \$4,500 for fire walls and ventilation.

§ 2. How drawn.

AN ACT making appropriations for the Illinois Industrial University.

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, for the payment of taxes

accruing in the years 1884 and 1885, 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, Kandiyohi and Renville, in the State of Minnesota, the sum of two thousand dollars (\$2,000) per annum.

For current repairs and improvements on buildings and grounds for the said university, during the years 1885 and 1886, the sum of three thousand dollars (\$3,000) per annum.

For current expenses of the chemical, physical and botanical laboratories of the said university, for the years 1885 and 1886, the sum of one thousand five hundred dollars (\$1,500) per annum.

For current expenses of educational work and the practical instruction of students in the mechanical shops of the said university, for the years 1885 and 1886, the sum of one thousand five hundred dollars (\$1,500) per annum.

For the university library and museums, for the years 1885 and 1886, to-wit: For the purchase of books and publications, and for binding the same, one thousand five hundred dollars (\$1,500) per annum; for collecting, preparing and preserving specimens for the cabinets of geology, mineralogy and natural history, one thousand dollars (\$1,000) per annum.

For current expenses of instruction in the several departments of the university, for the years 1885 and 1886, twelve thousand dollars (\$12,000) per annum.

For additional tools and machines for the mechanical shops for the years 1885 and 1886, two thousand dollars (\$2,000) per annum.

For building fire walls in the mansard roof of the main building and for additional ventilation of the same, four thousand five hundred dollars (\$4,500).

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums herein appropriated, payable out of any money in the treasury and not otherwise appropriated, upon the order of the president of the board of trustees of the said university, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of the said sums shall be due and payable to the said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made: *And, provided, further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

APPROVED June 27, 1885.

GENERAL ASSEMBLY.

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| § 1. Appropriates \$5,000 for the incidental expenses of the 31th General Assembly. | § 2. How drawn.
§ 3. Emergency. |
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AN ACT to provide for the incidental expenses of the Thirty-fourth General Assembly, and for the care and custody of the State house and grounds, incurred or to be incurred, and now unprovided for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars (\$5,000), or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-fourth General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. Whereas, the appropriations above recited are necessary for the expenses incurred, or to be incurred, for the transaction of the business of the State and the General Assembly, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED February 14, 1885.

GENERAL ASSEMBLY.

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| § 1. Appropriates \$30,000 for deficiency in the fund for the payment of employes of the 31th General Assembly. | § 2. Emergency. |
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AN ACT making an additional appropriation for the payment of the employes of the Thirty-fourth General Assembly.

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 an additional sum of thirty thousand dollars (\$30,000), or so much as may be necessary to pay the employes of the Thirty-fourth General Assembly at the rate of compensation allowed by law; said employes to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, there does now exist a deficiency in the appropriation heretofore made for the above purpose, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED April 29, 1885.

GEOLOGICAL SURVEY.

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| § 1. Preparation of Vol 8 of State survey;
5,000 copies printed; style of work. | § 3. Appropriates \$5,000 for the purpose. |
| § 2. How volume shall be distributed. | § 4. How drawn. |

AN ACT to provide for the preparation and publication of volume 8, of the Geological Survey of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Curator of the State Historical Library and Natural History Museum, who is required to perform such duties as may by law be required of the State Geologist, shall, during the ensuing two years, collect and prepare for publication, in a style conformable with the volumes of the geological survey already published, a volume with such maps, sections and plates as he may deem necessary to properly illustrate the same; this volume to be entitled "Volume 8, of the Geological Survey of Illinois;" five thousand copies of said volume to be printed and bound by State authority, under the law authorizing State printing and binding, the paper for the same to be furnished by the Secretary of State, under the contract for printing paper and stationery, and the printing to be done in style of type and press work conformable with that of the preceding volumes, and acceptable to the said director.

§ 2. This volume, when published, shall be distributed as follows: Five copies to each member and one copy to each officer of the Thirty-fourth General Assembly; one copy to each State officer; one copy to each college, high school and public library in the State; one copy to each State library in the United States; three hundred copies to the director of the work, for foreign distribution and exchange, and the remainder to be distributed by the Secretary of State.

§ 3. For carrying out the provisions of this act, the sum of five thousand dollars (\$5,000) per annum, is hereby appropriated, or so much thereof as may be required to prepare the said volume for publication, to pay the salaries of such assistants as may be required, for traveling and incidental expenses, and for drawing, engraving and printing such plates and sections as may be required to properly illustrate the volume.

§ 4. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the sum above named, on vouchers duly certified by the director of the work, and approved by the Governor; and the State Treasurer shall pay said amount out of the funds hereby appropriated.

APPROVED June 27, 1885.

HARDIN COUNTY.

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| § 1. Appropriates \$1,500 for purchase of
books and records. | § 2. How drawn. |
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AN ACT to reimburse the county of Hardin for loss and damage of books, library and public records by fire.

WHEREAS, on the nineteenth day of May, A. D. 1884, the court house of the county of Hardin, together with a large amount of public property, including all the books and library, public and official records in said county, were consumed by fire; and,

WHEREAS, the financial condition of said county is such as to make it extremely difficult and burdensome to county authorities and taxpayers to rebuild a court house in and for said county, and supply the necessary books, library and records for the use of said county; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifteen hundred (\$1,500) dollars be, and the same is, hereby appropriated to reimburse the county of Hardin for the losses sustained in the total destruction of the books, library and public records of said county by fire, as aforesaid.

§ 2. The appropriation hereby made shall be used exclusively in purchasing one set of Illinois Reports for each of the offices of the county clerk and circuit clerk of said county, and in supplying the necessary public records for said county; and the Auditor of Public Accounts is hereby authorized to draw his warrants upon the Treasurer for the aforesaid sum of fifteen hundred dollars, payable to the person or persons furnishing the Illinois Reports, books and necessary public records for said county as aforesaid, payment for the articles and supplies so furnished to be made, from time to time, by the Auditor of Public Accounts, in such sum or sums as the county board of said county, by order made when in session and entered of record, may designate.

APPROVED June 27, 1885.

WILLIAM G. HILL.

§ 1. Appropriates \$2,500 for damages, for personal injury. | § 2. How drawn.

AN ACT to make an appropriation for the relief of William G. Hill, who was disabled by the premature discharge of a cannon belonging to the State of Illinois.

WHEREAS, William G Hill was, on the 24th day of October, 1879, permanently injured by the premature discharge of a cannon belonging to the State of Illinois, at a soldiers' re-union, near Belleville, Illinois; and

WHEREAS, said cannon was honey-combed and unfit for use; and

WHEREAS, said Hill, by said premature discharge, lost his right arm and his left eye; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand and five hundred dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the relief of said William G. Hill, which sum shall be in full for all damages he sustained through the premature discharge of said cannon.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum of two thousand and five hundred dollars, to the order of the said William G. Hill, and the State Treasurer is hereby authorized to pay the same out of any money in the State treasury not otherwise appropriated.

APPROVED June 26, 1885.

HORTICULTURAL SOCIETY.

§ 1. Appropriates \$2,000 in aid of the society.

AN ACT making appropriation in aid of the *Illinois Horticultural Society*.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be appropriated for the use of the Illinois State Horticultural Society the sum of two thousand dollars (\$2,000) per annum for the years 1885 and 1886, to be expended by said society for the purpose and in the manner specified in "An act to reorganize the Illinois Horticultural Society," approved March 24, 1874.

APPROVED June 27, 1885.

GEORGE MCKEE.

§ 1. Appropriates \$2,500 for injuries received by the explosion of State cannon.

AN ACT making appropriation for the relief of *George McKee, who was disabled through the premature discharge of a piece of ordnance belonging to the State of Illinois*.

WHEREAS, George McKee, a private of company "B," First Artillery, of the Second Brigade Illinois National Guard, was detailed to fire a salute on the occasion of the burial of James A. Garfield, late President of the United States; and

WHEREAS, while firing said salute in obedience to the command of his superior officer, the said George McKee was injured by a premature discharge of the piece of ordnance he was required to use on that occasion, having his left hand blown off, right hand seriously injured, and a piece of the ramrod blown through his right shoulder; and also,

WHEREAS, said piece of ordnance was defective, honey-combed and unsafe to handle by reason of its holding fire; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand five hundred dollars be appropriated out of the treasury, out of any funds not otherwise appropriated, for the purpose of compensating the said George McKee in full, for all the damages he sustained through the premature discharge of said piece of ordnance.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum herein specified, to the order of the said George McKee, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 23, 1885.

NATIONAL GUARD.

§ 1. Appropriates \$2,190.75, received by the Adjutant General for the sale of unserviceable arms, to the military fund.

AN ACT to appropriate the proceeds of the sale of unserviceable cannon, small arms, accoutrements and other property belonging to the State of Illinois, sold under joint resolution of the 33d General Assembly.

WHEREAS, the Thirty-third General Assembly by joint resolution authorized the Adjutant General to dispose of, by sale, all unserviceable cannon, small arms, accoutrements and other property stored in the State arsenal and belonging to the State of Illinois, and directed that all moneys accruing from such sale be covered into the State treasury and credited to the military fund; and

WHEREAS, the said military fund was abolished by law prior to such sale, the money accruing therefrom consequently lapsing; and

WHEREAS, it was the evident intention of the 33d General Assembly that the proceeds of such sale be placed to the credit and for the advantage of the military department of the State; therefore,

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand one hundred and ninety (\$2,190) dollars and seventy-five (75) cents, the amount of the proceeds of said sale, be and the same is hereby appropriated to be placed to the credit of that part of the military fund known as the "one-quarter fund" to pay the expenses of the Illinois National Guard for the year ending June 30, 1884, and June 30, 1885.

APPROVED June 23, 1885.

NEW ORLEANS EXHIBIT.

§ 1. Appropriates \$5,000 to properly display the Illinois Exhibit at the World's Exposition, New Orleans.

§ 2. Appoints commissioners to expend the sum appropriated and requires an itemized report of their transactions.

§ 3. Emergency.

AN ACT to make an appropriation for the purpose of completing and properly displaying the Illinois exhibit at the World's Exposition at New Orleans.

WHEREAS, by reason of the lack of sufficient means to place it in proper condition for exhibition, the Illinois exhibit at the New Orleans Exposition is incomplete and unsatisfactory in many respects, and places our State at a humiliating disadvantage in comparison with others less favored; and

WHEREAS, it seems that it is not too late to amplify and complete the exhibit and properly arrange those already on hand at comparatively small cost, and thereby place our State and thus make the exhibit something like a fair expression of the resources, wealth, commercial importance, position, and prestige of Illinois, among her sister States; 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 sum of five thousand dollars to procure such materials as can be easily and promptly obtained to complete the Illinois exhibit at the New Orleans Exposition, and to make such suitable decorations and other arrangements as are necessary to properly exhibit what has already been procured and delivered.

§ 2. The Auditor is hereby authorized and required to draw his warrant on the Treasurer of the State for the said sum of five thousand dollars (\$5,000), payable to C. A. Kellar, of Mt. Vernon, and T. J. Glenn, of Chicago, who, in conjunction with the United States Commissioner for Illinois, are hereby appointed special commissioners for the State, and authorized to expend the same or such part thereof as may be necessary for the purpose above named, and whose duty it is hereby made to render to the Governor of this State, within thirty days after the close of said Exposition, a full and true account, in itemized detail, of the money so expended, and to return any unexpended balance to the State Treasurer.

§ 3. Whereas a necessity exists for said appropriation, therefore an emergency exists for said act, and said act shall take effect and be in force from and after its passage.

APPROVED February 24, 1885.

NEW ORLEANS EXHIBIT.

§ 1. Appropriates \$5,000 for continuing and completing. | § 2. Appoints commissioners to expend the appropriation.

AN ACT to make an appropriation for the purpose of completing, continuing and properly displaying the Illinois exhibit at the World's Exposition at New Orleans.

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 sum of five thousand dollars to continue and complete the Illinois exhibit at the World's Exposition at New Orleans, and to make such suitable decorations, improvements and other arrangements as may be necessary to properly exhibit what has already been procured and delivered.

§ 2. That the Auditor of Public Accounts is authorized and required, upon properly certified vouchers, to draw his warrant on the Treasurer of the State for the said sum of five thousand dollars, payable to T. J. Glenn, of Chicago, James C. Robinson, of Springfield, who, in conjunction with the United States Commissioner for Illinois, are authorized to expend the same, or such part of it as may be necessary, for the purpose of making such decorations, improvements and arrangements, and whose duty it is hereby made to render to the Governor of this State, within thirty days after the close of said exposition, a full and true account, in itemized detail, of the money so expended, and to return any unexpended balance to the State Treasurer: *Provided*, that none of the said sum of five thousand dollars is

to be expended until it is assured to the satisfaction of the Governor of the State that said exposition will be continued for another season: *And, provided, further,* that all material collected by the State shall be returned to the museum of the State at Springfield.

APPROVED June 27, 1885.

PAVING STREETS AND FOR SIDEWALKS AND CURBING,

§ 1. Requires the Secretary of State to have sidewalks, curbing and coping on the four sides of the executive mansion grounds, constructed, and to procure the paving of the streets abutting thereon to the center of said streets; also abutting State property on First street:

§ 2. Appropriates \$23,600 for the purposes specified in section 1, of this act.

AN ACT to provide for the construction of curb and flag stones on the four sides of the executive mansion grounds, and for the paving of one-half the streets on the four sides thereof, and also for the curbing and paving of one-half of First street in front of certain property owned and occupied by the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Secretary of State is hereby authorized and instructed to procure the construction of stone curbing, and a sidewalk of stone flagging with stone coping on the four sides of the executive mansion grounds in the city of Springfield, and a stone curbing on First street along the west side of the property owned and occupied by the State, and also to procure the construction of a good and substantial pavement of wood, stone or brick, to the centre of the several streets on the four sides of said executive mansion grounds, and to the center of First street in front of the property owned and occupied by the State: *Provided,* that the center of the street on the east side of said executive mansion grounds shall be held to extend to within one foot of the west rail of the horse railway track situated on said street; the said curbing, flagging, coping and paving to be of good and substantial material, and the labor to be performed in a good and workmanlike manner upon plans and specifications to be furnished by the Secretary of State, and under contracts let by him upon public notice to the lowest responsible bidder.

§ 2. The sum of twenty-three thousand six hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the expenditures authorized in this act, and the Auditor of Public Accounts is hereby required to draw his warrants on the Treasurer, payable out of such appropriation for the payment of such expenditures, upon the presentation of vouchers approved by the Secretary of State: *Provided,* that this act shall be of no force or effect until the city of Springfield shall have completed the construction in a like manner of the curbing and paving of the like remaining portion of said streets hereinbefore described.

APPROVED June 23, 1885.

PENAL AND REFORMATORY INSTITUTIONS.

JOLIET PENITENTIARY.

§ 1. Appropriates \$5,000 for completing the artesian well.

AN ACT making an appropriation for completing the new artesian well at the Illinois State Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to the Illinois State Penitentiary at Joliet, for the purpose of completing the artesian well lately sunk inside the walls of said penitentiary, and for tubing the same with iron pipe in such manner as to secure separation of the different qualities of water which flow from the different depths of said well.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the money herein appropriated, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution thereto affixed.

APPROVED June 27, 1885.

JOLIET PENITENTIARY.

§ 1. Appropriates as follows: \$1,300 for ceilings in shops.		\$5,000 per annum for repairs. \$15,000 for disposing of the sewage.
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AN ACT making appropriations for repairs and improvements in the Illinois State Penitentiary at Joliet.

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 for the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and for no other:

For putting ceilings in shops numbered one, two, three, eleven, twelve and thirteen, in block D, in said penitentiary, the sum of thirteen hundred dollars, or so much thereof as may be necessary.

For painting, relaying floors, repairing and repointing walls, repairing roofs, sidewalks, steam and water pipes, engines, boilers and machinery, and making such other repairs as may be required to keep the machinery and fixtures, buildings, walls, grounds and appurtenances of said penitentiary in as good condition as they now are, the sum of five thousand dollars (\$5,000) per annum, or so much thereof as may be necessary, from the first day of July, 1885, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For disposing of the sewerage [sewage] of the Illinois State Penitentiary in such sanitary manner as the penitentiary commissioners may determine to be best, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys herein appropriated, upon the order of the board of commissioners of said penitentiary signed by the president and attested by the secretary, with the seal of said institution thereto attached.

APPROVED June 27, 1885.

JOLIET PENITENTIARY.

§ 1. Appropriates \$50,000 for ordinary ex- | § 2. Vouchers and statements filed; how
penses. | drawn.

AN ACT to provide for the ordinary expenses of the Illinois State Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated as a penitentiary fund, to defray such portions of the current expenses of the Illinois State Penitentiary at Joliet, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, as the earnings of convict labor in said penitentiary may be insufficient to defray; which sum shall be paid out upon the warrant of the Auditor of Public Accounts, in sums not exceeding ten thousand dollars at any one time. And the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the money herein appropriated, to the order of the warden of the Illinois State Penitentiary, in sums not exceeding ten thousand dollars at any one time, on receiving the statements of the warden and board of commissioners of said penitentiary, approved by the Governor, as hereinafter provided, showing that such money is necessary for the purposes contemplated by this act.

§ 2. Said commissioners shall file with the Auditor of Public Accounts monthly statements, accompanied by proper vouchers, showing all receipts and disbursements of money during the preceding month, on account of current expenses, from what sources received and for what purposes expended, which statements shall be sworn to by the warden, certified to be correct by at least two commissioners, and approved by the Governor. If a necessity exists for drawing money under the provisions of this act, said commissioners shall file with the Auditor an additional statement, sworn to, certified and approved as herein required for their month's statements, which shall show the balance of cash on hand, and all sums, in detail, due to and from said penitentiary and shall also show that the available resources of said penitentiary, outside of the money herein appropriated, are insufficient to meet its liabilities; and no warrant for money, herein appropriated shall be drawn by the Auditor, unless the provisions of this section are complied with.

APPROVED June 26, 1885.

SOUTHERN PENITENTIARY.

§ 1. Appropriates as follows: \$28,300.44 for work shops, reservoir, foundation south cell house.

AN ACT making an appropriation for the erection of certain buildings at the Southern Illinois Penitentiary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twenty-eight thousand three hundred dollars and forty-four cents (\$28,300.44), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended by the commissioners of the Southern Illinois Penitentiary, as follows:

For the erection of a work shop, \$12,976.75.

For a reservoir, \$1,711.75.

For a house over reservoir, \$854.96.

For foundation of south cell house, \$7,209.00.

For a State workshop, \$5,547.98.

Said commissioners shall contract only such portions of said work as cannot be done by convict labor.

§ 2. Said commissioners are hereby authorized to draw the money, necessary for either of said buildings, upon presenting to the State Auditor a requisition approved by the Governor; and the Auditor is hereby authorized and instructed to draw his warrant on the Treasurer for such amount, upon the presentation of such requisition. After having drawn such sum, said commissioners shall only have authority to draw the money necessary for one building at a time, and then only on presenting to the Auditor a requisition as above required, with an abstract of all expenditures under the appropriation last drawn, approved by the Governor and accompanied with the vouchers for the same.

§ 3. Said commissioners shall make full report to the Auditor of all receipts and expenditures made by them as now required by law.

APPROVED June 27, 1885.

SOUTHERN PENITENTIARY.

§ 1. Appropriates as follows:

§ 2. \$160 000 for ordinary expenses.

\$600 for iron planer.

\$450 for boiler.

\$600 for steam drill.

\$600 for washing machine.

\$250 for wringer.

\$75 for mangle.

\$1,300 for rotary oven.

\$1,000 for furniture.

§ 3. How drawn.

§ 4. Statement of account.

AN ACT making appropriation to meet the ordinary expenses of the Southern Illinois Penitentiary and for the purchase of machinery and furniture.

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 out of any money in the State treasury not otherwise appropriated, for the following purposes:

§ 2. For the purpose of meeting the ordinary expenses of said penitentiary for the two years ending June 30, 1887, the sum of one hundred and sixty thousand dollars (\$160,000).

- For one iron planer, six hundred dollars (\$600).
- For one boiler, four hundred and fifty dollars (\$450).
- For one steam drill, six hundred dollars (\$600).
- For one washing machine, six hundred dollars (\$600).
- For one wringer, two hundred and fifty dollars (\$250).
- For one mangle, seventy-five dollars (\$75).
- For one rotary oven, thirteen hundred dollars (\$1,300).
- For furniture, one thousand dollars (\$1,000).

§ 3. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the money herein appropriated, payable to the order of the commissioners of said penitentiary, in sums not exceeding ten thousand dollars (\$10,000), at any one time, on receiving the certificate of said board of commissioners, approved by the Governor, that such money is necessary for the purposes of this act

§ 4. After said board of commissioners shall have drawn any of the money hereby appropriated, they shall not draw, or receive any more thereof, so long as there shall remain in their hands an amount, unexpended, exceeding the sum of one thousand dollars (\$1,000), and after having drawn any sum, they shall file proper vouchers, accompanied by an abstract of the same, properly certified by said commissioners, and approved by the Governor, showing in what manner the sum previously drawn has been expended.

APPROVED June 29, 1885.

REFORM SCHOOL.

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| <p>§ 1. Appropriates as follows:</p> <ul style="list-style-type: none"> \$50,000 per annum for ordinary expenses. \$1,000 per annum for repairs and improvements. \$200 per annum for pupils library. \$55,000 for kitchen, bakery, dining room and chapel. | <ul style="list-style-type: none"> \$4,000 for repairs to workshop. \$850 for new carburetter and fan. \$1,000 for grading. \$2,100 for new single beds. |
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§ 2. How drawn.

AN ACT making appropriations for the State Reform School.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Illinois State Reform School at Pontiac:

For ordinary expenses, the sum of fifty thousand dollars per annum, payable quarterly in advance, from July 1, 1885, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

- For repairs and improvements, one thousand dollars per annum.
- For pupils' library, two hundred dollars per annum.

For the erection, completion and furnishing of a new kitchen, bakery, dining room and chapel, fifty-five thousand dollars.

For repairs to workshop, four thousand dollars.

For a new carburetter and fan, eight hundred and fifty dollars.

For grading, one thousand dollars.

For three hundred and fifty single beds, two thousand one hundred dollars.

§ 2. The moneys herein appropriated shall be due and payable to the trustees, or their order, only on the terms and in the manner now provided by law.

APPROVED June 27, 1885.

THOMAS A. RAGSDALE.

§ 1. Appropriates \$3,903 and interest to pay claim of Thomas A. Ragsdale,

AN ACT making an appropriation for the relief of Thomas A. Ragsdale.

WHEREAS, there is justly due the said Thomas A. Ragsdale, from the State of Illinois, the sum of eight thousand nine hundred and three dollars, with interest thereon at the rate of six per centum per annum from the tenth day of March, A. D. 1859, on a contract entered into between the said Thomas A. Ragsdale and the board of trustees of the Hospital for the Insane at Jacksonville, Illinois, in the month of July, A. D. 1857, as shown by the report of John M. VanOsdel, architect of said board of trustees, made to them on the tenth day of March, A. D. 1859; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of eight thousand nine hundred and three dollars (\$3,903) and interest thereon from the tenth day of March, A. D. 1859, at the rate of six (6) per centum per annum, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying the said Thomas A. Ragsdale the amount due him as aforesaid.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for said amount, in favor of, and payable to the order of the said Thomas A. Ragsdale.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 7th day of July, A. D. 1885.

HENRY D. DEMENT,
Secretary of State

WILLIAM J. RALPH.

§ 1. Appropriates \$1,500 for damages for personal injuries. | § 2. How drawn.

AN ACT making an appropriation for the relief of William J. Ralph, who was disabled in the service of the State, by being knocked down by a horse, and then run over by the wheel of a cannon, belonging to the State of Illinois.

WHEREAS, the said William J. Ralph, a member of Battery B, of the Illinois National Guard, while on duty at a parade of the Second Brigade of the Illinois National Guard, held under the orders of Shelby M. Cullom, commander-in-chief of the Illinois National Guard, at Bloomington, Illinois, on or about the 7th day of September, 1881, during a sham battle, was knocked down by a horse, ridden by an officer, and without any negligence of his own, and by the breaking of the trail spike of the gun the persons in charge of the gun were unable to control its movements, and in consequence the gun ran over the said Ralph, breaking some of his ribs, and otherwise severely bruising and permanently injuring him; the said Ralph being then on duty under orders of his superior officers; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifteen hundred dollars (\$1,500) be appropriated out of the treasury, out of any funds not otherwise appropriated, for the purpose of compensating the said William J. Ralph, in full, for all damages that may have accrued to him, by reason of the injuries aforesaid, received while in the service of the State, as aforesaid.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, and the State Treasurer shall pay the same out of any funds in the State Treasury not otherwise appropriated.

APPROVED June 29, 1885.

SHAWNEETOWN.

§ 1. Appropriates \$26,075 07 for completing levees. | § 2. How drawn.

AN ACT making an appropriation to reimburse and aid the city of Shawneetown in completing its levees.

WHEREAS, by the act of 1861, to incorporate the city of Shawneetown, the taxes to inure from the property therein to the State for a period of twenty years, were appropriated to aid in the construction of levees around said city; and,

WHEREAS, said city, relying upon the good faith of the State in this behalf, concluded contracts for building such levees, and in consequence thereof incurred a large bonded indebtedness and imposed burdensome taxation on the property owners therein; and,

WHEREAS, the aid guaranteed, as aforesaid, was withheld by the State in the year 1871, and subsequent years, and the city thereby deprived of the means relied on for the completion of the levees, and by reason thereof the work was left in an unfinished condition, and was greatly damaged by the floods of 1875 and subsequent years; and,

WHEREAS, the said aid so withheld by the State as aforesaid, amounts to the sum of twenty-six thousand seventy-five and 7-100 dollars (\$26,075.07), as found and determined by House committee of the 33d General Assembly; and,

WHEREAS, the indebtedness of said city, incurred as aforesaid, exceeds the constitutional limitation, and it will require fifty-five thousand dollars (\$55,000) to fully complete the levees, after existing contracts are carried out; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the said sum of twenty-six thousand and seventy-five dollars and seven cents (\$26,075.07) be, and the same is hereby, appropriated, to aid in completing the levees around the city of Shawneetown, so as to fully protect said city from inundation.

§ 2. The appropriation hereby made shall be used exclusively in completing said levees, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the aforesaid sum of twenty-six thousand and seventy-five and 7-100 dollars (\$26,075.07), payable to the treasurer of the city of Shawneetown, at such time and in such sum or sums as the city council of said city may designate.

APPROVED June 27, 1885.

RICHARD A. SNOW.

§ 1. Appropriates \$140 for taxes illegally collected by the State.

AN ACT to appropriate one hundred and forty dollars to Richard A. Snow for taxes illegally paid the State.

WHEREAS, one Richard A. Snow, an o'd citizen of Shelby county, Illinois, has been paying tax on the west half of the southwest quarter ($\frac{1}{4}$) of section eleven (11), town (9) nine north of range two (2) east of third (3d) P. M. ever since the year 1856, under the belief that it had been bought from the General Government by one John C. Barnes in the year 1852, and sold to the said Snow, when, in fact, the records show at the United States Land Office at Washington, District of Columbia, that said land had not been so'd; but through a clerical error, the State Auditor has certified said tract of land to the county clerk of Shelby county as being taxable when it was not; and

WHEREAS, in the month of April, 1881, the Secretary of the Interior ordered the United States Land Commissioner at Washington, District of Columbia, to advertise said land together with other lands for sale and sell them to the highest bidder for cash; and,

WHEREAS, to-wit, on the twentieth (20th) day of April, 1881, said tract of land was offered for sale at Washington, District of Columbia, and was bid off by one Edward K. Ware and received a patent from the United States; and

WHEREAS, said Ware did commence a suit of ejectment versus said Snow in the United States Court at Springfield, and did oust the said Snow and take possession from him; now, therefore,

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be and hereby is appropriated to the said Richard A. Snow the amount of State tax paid on said land from the year 1856 to 1883, together with interest at the rate of eight (8) per cent. per annum, making a total amount of one hundred and forty dollars (\$140.00), to be paid out of any money in the treasury not otherwise appropriated.

APPROVED June 23, 1885.

STATE GOVERNMENT—SALARIES.

§ 1. Appropriates \$800,000 to pay the officers and members of the next General Assembly and the officers of the State government.

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 the sum of eight hundred thousand dollars (\$800,000) or such sum as may be necessary to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rate 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 June 30, 1885.

STATE GOVERNMENT—DEFICIENCY.

§ 1. Appropriates as follows:

\$1,800 for conveying offenders to the Reform School.

\$1,100 for the State Board of Equalization.

\$400 for the office expenses of the Attorney General.

AN ACT to provide for the necessary expenses of the State government, incurred or to be incurred, and now unprovided for, until the first day of July, 1885.

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 necessary expenses of the State government, incurred or to be incurred, and now unprovided for, until the first day of July, 1885.

First. The sum of eighteen hundred dollars (\$1,800), for conveying juvenile offenders to the Reform School at Pontiac, payable on the superintendent's certificate of delivery, at the rate of compensation allowed by law; the Auditor to compute the distance by the nearest railroad route.

Second. The sum of eleven hundred dollars (\$1,100), for expenses of the State Board of Equalization, to be certified by the chairman of said board.

Third. The sum of four hundred dollars (\$400) to the Attorney-General, for telegraphing, postage and other necessary expenses of his office, payable on bills of particulars, certified to by him and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein specified, upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

§ 3. Whereas, the appropriations above recited are necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 27, 1885.

STATE GOVERNMENT—ORDINARY AND CONTINGENT EXPENSES.

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| <p>§ 1. Appropriates for the ordinary and contingent expenses of the State government, as follows:</p> <ol style="list-style-type: none"> 1. \$2,000 Governor's contingent expense fund. 2. \$4,000 clerk hire for the Governor's office. 3. \$800 postage and other incidental expenses Governor's office. 4. \$700 porter for Governor's office. 5. \$3,500 arc of executive mansion and grounds. 6. \$10,500 per annum to the Secretary of State for clerk hire; \$3,000 per annum for office expenses; \$700 each per annum for two porters and messengers; \$10,000 per annum for care of State house and grounds; \$3,000 per annum for the Indexing department; \$23,000 for repairs upon the State house. 7. \$7,500 per annum to the Auditor for clerk hire; \$700 each per annum for two porters; \$1,500 for postage and other office expenses—Insurance department. | <ol style="list-style-type: none"> 8. \$4,000 per annum to the State Treasurer for clerk hire; \$1,000 for office expenses; \$3,200 per annum for watchmen; \$800 per annum for clerk and messenger. 9. \$2,400 per annum to the Superintendent of Public Instruction, for clerk hire; \$800 per annum for clerk and messenger; \$1,500 per annum for repairs and educational works; \$400 for refurnishing office; \$500 for library—out of School fund. 10. \$1,800 per annum to the Attorney General for clerk hire; \$700 per annum for porter and messenger; \$2,000 per annum for office expenses. 11. \$2,000 per annum to the Adjutant General for clerk hire; \$1,000 per annum for arranging files; \$800 per annum for ordnance sergeant; \$700 per annum for janitor and messenger; \$700 per annum for the custodian of Memorial Hall; \$800 per annum for office expenses; \$200 per annum for repair of flags. |
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12. \$3,000 per annum to the Board of Public Charities for salary of secretary; \$1,000 per annum for clerk hire and office expenses.
13. \$2,000 per annum for costs and expenses in State suits.
14. \$20,000 per annum for conveying convicts to the penitentiary.
15. \$15,000 per annum for returning fugitives from justice; \$3,000 for rewards for criminals.
16. \$5,000 per annum for conveying offenders to the Reform School.
17. \$15,000 per annum for paper and stationery.
18. To the Supreme Court: \$1,700 per annum to the N. G. D. for repairs, stationery etc.; \$1,700 per annum to the C. G. D.; \$1,700 per annum to the S. G. D.; \$500 per annum each, to the librarians of the N. and S. G. D.'s; \$1,000 per annum to the librarian of the C. G. D.; \$500 per annum each to the N. and S. G. D. for janitors; \$400 per annum to the C. G. D. for janitor; \$1,000 for repairs of building and grounds S. G. D. To the Appellate courts: 1st district for rent and incidental expenses \$6,000 per annum; 2d district \$1,000 per annum; 3d district \$1,000 per annum; 4th district \$1,000 per annum; 2d, 3d, and 4th districts for janitors \$400 per annum; 1st district for books \$1,500; for librarian \$600—per annum.
19. \$35,000 for public printing; \$10,000 per annum for public binding; \$9,000 for reprinting the Adjutant General's report.
20. \$57,000 per annum interest on school fund.
21. A fund sufficient to refund taxes paid in error.
22. \$6,000 per annum for laborers, janitors and watchmen of the State house.
23. \$2,000 per annum salary of the curator of the museum; \$700 per annum for salary for assistant; \$900 per annum for janitor; \$300 per annum for expenses; \$3,000 per annum for archaeological specimens.
24. \$4,000 per annum to the R. R. and W. Commissioners for salary of secretary and office expenses; \$5,000 per annum for expenses of suits; \$3,000 for printing and publishing schedules of rates.
25. \$50,000 for the employes of the next General Assembly.
26. \$600 for contract for copying laws etc.; \$500 for distributing State documents; \$800 for postage and express on documents.
27. \$10,000 per annum for heating State house; \$4,000 per annum for lighting State house.
28. \$10,000 per annum for State Board of Equalization.
29. \$350 per annum for the library at the Southern Penitentiary.
30. \$300 per annum for the library at the Joliet Penitentiary.
- 30½. \$12,000 for the per diem and expenses of the Revenue Commission.
31. A sum sufficient to purchase the Reports of the Supreme Court as provided by law.
32. \$5,743 for repairs and improvements in the heating department of the State house.
33. \$3,000 per annum to the State Board of Health for salary of secretary; \$3,000 per annum for office expenses; \$6,000 per annum for salary of assistant secretary and clerk hire; \$40,000 for contingent fund in case of epidemics.
34. \$2,500 per annum for books for the State library; \$900 per annum for salary of assistant librarian.
35. \$1,000,000 per annum State school fund.
36. \$5,000 per annum to the Bureau of Labor Statistics for collecting statistics; \$2,500 per annum for salary of secretary; \$500 expenses and per diem State board of examiners for coal mine inspectors.
37. \$6,000 per annum to the Fish Commission.
38. \$500 for port ait of Gov. Hamilton.
39. \$50 for postage etc., Lieut. Governor.
40. \$3,000 to pay the expenses of committees of the 35th General Assembly.
- 40½. \$6,000 to the Adjutant General for clerk hire and other expenses in preparing copy for reprint of the Adjutant General's Report.
41. \$50,000 for damages for slaughtered animals in suppressing contagious disease.
42. \$331.79 for paving in front of arsenal property on 5th street, Springfield.
43. \$5,000 additional to pay expenses of committees of the 34th General Assembly.

§ 2. How drawn.

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 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 two thousand dollars (\$2,000), per annum, shall be subject to the order of the Governor for defraying all such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars, certified to by the Governor.

Second—The sum of four thousand dollars (\$4,000), per annum, for clerk hire in the Governor's office, payable quarterly, upon the Governor's order.

Third—A sum not to exceed eight hundred dollars per annum, for postage, expressage, telegraphing, and other incidental expenses connected with the Governor's office, to be paid on bills of particulars, certified to by the Governor.

Fourth—To the Governor, for one porter, the sum of seven hundred dollars (\$700) per annum, payable quarterly, upon the order of the Governor.

Fifth—To the Governor, for repairs and care of executive mansion and grounds, and for heating and lighting the executive mansion, three thousand five hundred dollars (\$3,500), per annum, to be paid on bills of particulars, certified to by the Governor.

Sixth—To the Secretary of State, for clerk hire in his office, the sum of ten thousand five hundred dollars (\$10,500) per annum, payable quarterly, upon his order. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of the office, a sum not exceeding three thousand dollars (\$3,000), per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for two porters or messengers, the sum of seven hundred dollars (\$700) each, per annum, payable monthly upon his order. To the Secretary of State, for the payment of all necessary incidental expenses incurred by him in the care and custody of the State House and grounds, and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of ten thousand dollars (\$10,000), per annum. For comparing copy for the public printer, of the laws and joint resolutions, editing the same, preparing head notes thereto, and for indexing the volume of laws, and making a table of contents when printed; for comparing the copy for the printer for the printed volumes of the journals of the House and Senate, making indexes thereto when printed, and for superintending the printing thereof; for preparing a table of contents to the volumes of reports, and for making and keeping proper indexes to the executive records and all public files and documents in his office, as required by law, the sum of three thousand dollars (\$3,000) per annum; for a new stylobate, new gutters, down-fall pipes, repairing terra cotta work and work on entablature, the sum of twenty-three thousand dollars (\$23,000) or so much thereof as may be necessary, to be paid upon bills of particulars payable on his order, approved by the Governor.

Seventh—To the Auditor of Public Accounts, for necessary clerk hire, the sum of seven thousand five hundred dollars (\$7,500) per annum, to be paid quarterly, upon his order. To the Auditor of Public Accounts, for two porters or messengers, the sum of seven hundred dollars (\$700)

each, per annum, payable quarterly, upon his order. To the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other incidental expenses incurred in the discharge of his duties, a sum not exceeding one thousand five hundred dollars (\$1,500) per annum: *Provided*, no part of the amount hereby appropriated shall be used to pay the expenses of the insurance department of said office of Auditor of Public Accounts, and he shall report the annual expenses of said insurance department to each General Assembly hereafter.

Eighth—To the State Treasurer, for clerk hire, the sum of four thousand dollars (\$4,000), per annum, payable quarterly, upon his order. To the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary incidental expenses connected with his office, a sum not to exceed one thousand dollars (\$1,000), per annum, payable upon bills of particulars, certified to by him and approved by the Governor. To the State Treasurer, the sum of three thousand two hundred dollars (\$3,200), per annum, for two night and two day watchmen, payable quarterly, upon his order. To the State Treasurer, the sum of eight hundred dollars (\$800), per annum, for messenger and clerk, payable quarterly, upon his order.

Ninth—To the Superintendent of Public Instruction, for clerk hire, the sum of two thousand four hundred dollars (\$2,400), per annum; and for a janitor, porter and messenger, who shall also perform the duties of clerk when not otherwise employed, the sum of eight hundred dollars (\$800), per annum, payable quarterly, upon his order. To the Superintendent of Public Instruction, for repairs, periodicals and educational works, and other necessary expenses of said office, a sum not exceeding one thousand five hundred dollars (\$1,500), per annum; for refurnishing office, four hundred dollars (\$400), and for increase of professional library, five hundred dollars (\$500), payable on bills of particulars, certified to by him and approved by the Governor. Appropriations made by this clause to be paid out of the State school fund.

Tenth—To the Attorney-General, for clerk hire, the sum of one thousand eight hundred dollars (\$1,800), per annum, payable quarterly, upon his order; and for a porter and messenger, who shall also act as porter and messenger for the Supreme Court Reporter, the sum of seven hundred dollars (\$700), per annum, payable quarterly, upon his order. To the Attorney-General, for telegraphing, postage, and other necessary expenses incurred in the discharge of his duties, a sum not to exceed two thousand dollars (\$2,000), per annum, payable on bills of particulars, certified to by him and approved by the Governor.

Eleventh—To the Adjutant General, for clerk hire in his office, the sum of two thousand dollars (\$2,000), per annum, payable quarterly on his order. For completing the work of classifying and arranging the files and records of the late war, the sum of one thousand dollars (\$1,000), per annum, payable quarterly on his order: *Provided*, that in the employment of clerks and assistants in the Adjutant General's office, preference shall be given to Union soldiers, their widows and orphans. For the ordnance sergeant, employed in the care of the State property at the State arsenal, the sum of eight hundred dollars (\$800), per annum, payable quarterly on his order. The sum of seven hundred dollars, (\$700), per annum, for janitor and messenger for the office, payable quarterly, on his order. The sum of seven hundred dollars (\$700), per

annum, for the custodian employed in the care of the battle flags and trophies deposited in Memorial Hall, payable quarterly on his order. The sum of eight hundred dollars (\$800), per annum, for telegraphing, postage, express, repairs, and other necessary incidental expenses, to be paid upon vouchers, approved by the Governor. The sum of two hundred dollars (\$200), per annum, or so much of it as may be necessary, for the repair, preservation and safe keeping of such additional flags and trophies as may be deposited in Memorial Hall, to be paid upon vouchers, approved by the Governor.

Twelfth—To the Board of Public Charities, for salary of secretary, a sum not to exceed three thousand dollars (\$3,000), per annum; and for clerk hire and necessary incidental expenses of the board, a sum not to exceed four thousand dollars (\$4,000), per annum, payable quarterly on bills of particulars, certified by them, and approved by the Governor.

Thirteenth—A sum not exceeding two thousand dollars (\$2,000), per annum, for costs and expenses of State suits, to be paid upon bills of particulars, certified to by the Auditor and approved by the Governor.

Fourteenth—A sum not exceeding twenty thousand dollars (\$20,000), per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in cases of new trial, or when used as witnesses in criminal trials, to be paid on the warden's certificate, at the compensation fixed by the general laws; the Auditor to compute the distance by the nearest railroad route.

Fifteenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, fifteen thousand dollars (\$15,000), per annum, or so much thereof as may be necessary, to be paid on the evidence required by law, certified and approved by the Governor; and the sum of three thousand dollars (\$3,000) for rewards for arrests of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor indorsed thereon.

Sixteenth—The sum of five thousand dollars (\$5,000), per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School, at Pontiac, payable on the superintendent's certificate of delivery, at the rate of compensation allowed by law; the Auditor to compute the distance by the nearest railroad route.

Seventeenth—For printing paper and stationery, for the use of the General Assembly and executive departments, purchased on contracts, as required by law, payable on delivery thereof, on bills of particulars, certified to by the Board of Commissioners of State Contracts, and approved by the Governor, the sum of fifteen thousand dollars (\$15,000) per annum.

Eighteenth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, expressage, books, and other expenses deemed necessary by the court, the following sums: To the Northern Grand Division, the sum of seven hundred and fifty dollars (\$1,750), per annum; to the Central Grand Division, the sum of seventeen hundred and fifty dollars (\$1,750), per annum; to the Southern Grand Division, the sum of seven hundred and fifty dollars (\$1,750), per annum; the same to be payable upon bills of particulars, certified to by at least two of the justices of said court. There is also appropriated for the pay of the librarians of

the several grand divisions of said court, who shall also act as librarians for the Appellate Courts when in session in their respective grand divisions, the following sums: To the Northern and Southern Grand Divisions, each, the sum of five hundred dollars (\$500), per annum; to the Central Grand Division, the sum of ten hundred dollars (\$1,000), per annum, payable quarterly upon the certificate of at least two justices of said court. There is also appropriated the sum of five hundred dollars (\$500), per annum, each, to the Northern and Southern Grand Divisions of said court; and to the Central Grand Division of said court, the sum of four hundred dollars (\$400), per annum, for the pay of janitors, to perform such duties as shall be determined by said justices, to be paid quarterly, upon the order of at least two of the justices of said court. There is hereby appropriated the sum of one thousand dollars for the repair of the Supreme Court building, fences and grounds of the Southern Grand Division, at Mt. Vernon, to be paid upon bills of particulars certified to by the clerk of the Supreme Court of the Southern Grand Division and two of the judges of the Appellate Court of the Fourth District. There is also hereby appropriated, to defray the incidental and contingent expenses of the Appellate Courts of this State, to-wit: for rents of court rooms, stationery, fuel, lights, postage, expressage, repairs, furniture, and other expenses deemed necessary by the respective courts, the following sums: To the First District, the sum of six thousand dollars (\$6,000), per annum; to the Second District, the sum of one thousand dollars (\$1,000), per annum; to the Third District, the sum of one thousand dollars (\$1,000), per annum; to the Fourth District, the sum of one thousand dollars (\$1,000), per annum; these sums to be paid upon bills of particulars, certified to by the clerks of the respective courts, and upon the order of at least two of the judges of the respective courts for which the expense was incurred. Also the sum of four hundred dollars (\$400), per annum, to each of the Second and Third districts, and the sum of four hundred dollars (\$400), per annum, to the Fourth District, for the pay of janitors, to perform such duties as shall be determined by the judges of the respective courts, to be paid quarterly, upon the order of at least two of the judges of said courts, for their district; also, the sum of fifteen hundred dollars (\$1,500), to be expended in purchasing law books for the library of the Appellate Court for the First District; and the sum of six hundred dollars (\$600), per annum, for the payment of the salary of a librarian, to be paid quarterly, upon the order of at least two of the judges of said court.

Nineteenth—For public printing, thirty five thousand dollars (\$35,000), or so much thereof as may be required. For public binding, ten thousand dollars (\$10,000), per annum, or so much thereof as may be required; and nine thousand dollars, or so much thereof as may be necessary, for reprinting the Adjutant-General's Report of 1861 to 1866. The public printing and binding to be paid for, according to the contract, upon the certificate of the Board of Commissioners of State Contracts, and approved by the Governor.

Twentieth—The sum of fifty-seven thousand dollars (\$57,000), per annum, or so much thereof as may be necessary, to pay the interest on school fund, distributed annually in pursuance of law; the amount appropriated under this clause to be paid out of the State school fund.

Twenty-first—Such sums as may be necessary to refund the taxes on real estate sold, or paid in error, and for over-payments of collector's accounts, under laws governing such cases, to be paid out of the proper funds.

Twenty-second—For laborers, janitors and watchmen of the State House, who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of six thousand dollars (\$6,000), per annum, payable monthly upon the order of said Secretary of State.

Twenty-third—For the salary of the Curator of the Illinois State Museum of Natural History, the sum of two thousand dollars, per annum, payable quarterly; for the salary of one assistant, the sum of seven hundred dollars, per annum, payable monthly; for the salary of one janitor, nine hundred dollars, per annum, payable monthly. For the contingent and necessary expenses of the Curator, including traveling expenses on business connected with his office, the sum of three hundred dollars, per annum; for the purchase and mounting of additional specimens of birds and mammals, to complete the collection in those departments, and for the purchase of such specimens in archæology as are necessary to perpetuate the former history, the languages and tribal relations of the former inhabitants of that portion of country included in the State of Illinois, the sum of three thousand dollars per annum is hereby appropriated, the same to be expended under the direction of the Curator, with the approval of the Board of Trustees of the State Historical Library and Natural History Museum.

Twenty-fourth—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing, extra clerk hire, and for the secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars (\$4,000), per annum. For expenses incurred in suits or investigations commenced by authority of the State, under any law now in force or hereafter to be enacted, empowering or instructing the Board of Commissioners, including the fees of experts employed, the sum of five thousand dollars (\$5,000), per annum, or such part thereof as may be needed for such purposes. For the printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers and freights and cars, made or revised for any or all of the railroads of this State, as provided by law, the sum of three thousand dollars (\$3,000), or so much thereof as may be needed for such purpose.

Twenty-fifth—A sum not to exceed fifty thousand dollars (\$50,000), for the pay of the employes of the next General Assembly, as allowed them by law, to be paid on pay-rolls, certified to by the presiding officers of the respective houses, or as otherwise provided by law.

Twenty-sixth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, six hundred dollars (\$600). For distribution of laws, journals, and other State documents, and incidental expenses connected therewith, the sum of five hundred dollars (\$500), and for expressage and postage on same, eight hundred dollars (\$800).

Twenty-seventh—For heating, fuel and pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of ten thousand dollars (\$10,000), per annum, or so much thereof as may

be needed. For lighting the State House, and other incidental expenses thereof, the sum of four thousand dollars (\$4,000), per annum, or so much thereof as may be necessary, to be paid upon bills of particulars, certified to by the Secretary of State and approved by the Governor.

Twenty-eighth—To the State Board of Equalization, for paying expenses, a sum not to exceed ten thousand dollars (\$10,000), per annum, payable in the manner provided by law.

Twenty-ninth—The sum of three hundred and fifty dollars (\$350), per annum, for the purchase of books for the library of the Southern Illinois Penitentiary, at Chester, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirtieth—The sum of three hundred dollars (\$300), per annum, for the purchase of books for the library of the Illinois State Penitentiary, at Joliet, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty and one-half—The sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the per diem of members of the Revenue Commission and the expenses incurred by said commission (in case said commission is formed), to be paid out upon bills of particulars certified to by the chairman of said commission and approved by the Governor.

Thirty-first—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is, or may be, required by law to purchase, to be paid on bills of particulars certified to by the Secretary of State and approved by the Governor:

Thirty-second—For making improvements and repairs in heating department of the State House, the following sums: For two boilers of best charcoal iron, or steel, length of boilers sixteen feet, shell 54 inches in diameter with connections and appliances, three thousand six hundred and eighty dollars (\$3,680). One steam pump with appliances, four hundred and twenty-six dollars (\$426). For repairing roof on boiler-house, six hundred and twenty-eight dollars (\$628). For iron plates for boiler house floor, six hundred and twenty-nine dollars (\$629). For cast-iron plates for smoke arch, three hundred and eighty dollars (\$380); to be paid upon bills of particulars, certified to by the Secretary of State and approved by the Governor.

Thirty-third—To the State Board of Health, for salary of secretary, a sum not to exceed three thousand dollars (\$3,000), per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, and in making sanitary inspections, three thousand dollars (\$3,000), per annum; for salary of assistant secretary and additional clerk hire that may be needed, six thousand dollars (\$6,000), per annum. Also, the sum of forty thousand dollars (\$40,000), as a contingent fund, to be used only with the consent and concurrence of the Governor, Attorney-General and Secretary of State, upon the recommendation and advice of the board, in case of the outbreak or threatened outbreak of any epidemic or malignant disease, such as Asiatic cholera, small-pox, yellow-fever, or to defray the expense of preventing the introduction of such diseases, or their spread from place to place within the State, and

in suppressing outbreaks which may occur, and in investigating their causes; and any necessary expenditures from this sum shall be paid on the order of the president of the board, attested by the secretary, and approved by the Governor.

Thirty-fourth—To the State Library (Secretary of State), for the purchase of books, and expenses of the State Library, two thousand five hundred dollars (\$2,500), per annum, payable on bills certified by the Board of Commissioners of the State Library. Also, nine hundred dollars (\$900), per annum, for salary of assistant librarian, payable monthly, on the order of the Secretary of State, approved by the Governor.

Thirty-fifth—The sum of one million dollars (\$1,000,000), annually, out of the State school fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

Thirty-sixth—To the Commissioners of Labor Statistics, the sum of five thousand dollars (\$5,000), per annum, or so much thereof as may be necessary, to be expended upon vouchers approved by the Governor, for the purpose of procuring, tabulating and publishing industrial statistics as contemplated by law; for the incidental and office expenses of the board; for defraying the expenses of the mine inspection service; and for the per diem and traveling expenses of the commissioners. Also, the sum of two thousand five hundred dollars (\$2,500), per annum, for the salary of their secretary. The sum of five hundred dollars (\$500), or so much thereof as may be necessary, to defray the per diem and expenses of the members of the State board for the examination of candidates for appointment as State inspectors of coal mines, and for the incidental expenses of such examinations.

Thirty-seventh—The sum of six thousand dollars (\$6,000), per annum, or so much thereof as may be necessary, to the Fish Commissioners of this State, to be used by them in pursuance of law; all expenditures to be upon bills of particulars, certified to by a majority of the Commissioners, and approved by the Governor.

Thirty-eighth—A sum sufficient to have painted and framed a portrait of ex-Governor John M. Hamilton, to be hung in the executive mansion: *Provided*, said amount shall not exceed five hundred dollars, to be paid on order of Secretary of State, and approved by the Governor.

Thirty-ninth—To the Lieutenant Governor, for postage, telegraphing, stationery and other incidental expenses, the sum of fifty dollars (\$50), payable upon his order.

Fortieth—A sum not exceeding three thousand dollars (\$3,000) to pay the expenses of committees of the Thirty-fifth General Assembly; such expenses to be certified as may be provided by resolution of either house.

Forty and one-half—The Adjutant-General, the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, with which to obtain information to correct errors in report of Adjutant-General for years from 1861 to 1866 inclusive, and to do clerical work in preparing copy for reprint of said report, to be paid on vouchers, certified to by the Adjutant General and approved by the Governor.

Forty-first—For paying damages for animals exposed to contagion slaughtered under the provisions of any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be needed, to be paid only in the manner and on the conditions provided in said laws: *Provided*, that in no case shall there be any sum paid out of this fund for such animals as are already diseased at the time of their slaughter: *And, provided, further*, that the amount paid for animals slaughtered, shall, in no case, exceed their actual cash value for beef or dairy purposes, and not to exceed the sum of seventy-five dollars for any one animal. This shall also apply to damages for animals heretofore slaughtered under the law of this State that have not been paid for.

Forty-second—To the Adjutant-General, to pay the cost for paving north Fifth street, in front of and abutting the property of the State, in the city of Springfield, known as the "Arsenal property," the sum of three hundred and thirty-one dollars and seventy-nine cents, or so much as may be necessary, to be paid upon vouchers approved by the Governor.

Forty-third—The sum of five thousand dollars to pay the expenses of committees of the 34th General Assembly, such expenses to be certified as may be provided by resolution of either house.

§ 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 the presentation of proper vouchers; and the State Treasurer shall pay the same out of the proper funds in the treasury, not otherwise appropriated. Said warrants shall be drawn in favor of, and payable to, the order of the persons entitled thereto.

APPROVED June 26, 1885.

COMPLETING STATE HOUSE.

§ 1. Appropriates the sum of \$531,712 for completing the State House.

AN ACT to render effective an act to provide means for the completing and furnishing the State House and for the improving the grounds, and to provide for the appointment of three commissioners, approved June 14, 1883.

WHEREAS, said act appropriated the sum of five hundred thirty-one thousand seven hundred and twelve (531,712) dollars for completing and furnishing the State House, and for improving the grounds, contingent upon the ratification at the polls on the first Tuesday after the first Monday in November, 1884, as provided in said act; and

WHEREAS, it is further provided, that on proclamation of the Governor of such affirmative vote, which proclamation having been made, two hundred thousand dollars shall be payable immediately thereafter out of any money in the State treasury not otherwise appropriated, and the remaining three hundred thirty-one thousand seven hundred and twelve

(331,712) dollars, or so much thereof as may be necessary, shall be payable at such time or times as may thereafter be provided by the General Assembly; therefore,

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 of completing and furnishing the State House and for improving the grounds, the sum of five hundred thirty-one thousand seven hundred and twelve (531,712) dollars be appropriated, and the Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury for any portion of the two hundred thousand (200,000) dollars unexpended October 1, 1885; also three hundred thirty-one thousand seven hundred and twelve (331,712) dollars, or so much thereof as may be necessary, on the Treasurer, payable out of such appropriation on the accounts of expenditure as heretofore, when duly certified to by the State House Commissioners, or a majority of them, and approved by the Governor.

APPROVED June 29, 1885.

HIRAM W. WHITE.

§ 1. Appropriates \$565 for damages to lands.

AN ACT to provide for the payment to Hiram W. White of certain damages to lands and other property sustained by the construction and maintenance of the dam on the Illinois river, near Henry, in Marshall county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five hundred and sixty-five dollars, which was appropriated by an act of the General Assembly of the State of Illinois, entitled "An act to provide for the payment of damages to lands and other property, sustained by the owners thereof, by the construction of the dam on the Little Wabash river, at New Haven, in Gallatin county, Illinois, and by the construction of the dam on the Illinois river, near Henry, in Marshall county, Illinois," approved May 31, A. D. 1879, in force July 1, A. D. 1879, for the payment to Hiram W. White of the damages to the southeast quarter of the southwest fractional quarter of section number four (4); thirty (30) acres off the south side of the southeast quarter of the southwest quarter of section number eight (8); the northeast quarter of the southeast quarter of section number eight (8); the southeast quarter of the northeast quarter of section number eight (8); the northwest quarter of the northwest quarter of section number eight (8); the southwest quarter of section number nine (9); the south side of the northwest quarter of the northwest quarter of section number seventeen (17), and the south half of the northwest quarter of section number seventeen (17), all in township number fourteen (14) north, in range (10) ten east of the fourth (4th) principal meridian, in Putnam county, Illinois, occasioned and sustained by the construction and maintenance of the lock and dam on the Illinois river, near Henry, in Marshall county, Illinois, by the authority of the State of

Illinois, according to the recommendation contained in the report of the joint select committee of the two houses of the Thirtieth General Assembly, shall be paid to the said Hiram W. White, or his heirs or legal representatives, in the manner specified and provided by the above mentioned act of the General Assembly of the State of Illinois, upon his or their filing with the Auditor of Public Accounts of the State of Illinois his or their own release, and none other, in the form specified by the aforesaid act of the General Assembly of the State of Illinois; and upon such payment and release being made, executed and filed as aforesaid, the same is hereby declared to be and shall be a complete and perpetual bar to any further claims for damages to said lands above described, occasioned or sustained or to hereafter be occasioned or sustained by the construction, maintenance or repair of said dam by any person or persons whomsoever.

APPROVED June 23, 1885.

CANADA THISTLES.

EXTERMINATION.

§ 1. Amends Sec. 3, by providing for the costs of exterminating, and makes the same a lien upon the land.	Amends Sec. 2, by providing for the appointment of commissioners by county boards and prescribes their duties.
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AN ACT to amend section three (3) of an act entitled "An act concerning Canada thistles," approved and in force March 15, 1872, and to amend said act by providing for the appointment of a commissioner by county boards where the town authorities fail or refuse to do the same; and section two of this act to be numbered section eight and one-half (8½) of the original act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an act entitled "An act concerning Canada thistles," approved and in force March 15, 1872, be amended to read as follows :

"Section 3. In case said thistles are found growing on inclosed lands, the commissioner shall advise with the owner, agent or occupant on their treatment, and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant on the boundaries of the tract so infected, which it is expedient for him to control, and he shall mark the same by stakes, or by fence if thought best; and thereafter such infected tract, or so much as from time to time remains infected, shall be managed and controlled by the said commissioner, for the purpose of destroying said thistles, and so long as it may be necessary to complete the work. In case the commissioner and the owner, agent or occupant of said land cannot agree as regards the propriety of the commissioner controlling

such tract or the boundaries of the same, then the commissioner shall proceed to stake out or mark such boundaries as he deems proper, and file a copy of his decision with the town clerk, or, in counties not under township organization, with the county clerk. The owner, agent or occupant of the land may, if he feels aggrieved, appeal from such decision of the commissioner, without bonds, within twenty days, to the commissioners of highways of the town, or to the county commissioners, as the case may be, who shall proceed to view the same, and to hear the reasons for and against the decision of the commissioner, and a majority of such board of appeal shall decide as to the propriety of taking possession of the tract alleged to be infested, and if they decide to take such possession, what shall constitute the boundaries of the same, and shall direct said commissioner to exterminate said thistles, (which are hereby declared a public nuisance) without unnecessarily depriving the owner of the land of any legitimate use and enjoyment of the same; and the owner or occupant of said land shall pay all cost and expense of labor for said extermination, which shall not exceed the sum of one hundred dollars for each infested tract in one year, without the consent of the supervisor of said town, or county commissioners, as the case may be, and that the sum so expended shall be a lien upon said tract so infested; and if the owner or occupant shall not pay the same to said commissioner on or before the first Monday of September of the year the work was performed by the commissioner on said tract, the commissioner shall report the same to the board of town auditors, in towns under township organization, or county commissioners, as the case may be, and certify to the same, and that said board of town auditors or county commissioners shall certify to the county clerk the amount so due on each tract; and it shall be the duty of the county clerk to cause the amount so returned to be levied on the lands as certified by said board of auditors or commissioners, as the case may be, and that said amount so certified shall be collected in the same manner that taxes of the county are levied and collected, and the same, when collected, to be paid over to the supervisor of the town or towns under township organization, and to the county commissioner, as the case may be, who shall pay the same out on the order of the commissioner to the parties entitled to the same, for the labor employed in destroying the thistles on each tract for which the money was collected."

§ 2. And it is hereby made the duty of county boards in counties under township organization, where town auditors have failed or refused to appoint a commissioner of Canada thistles, upon the petition of twenty-five land owners of said town or adjoining town or towns, stating the failure of said board of auditors to appoint a commissioner for said town, and of the necessity for the same, to appoint a commissioner for said town (who shall be a resident of said town), who shall hold his office for the same length of time as if appointed by the board of auditors, and shall receive the same compensation, and said compensation shall be audited and allowed, and paid by the township for which he was appointed, the same as if he had been appointed by the board of auditors of said town; and his duties shall be the same. And the board of town auditors, or county board, may appoint so many assistant commissioners as they may deem necessary to thoroughly perform the duties in any town; which assistants shall receive the same compensation for like services as the commissioner, and whose duties

shall be the same; and the commissioner of Canada thistles, or assistants, refusing or neglecting to perform their respective duties, shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense, such fine to be sued for in any court of competent jurisdiction, in the name of the town, on complaint of any land owner of the town; said fine, when collected, to be paid to the supervisor or county commissioner and become a part of the town or precinct fund.

APPROVED June 27, 1885.

CEMETERIES.

PROTECTION AND MANAGEMENT.

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| § 1. Enumerates offenses under this act; penalties | § 3. Police protection. |
| § 2. Rules for the government of cemeteries; penalties for violating, | § 4. Trust funds. |

AN ACT to protect cemeteries, and to provide for their regulation and management.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall wilfully destroy, mutilate, or injure any tomb, monument, stone, vault, tree, shrub, or ornament, or any object whatever, in any cemetery, or in any avenue, lot or part thereof, or shall hunt, shoot or discharge any gun, pistol, or other missile within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than one hundred dollars for each offense. All such fines, when recovered, shall be paid over by the court or officer, receiving the same, to the cemetery association and be applied, as far as possible, in repairing the injury, if any, caused by such offense: *Provided*, nothing contained in this act shall deprive such cemetery association, or the owner of any lot or monument, from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this act, or of the rules established by the board of directors of such cemetery association.

§ 2. The board of directors of such society or association is hereby authorized to make by-laws for the government thereof, and to make rules regarding the driving of carriages, processions, teams, and the speed thereof, the use of avenues, lots, walks, ponds, water-courses, vaults, buildings, or other places within such cemetery, and for the maintenance of good order and quiet in such cemetery, all such rules to be

subject to the rights of lot owners, or others, owning any interest in such cemetery; and all persons found guilty of a violation of such rules shall be punished by a fine of not less than five dollars nor more than one hundred dollars for each offense. No justice of the peace shall be disqualified from hearing any cause that may be brought before him under the provisions of this act, nor shall any person be disqualified from acting as a juror in such cause, by reason of any interest or ownership they, or either of them, may have in the lots of such cemetery.

§ 3. The directors of any cemetery society or cemetery association may appoint policemen to protect such cemetery and preserve order therein, and such policemen shall have the same power in respect to any offenses committed in such cemetery, or any violation of this act, that city marshals or policemen in cities have in respect to maintaining order in such cities or arresting for offenses committed therein.

§ 4. The board of directors of such cemetery society or cemetery association may set apart such portion as they see fit of the moneys received from the sale of lots in such cemetery, which sums shall be kept separate from all other assets of the association or society as an especial trust fund, and they shall keep the same invested in safe interest or income paying securities for the purpose of keeping said cemetery, and the lots therein, permanently in good order and repair, and the interest or income derived from such trust fund shall be applied only to that purpose, and shall not be diverted from such use. Such trust fund shall be exempt from taxation when held by any cemetery society or cemetery association organized not for pecuniary profit. Every such society or association may also take and hold, in trust, money or other property, for the purpose of expending the income arising therefrom, or the proceeds thereof, in embellishing and keeping in repair such lot or lots and the surroundings thereto in its cemetery as the donor may designate.

APPROVED June 29, 1885.

CITIES, TOWNS AND VILLAGES.

COMPENSATION OF OFFICERS IN TOWNS OR VILLAGES.

§ 1. Fixes the compensation of officers, agents, or employes allowed a commission for services.

AN ACT to limit the compensation of officers, agents or employes of incorporated towns or villages.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That, whenever any officer, agent or employe of any incorporated town or village, hereafter to be elected or appointed, is paid by a commission or percentage on the moneys collected, handled or paid over by him, it shall be unlawful for said officer, agent or employe to receive or retain, for his compensation for collecting,*

handling or paying over such moneys, any greater sum than that produced by such percentage or commission, and in no case shall such compensation exceed the sum of five thousand dollars (\$5,000) per annum.

APPROVED June 27, 1885.

CONVEYING REAL ESTATE TO SCHOOL OFFICERS.

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| <p>§ 1. School property held by cities or villages shall be conveyed to schools.</p> <p>§ 2. Re-conveyance for non-user.</p> | <p>§ 3. Report of trustees under this act.</p> <p>§ 4. Repeals other acts.</p> |
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AN ACT to authorize cities and villages to convey real estate held by them for school or academy purposes to the proper school officers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city or village incorporated under any general or special law of this State, which shall hold any real or personal estate which shall have been conveyed to such city or village, by virtue of any general or special law of this State, or otherwise, for school or academy purposes, is hereby authorized and empowered, by ordinance or resolution of the city council of any such city, and of the president and board of trustees of any such village, to cause such real or personal estate to be conveyed and transferred to the proper school officers authorized to hold the same, for the use of the district in which such real or personal estate shall be situated, by proper deed or deeds of conveyance executed by the proper officers of such city or village, under the common seal thereof.

§ 2. That if any real estate, conveyed by virtue of this act, shall, at any time, cease to be used for school purposes for a period of three years, then it shall be the duty of the school officers, holding the title to such real estate, to convey the same back to said city or village, to be by it thereafter held, enjoyed and disposed of as other corporate property, which condition shall be inserted in any deed made by any such city or village by virtue of this act. Said reconveyance, in case of the non-use of such real estate for the period aforesaid, may be compelled and enforced by any tax payer of said city or village, by proper proceedings, to be instituted by him for that purpose.

§ 3. That in all cases where any such real or personal estate shall have been under the control of any trustees, appointed or elected by virtue of any general or special law of this State, that whenever such estate shall be conveyed, as aforesaid, that the duties of such trustees, in relation thereto, shall cease and determine, and it shall be their duty to immediately settle and adjust all matters relating to such trust or estate and make report to the proper authority of their acts and doings, upon the approval of which said trustees will be released and discharged from the further performance of duty in that behalf. All moneys which may remain in the treasury of such city or village, to the credit of any

fund connected with the use of such real or personal estate, while so held by such city or village, shall be used by such city or village for any lawful corporate purpose.

§ 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED June 27, 1885.

DRAINAGE.

§ 1. Corporate authorities vested with power to construct drains, ditches, levees, etc., and to erect pumping works.

§ 2. Authorizes special assessments upon property benefited.

§ 3. Proceedings under this act confined to art. 9, for the incorporation of cities and villages.

AN ACT to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes, by special assessment upon the property benefited thereby.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of cities and villages are hereby vested with power to construct drains, ditches, levees and dykes, to erect pumping works, and to acquire the necessary land and machinery for such purposes, and otherwise to provide for draining any portion of the lands within their corporate limits, by special assessment upon the property benefited thereby.

§ 2. That the corporate authorities of cities and villages are hereby vested with the power to maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvement, by special assessment upon the property benefited thereby: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair.

§ 3. All the proceedings for the making of the improvements in this act mentioned, and for the maintenance and repair thereof, and for the levy and collection of the special assessments to defray the cost of the same, shall be in accordance with the provisions of article nine of the general act for the incorporation of cities and villages, approved April 10, 1872.

APPROVED June 22, 1885.

INCORPORATION UNDER GENERAL LAW.

- § 1. Provides remedy for failure to record or return result of election or incorporation; elections declared valid; acts of such cities declared valid. | § 2. Emergency.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, town or village, since the amendment of section 1, article 1, of chapter 24 of the Revised Statutes, approved February 26, 1881, has held an election to incorporate as a village or city under the general law, and such election has been held on some other day than the days in said section 1, of said statute, provided, or if the returns of any election heretofore held to incorporate any city or village under the general law, have not been entered upon the records of such city or village or the county court, showing the canvass of votes and the result of such election, and a certified copy of such records filed and recorded in the office of recorder of deeds, in the county in which such city or village is situated, and filed in the office of the Secretary of State, such elections so held by any such village, city or town, if in other respects in compliance with the law, are hereby declared legal and valid: *Provided*, such returns of such elections are now or shall be made within three months from the date upon which this act becomes effective and certified copies of the same filed and recorded as required in section 13 of the act to which this bill [act] refers; and all elections of officers and organizations of any cities or villages in the State under and by virtue of any such elections, if otherwise according to law, are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made valid and binding.

§ 2. Whereas the election for city and village officers, under said statute, will occur on the third Tuesday of April, wherefore an emergency exists, therefore this act shall be in force from and after its passage.

APPROVED June 22, 1885.

REFUNDING ILLEGAL TAXES.

- § 1. Cities shall refund taxes illegally collected when certificates therefor have been issued by the city councils; certificates shall be exchanged for warrants within two years.

AN ACT to refund illegal taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, whenever, in any of the cities of this State, any taxes for city purposes have been collected and paid into the city treasury without authority of law, and the city council of such cities have caused certificates to be issued to the persons or corporations who have paid such illegal taxes, certifying that such taxes were

illegally assessed and collected, the city council of such cities are hereby authorized to make an appropriation as soon as possible after this act shall take effect, for the purpose of refunding such illegal taxes, with six per cent. interest per annum from the date of such certificates; and warrants shall be drawn for the payment of such sums and interest, out of the fund so appropriated, to the persons or corporations who obtained such certificates, or their assignees or legal representatives, in the usual manner prescribed by the charter of said cities, or by the general law: *Provided*, such certificates are presented to the comptroller of such cities for exchange for warrants within two years after this act shall go into effect. And the treasurers of any such cities shall pay said warrants out of said appropriations.

APPROVED June 27, 1885.

SPECIAL ASSESSMENTS.

§ 1. Amends sec. 27, art. 9, by changing form of notice for publication.

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

"Section 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 given a short description of the premises) is assessed \$.... for public improvement. The assessment roll will be returned to the term of the 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 at least once in each

week for two successive weeks 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 person interested, that the city council (or board of trustees, as the case may be), of..... having ordered that (here insert a brief description of the nature of the improvement), the ordinance for the same being on file in the office of the..... clerk, have applied to the..... 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."

APPROVED June 26, 1885.

SPECIAL ASSESSMENTS.

§ 1. Amends section 35 by providing for the issue of a warrant for collection of assessment.

Amends section 37 by providing for change of form of notice for collection.

AN ACT to amend sections thirty-five (35) and thirty-seven (37) of article nine (9) of an act entitled "An act 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 sections thirty-five (35) and thirty-seven (37) of article nine (9) of an act entitled "An act for the incorporation of cities and villages," approved April 10, 1872, be and they are hereby amended so as to read as follows:

"Section 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the officer of such city or village authorized to collect such special assessments, or if there has been an appeal or writ of error taken on any part of such judgment then he shall certify such part of the judgment as is not included in such appeal or writ of error, and such certificate shall be filed in his office by the officer receiving the same. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment."

"Section 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, than by posting four copies thereof in public places along the line of the proposed improvements. Such notices may be, substantially, in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO.....

Public notice is hereby given, that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms), as will more fully appear from the certified copy of the judgment on file in my office; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this..... day of..... A. D. 18....

....., Collector."

APPROVED June 26, 1885.

WATER SUPPLY.

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| § 1. Amends Sec. I, act 1872, by authorizing cities, incorporated towns and villages to contract for water supply | § 2. Amends the title of the act. |
|---|-----------------------------------|

AN ACT to amend section one of an act entitled "An act to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied," approved April 9, 1872, and to amend the title of said act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied," approved April 9, 1872, be amended so as to read as follows:

"Section 1. That in all cities, incorporated towns and villages where water-works have been, or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, incorporated towns and villages, may contract with such person or incorporated company for a supply of water for public use for a period not exceeding thirty years."

§ 2. That the title of said act be amended so as to read as follows: "An act to enable cities, incorporated towns and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied."

APPROVED June 26, 1885.

CIVIL RIGHTS.

PROTECTION TO CITIZENS.

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| § 1. All citizens shall be entitled to full and equal enjoyment, in this State, of enumerated rights. | § 2. Penalties for violation of this act by denying enumerated rights, on account of race or color. |
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AN ACT to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water, theaters, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

§ 2. That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay a sum not less than twenty-five (25) dollars nor more than five hundred (500) dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction, in the county where said offense was committed; and shall also, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined, not to exceed five hundred (500) dollars, or shall be imprisoned not more than one year, or both: *And, provided, further,* that a judgment in favor of the party aggrieved, or punishment upon an indictment, shall be a bar to either prosecution respectively.

APPROVED June 10, 1885.

COURTS.

APPELLATE COURTS.

WRITTEN OPINIONS.

§ 1. Amends section 17, act 1877, by requiring judges to file written opinions in all cases upon final hearing.

AN ACT to amend section seventeen (17) of an act entitled "An act to establish appellate courts," approved June 2, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seventeen (17) of an act entitled "An act to establish appellate courts," approved June 2, 1877, be and the same is hereby amended so as to read as follows, to-wit:

"Section 17. All opinions or decisions of said court upon a final hearing of any cause, shall be reduced to writing by the court, briefly giving therein the reasons for such opinion or decision, and be filed in the cause in which rendered: *Provided,* that such opinion shall not be of binding authority in any cause or proceeding, other than in that in which they may be filed."

APPROVED June 27, 1885.

CIRCUIT COURTS.

FIRST, SECOND AND NINTH CIRCUITS.

§ 1. Amends sec. 2 by changing the terms of court in the counties of Williamson, Pulaski and Pope. Amends sec. 3. by changing the terms in White county. Amends sec. 10 by changing the terms in Grundy county.

AN ACT to amend sections two (2), three (3) and ten (10) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, as amended by act approved and in force April 19, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two (2), three (3) and ten (10) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, as amended by act approved and in force April 19, 1881, be amended to read as follows:

"Section 2. In the county of Union, on the first Monday of March, and first Monday of September; in the county of Jackson, on the fourth Monday of March, and second Monday of August, and second Monday of December; in the county of Williamson, on the first Monday of April, and the second Monday of October; in the county of Franklin, on the fourth Mondays of April and October; in the county of Saline, on the second Mondays of March and September; in the county of Alexander, on the second Monday of February, and second Monday of May, and third Monday of September, and second Monday of July: *Provided*, the term to be held on the second Monday of July in Alexander county, shall be held exclusively for criminal business; in the county of Pulaski, on the third Mondays of January and July; in the county of Pope, on the first Monday of May, and the second Monday of October; 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 April and November: *Provided*, that no grand jury shall be summoned to attend at said May term in Alexander county, except by the special order of the judge holding such term of court.

"Section 3. 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 Clay, on the third Monday of March and on the second Monday of September; in the county of Richland, on the second Mondays of April and November; in the county of Effingham, on the fourth Monday of April and the third Monday of October; in the county of Jasper, on the third Monday of May and the first Monday of December; in the county of Jefferson, on the second Monday of May and second Monday of December; in the county of Hamilton, on the fourth Mondays of February and September; in the county Wayne, on the third Mondays of March and October; in the county of Wabash, on the third Mondays of April and November; in the county of Edwards, on the second Mondays of April and November; in the

county of White, on the first Mondays of January, June and August; in the county of Gallatin, on the first Mondays of February and September: *Provided*, that the June term of the court to be held in the county of White shall be devoted exclusively to the transaction of any business in criminal, civil and chancery cases not requiring a jury, or where a trial by jury is waived; and for this term of court, no grand or petit jury shall be summoned or empaneled."

"Section 10. In the county of LaSalle, on the second Monday of October, second Monday of January, second Monday of March and the second Monday of June; in the county of Bureau, on the third Monday of March and fourth Monday of August, and the first Monday in December; in the county of Grundy, on the first Mondays in September and March; in the county of Will, on the first Monday of January, and the third Monday of May; which term shall close on the last Saturday in June, and the third Monday of September."

APPROVED June 29, 1885.

SECOND CIRCUIT.

§ 1. Amends section 3, act of 1879, by changing terms in Clay, Effingham and White counties. Fixes terms in Sangamon and Montgomery counties.

AN ACT to amend section three (3) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879, be and the same is amended so as to read as follows:

"Section 3. 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 Clay, on the second Mondays of March and September; in the county of Richland, on the second Mondays of April and November; in the county of Effingham, on the third Monday of March and the third Monday of October; in the county of Jasper, on the third Monday of May and first Monday of December; in the county of Jefferson, on the second Mondays of May and December; in the county of Hamilton, on the fourth Mondays of February and September; in the county of Wayne, on the third Mondays of March and October; in the county of Edwards, on the second Mondays of April and November; in the county of Wabash, on the third Mondays of April and November; in the county of White, on the first Monday of January, the second Monday of March, the first Monday of June and the first Monday of October; in the county of Gallatin, on the

first Mondays of February and September; in the county of Sangamon, on the first Mondays of September, November, January, March and May; in the county of Montgomery, on the first Monday of November and third Monday of January and April: *Provided*, that the January and June terms of the court to be held in the county of White, shall be devoted exclusively to the transaction of any business in criminal, civil and chancery cases not requiring a jury, or where a trial by jury is waived; and for these terms of court no grand or petit jury shall be summoned or empaneled: *Provided*, that the January term in Montgomery county and the May term in Sangamon county shall have no jury summoned, unless the same is done on the written order of the judge."

APPROVED June 30, 1885.

SECOND, FOURTH, SEVENTH, TENTH AND THIRTEENTH CIRCUITS.

- § 1. Amends sec. 3, act 1879, by changing the terms in Clay, Effingham and White. Amends sec. 5, by changing the terms in Clark and Macon. Amends sec. 8, by changing the terms in DeWitt and Cass. Amends sec. 11, by changing the terms in Henderson. Amends sec. 14, by changing the terms in Lee, Whiteside, Carroll and Ogle.

AN ACT to amend sections three, five, eight, eleven and fourteen of an act entitled "An act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three, five, eight, eleven and fourteen of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, and in force July 1, 1879, be and the same are hereby amended to read as follows:

"Section 3. *Second 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 Clay, on the second Monday of March, and on the second Monday of September; in the county of Richland, on the second Mondays of April and November; in the county of Effingham, on the third Monday of March, and the third Monday of October; in the county of Jasper, on the third Monday of May, and first Monday of December; in the county of Jefferson, on the second Monday of May, and second Monday of December; in the county of Hamilton, on the fourth Mondays of February and September; in the county of Wayne, on the third Mondays of March and October; in the county of Edwards, on the second Mondays of April and November; in the county of Wabash, on the third Mondays of April and November; in the county of White, on the first Monday of January, the second Monday of March, the first Monday of June and the first Monday of October; in the county of Gallatin, on the first Mondays of February and September: *Provided*, that the January and June terms of the court, to be held in

the county of White, shall be devoted exclusively to the transaction of any business in criminal, civil and chancery cases not requiring a jury, or where a trial by jury is waived, and, for these terms of court, no grand or petit jury shall be summoned or empaneled."

"Section 5. *Fourth Circuit*—In the county of Vermilion, on the first Monday in February, third Monday of May, and first Monday of October; in the county of Edgar, on the second Monday of March, and the second Monday of September; in the county of Douglas, on the second Monday of April, and the second Monday of October; in the county of Clark, on the third Monday in April, and the third Monday in October; in the county of Coles, on the second Monday of April, and the second Monday of November; in the county of Piatt, on the first Monday of September, and first Monday of February; in the county of Champaign, on the fourth 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 second Monday of January, the first Monday of June, and the fourth Monday of September."

"Section 8. *Seventh Circuit*—In the county of DeWitt, on the third Monday of March, 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 in March, and third Mondays of July and October; in the county of Mason, on the second Monday of February, and first Mondays of August and November; in the county of Cass, on the first Monday of April, third Monday of August, and first Monday of October; said August term in said county of Cass, to be devoted to the trial of chancery causes, and said other business as may be transacted without the intervention of a petit jury; in the county of Greene, on the fourth Monday of February and the first Monday of September; in the county of Jersey, on the 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."

"Section 11. *Tenth 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; in the county of Knox, on the first Mondays of February and June, and the third Monday in October; in the county of Warren, on the first Monday of January and May, and third Monday of September; in the county of Henderson, on the first Monday of March and fourth Monday of August."

"Section 14. *Thirteenth 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; in the county of Lee, on the first Monday of January, second Monday of April, and the third Monday of September; in the county of Whiteside, on the first Monday of February, second Monday of May, and the third Monday of October; in the county of Carroll, on the first Monday of March, on the third

Monday of June, and the third Monday of November; in the county of Ogle, on the third Monday of March, on the fourth Monday of August, and the first Monday of December: *Provided*, that all suits commenced for, and all process made returnable to any term of court under the law to which this act is amendatory, shall be treated and held to be commenced for and returnable to the first succeeding term of court under this act, and all such suits and process shall stand as though the same had been made returnable to such succeeding term of court."

APPROVED June 26, 1885.

COUNTY COURTS.

BAIL IN CRIMINAL CASES.

§ 1. Amends section 120, by providing for fixing bail in term time or in vacation; Sheriffs may take bail in vacation; judgment in vacation upon plea of guilty.

AN ACT to amend section one hundred and twenty (120) of an act entitled "An act to extend the jurisdiction of county courts, to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred and twenty (120) of an act entitled "An act to extend the jurisdiction of county courts, to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

"Section 120. When the grand jury of the circuit court shall indict for offenses cognizable in the county court, such indictments may, in the discretion of said circuit court, be certified under the seal thereof to the county court for process and trial, which process shall be the same as like process in the circuit court; and the said county court in term time, or the judge thereof in vacation, shall fix the amount of bail to be required of the accused, and shall forthwith, on the receipt of such certified indictment, order a *capias* in each case, which *capias* the clerk shall issue, either in term time or vacation, endorsing upon the same the amount of bail required of each defendant by the court or judge. When such *capias* is executed in term time, and the court being in session, the sheriff shall bring the defendant into court forthwith; but if the court shall have temporarily adjourned, the sheriff shall, if sufficient bail be offered, take bond in the amount named in the *capias*, conditioned for his appearance in said court on the day and hour to which it stands adjourned, and when the *capias* is executed in vacation, the sheriff shall, in like manner, take bond conditioned for his appearance in county court as the law directs in cases of recognizances in the circuit court; and in default of such bond shall commit the defendant to jail; there to await trial. The judge of the county court shall have power to receive a

plea of guilty to an indictment and to pass judgment thereon, as well in vacation as in term time; and the said county court, or the judge thereof in vacation, shall have like power to order the clerk to issue *capias* on informations filed, as is by this section given in cases of certified indictments: *Provided*, such indictments may be certified to said county court, as above provided, at any time before trial, and in case of *capias* issued, arrest made, or bail taken, in the circuit court before such indictments are so certified, such facts shall, in like manner, be certified to said county court, and the same proceedings shall thereafter be had thereon in the county court in all respects as could be had in said circuit court, or as if *capias* were issued, arrest made, or bail taken as above provided."

APPROVED June 30, 1885.

CARROLL AND WHITESIDE COUNTIES.

§ 1. Amends Secs. 16 and 105, by changing the terms of the county court in Carroll and in Whiteside counties.

AN ACT to amend sections sixteen (16) and one hundred and five (105) of an act entitled "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixteen (16) and one hundred and five (105) of an act entitled "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be so amended as to read as follows:

"Section 16. Carroll, in September, January and May."

"Section 105. Whiteside, in April, September and December."

APPROVED June 30, 1885.

CASS COUNTY.

§ 1. Changes the time of holding court in Cass county.

AN ACT to amend an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seventeen (17) of "An

act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be amended so as to read as follows:

"Section 17. Cass, on the third Mondays of January and July."

[§ 2.] All acts or parts of acts in conflict herewith be, and the same are, hereby repealed.

APPROVED June 29, 1885.

WHITE COUNTY.

§ 1. Changes terms in White.

AN ACT to amend section one hundred and four (104) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred and four of an act entitled "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be amended to read as follows:

"Section 104. White, in April and November."

APPROVED June 26, 1885.

JUDGES MAY HOLD OTHER COURTS.

<p>§ 1. Judges may hold courts in any county in case of vacancy, absence or disability.</p>		<p>§ 2. Repeals the act of 1883. § 3. Emergency.</p>
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AN ACT to authorize county and probate judges to perform the duties of the office of one another in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in case of the absence, death, resignation, or inability of the judge of a county or probate court of any county, any county or probate judge may hold such county or probate court and perform all the duties of the judge thereof, until the return of such judge, the appointment or election of his successor, or until the disability to act ceases.

§ 2. The act entitled "An act to authorize county judges to perform the duties of judges of probate courts in certain cases," approved May 23, 1883, is hereby repealed.

§ 3. Whereas, there has been a recent death of a county judge, and a necessity thereby created to authorize a county or probate judge to perform the duties of the office of such deceased judge; therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED April 10, 1885.

CRIMINAL CODE.

CONTINUANCES.

§ 1. Affidavits for continuances; alleged testimony of absent witnesses may be admitted and trial had.

AN ACT to regulate the granting of continuances in criminal cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when affidavit is made for a continuance in behalf of the people or any defendant in a criminal case, on the ground of the absence of a material witness, the State's Attorney, or the defendant, as the case may be, shall not be required to admit the absolute truth of the matter set up in the affidavit for continuance, but only that such absent witness, if present, would testify as alleged in the affidavit; and if it is so admitted, no continuance shall be granted, but the case shall go to trial, and the party admitting the same shall be permitted to controvert the statements contained in such affidavit by other evidence, or to impeach such absent witness the same as if he had testified in person: *Provided*, that the court may, in its discretion, require the opposite party to admit the truth, absolutely, of any such affidavit when from the nature of the case, he may be of opinion that the ends of justice require it: *Provided, further*, that this act shall not apply to applications for continuances at the same term of the court at which the indictment is found or information filed.

APPROVED June 26, 1885.

BURGLARY.

1. Amends section 36 of the Criminal Code by adding the provisos presenting penalties for entering dwelling houses in the night time.

AN ACT to amend section thirty-six (36), of division one, of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by an act approved April 10, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-six (36), of division one,

of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by an act approved April 10, 1877, in force July 1, 1877, be amended so as to read as follows:

"Section 36. Whoever wilfully and maliciously and forcibly breaks and enters, or wilfully and maliciously, without force (the doors or windows being open), enters into any dwelling-house, kitchen, office, shop, store-house, warehouse, malt-house, stilling-houses, mill, pottery, factory, wharf-boat, steamboat, or other water craft, freight or passenger railroad car, church, meeting-house, school house, or other building, with intent to commit murder, robbery, rape, mayhem, or other felony or larceny, shall be deemed guilty of burglary, and be imprisoned in the penitentiary for a term not less than one year nor more than twenty years: *Provided, however,* that whoever wilfully and maliciously and forcibly breaks and enters, or wilfully and maliciously, without force (the doors or windows being open), enters into any dwelling-house in the night time, with intent to commit murder, robbery, rape, mayhem or other felony or larceny, shall, on conviction, be imprisoned in the penitentiary for a term of not less than five years nor more than twenty years: *Provided further,* that if at the time of committing the offense mentioned in the proviso, such person shall be found with any deadly weapon, deadly drug, or anæsthetic upon his person or in his possession, he shall, on conviction, be punished by imprisonment in the penitentiary for any term of years not less than five."

APPROVED June 19, 1885.

DRAINAGE.

ASSESSMENTS—EXTENSION OF TIME FOR PAYMENT.

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| <p>§ 1. Petition for extension of time for payment of assessments, and hearing of petition by the courts.</p> <p>§ 2. Notice of filing and hearing said petition.</p> <p>§ 3. Proof of facts alleged in the petition.</p> <p>§ 4. Hearing the petition upon evidence, and judgment thereon. Enforcing the decree of the court.</p> | <p>§ 5. Drainage commissioners may borrow money and issue bonds as herein provided.</p> <p>§ 6. Assessment roll of any district recorded in the recorder's office, shall constitute a lien upon the lands assessed. Discharge of lien upon payment of assessment.</p> <p>§ 7. Emergency.</p> |
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AN ACT to extend the time and provide for the payment of assessments of benefits in drainage districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever a petition signed by a majority in number of the adult owners of lands lying in any drainage district, or drainage and levee district, organized under any law of

this State, shall be filed with the clerk of the county court, or any justice of the peace, or town clerk, having custody of the records of such district, representing that an assessment of benefits has been made against the lands in such district for the construction of the proposed drains and works of such district, and confirmed as required by law and is unpaid in whole or in part, and that it would promote the interest of the land owners in such district to extend the time for the payment of such assessments to a time named in the petition, or have the same made payable in installments at such time or times and amounts mentioned in the petition, or to issue bonds not exceeding, in principal and interest, the amount of said assessments or any installment thereof, it shall be the duty of the clerk of the county court, justice of the peace, or town clerk, to fix the time and place for the hearing of said petition, which shall be not less than fifteen days from the filing thereof, and the time fixed by the clerk of the county court may be on any day of a probate or common law term of said court.

§ 2. Upon the presentation of such petition the clerk of the county court, justice of the peace, or town clerk, shall give at least two weeks notice, addressed "To all persons interested," of the filing of such petition, and that the same is in relation to the time and manner of paying the assessments in said district, and when and where said petition will be heard, by posting notices in six of the most public places in such district, and by publishing a like notice in some newspaper published in the county in which said district or a greater part of the land thereof is situated. Affidavit of such posting and publication, or the certificate of the clerk, justice of the peace, or town clerk, that such notice was given, shall be sufficient evidence thereof.

§ 3. The affidavit of two or more persons who are signers of such petition, or any two commissioners of said district, stating that they have examined the same, and that they believe that said petition is signed by a majority of the adult owners of the land in such district, and that the matters and things alleged in said petition are true, shall be *prima facie* evidence of such facts, or other evidence may be heard by the court in support of the petition, at which time any other adult owner of land in said district may sign said petition.

§ 4. On the day fixed in said notice, the court, justice of the peace, or drainage commissioners, if the proceedings of the district are with the town clerk, shall examine said petition, and if it is determined, from the evidence, that the same is signed by a majority of the adult owners of the lands assessed in such district, the court, justice of the peace, or commissioners, shall make a written record of such findings, and if the holder or holders of all bonds, if any, issued by said district, which are a lien upon such assessment, appear and enter their consent in writing thereto, the court, justice of the peace or commissioners shall also enter of record an order granting the prayer of said petition according to the allegations thereof, and the owners of lands assessed in such district shall pay their respective assessments according to such order, together with interest thereon at the rate of six per cent. per annum, from the time the same became due under the prior order. And such findings shall stand in lieu of any other prior order of the court, justice of the peace or commissioners in relation to the time of payment of such assessments, and all proceedings to enforce the collection of such assessment

of benefits under any such prior order shall be stayed. Upon a certified copy of the findings under such petition being presented to the county collector, treasurer or collector of such district, he shall stay all proceedings to collect any assessments under said prior order, and the collection of said assessments under the order made in pursuance of said petition, shall be enforced in the manner now provided by the law under which such district was organized, or other laws in force.

§ 5. The commissioners of such district may borrow money to an amount of principal and interest not exceeding ninety per cent. of the amount of assessments unpaid at the time of borrowing, for the construction of the proposed work in said district, and for the payment of any indebtedness they may have lawfully incurred, and may secure the same by bonds bearing interest at the rate of not exceeding six per per cent. per annum, and not running beyond one year after the last assessment, or installment of assessment, on account of which the money is borrowed shall fall due, which bond shall constitute a lien upon the assessment for the payment of the principal and interest thereof, or such bonds may be issued to the amount of any one installment, not exceeding ninety (90) per cent. thereof, and constitute a lien on such installment alone, falling due in one year after such installment becomes due, but such installment shall be particularly designated in such bonds. No irregularity in the proceedings, either before or after the organization of the district, or in the assessments of benefits, or in the extension of the time for the payment of the same, shall in any manner affect the validity of the bonds or coupons issued in pursuance of this act.

§ 6. The assessment roll of any district, when recorded in the Recorder's office of the county in which the lands are situated, shall constitute a lien on the lands assessed, from the time of filing until paid. The proceedings of the county court shall be a sufficient notice of such lien upon the lands situated in the county in which the proceedings are had, and such proceedings shall be a lien until such assessments are paid. When an assessment against any tract of land has been fully paid, it shall be the duty of the treasurer of such district to sign and deliver to the owner of such land, a release in full, which shall discharge such owner from all further liability to pay the same. The release may be recorded in the recorder's office of the county where such lands are situated.

§ 7. Whereas, the corporate authorities of many drainage districts organized under the laws of this State have ordered the assessments of such districts to be paid in such manner as to become unnecessarily burdensome to the owners of lands therein; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 22, 1885.

FARM DRAINAGE.

- § 1. Commissioners of highways in each town named as drainage commissioners; bodies corporate.
- § 2. Town clerks, clerks of drainage commissioners; drainage record kept.
- § 3. Treasurers of drainage districts.
- § 4. Rights of land owners constructing drains leading into natural water courses.
- § 5. Right of way across the lands of others, without consent of owners; service of summons.
- § 6. Hearing in justice's court; finding of court or jury; damages; effect of judgment.
- § 7. Construction of drain after judgment is obtained; costs of suit; keeping in repair; right to enter upon lands for that purpose; such right shall pass to others; recovery for unnecessary damage.
- § 8. Bond for costs before action is commenced; defendant's witnesses.
- § 9. Plat of lands to be drained; filed as part of the record in suits.
- § 10. Penalties for injury to drain or for obstructing the construction of drains.
- § 11. Formation of districts for combined drainage; petition.
- § 12. Petition for proposed district filed with town clerk; notice to parties.
- § 13. Meeting of drainage commissioners; hearing upon petition; decision.
- § 14. Commissioners shall personally examine the lands in the proposed district, and may have plat and survey made.
- § 15. Organization of districts; map of district; effect of signature to petition.
- § 16. Organization of districts embracing lands of two owners only.
- § 17. Outlets of drains in organized districts.
- § 18. Right of way; releases recorded.
- § 19. Right of way; proceedings before jury; notice; proceedings may commence in county court.
- § 20. Assessment of damages for right of way.
- § 21. Special assessments for benefits; classification of lands on a graduated scale; district already formed; classification filed with clerk.
- § 22. Former ditches or drains; how utilized.
- § 23. Notice of classification; objections heard.
- § 24. Review of classification; corrections may be made; appeal to three supervisors; bond for costs.
- § 25. Hearing of appeals by supervisors; decision conclusive.
- § 26. Special assessment tax list.
- § 27. Appeal to county court to correct excessive assessment; taxing costs.
- § 28. Appeals shall not delay collection of tax against other lands; shall not delay progress of work.
- § 29. Taxes may be ordered paid in installments; taxes a lien on lands; interest on delinquent tax.
- § 30. Bond of treasurer.
- § 31. Treasurer's accounts; how kept.
- § 32. Delinquent tax list; returned to county collector; commissioners may become purchasers at tax sale.
- § 33. Bond of county collector; payment of taxes after return of delinquent tax list.
- § 34. Work on ditches may be let in sections.
- § 35. Notice of lettings, places of work; commissioners shall not be interested in contracts; payment of contractors; reletting contracts when contractor has failed to perform the work.
- § 36. Taxes paid by contractor.
- § 37. Excess of damages for right of way over taxes tendered to owners before entry upon lands; unknown owners; deposit in county court.
- § 38. Use of moneys by commissioners belonging to the district.
- § 39. Entry upon lands for construction and repairs of drains; penalties for hindering.
- § 40. Use of public highways, for right of way; assessment of benefits against highways and railroads.
- § 40½. Bridges and culverts along and across highways and railroads.
- § 41. Repairs; relocating or reconstructing drains; outlets beyond district boundary; right of way for that purpose procured by condemnation.
- § 42. Lateral drains; connections with, outside of district; enlargement of ditches in consequence of lateral connections; individual connections; enlargement of boundaries of district; proceedings.
- § 43. Sub-districts.
- § 44. Penalties for injuring or destroying drain.
- § 45. Repairs of open ditches in pastures.
- § 46. Penalties upon commissioners for failure of duty.
- § 47. Reports of commissioners and treasurers; publication by clerk.
- § 48. Union districts; formation.
- § 49. Special districts; formation.
- § 50. Notice of hearing petition by county court.
- § 51. Hearing by the court.
- § 52. Decision of the court; appointment of commissioners; examination of district and report of commissioners; hearing upon report of commissioners; organization of such special district.

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| <p>§ 53. Notice of election of commissioners in special districts.</p> <p>§ 54. Election, how conducted; term of office; vacancies, how filled; returns of election to county clerk; oath of office.</p> <p>§ 55. Special districts containing less than 15 land owners; appointment of commissioners; term of office; successors in office.</p> <p>§ 56. Commissioners shall determine system of drainage; outlets; report of engineer; maps, profiles and estimates; numbering drains; maps filed and recorded.</p> <p>§ 57. Right of way for special districts; notice to owner of lands.</p> <p>§ 58. Hearing; damages allowed; new trials.</p> <p>§ 59. Classification of lands and assessment of benefits as in Secs. 21 and 22.</p> <p>§ 60. Report of classification; objections; hearing; decision; appeals.</p> <p>§ 61. Hearing of appeals, and by whom.</p> <p>§ 62. Special assessments in special districts; tax lists; proceed as in Secs. 26 and 27.</p> <p>§ 63. Additional levies to meet deficiencies; paid in installments; issue of bonds; collection of tax.</p> <p>§ 64. Refunding bonds.</p> | <p>§ 65. Petition for extension of assessment and issue of bonds; bonds sold at not less than par.</p> <p>§ 66. Record of bonds issued.</p> <p>§ 67. Registration of bonds by the Auditor of State.</p> <p>§ 68. Tax levy for payment of interest and principal when due.</p> <p>§ 69. State the custodian of tax; payment of interest by State Treasurer.</p> <p>§ 70. Commissioners' statement of bonds and estimated amount of interest and expenses of ensuing year; extension by county clerk of assessments; collection of taxes; interest fund; unregistered bonds.</p> <p>§ 71. County treasurers to be collector and treasurer of special districts.</p> <p>§ 72. Assessments liens on lands; delinquent assessments.</p> <p>§ 73. Compensation of commissioners, engineers, clerks and treasurers.</p> <p>§ 74. Bridges over drains.</p> <p>§ 75. River districts; organization for the improvement of the channels of streams.</p> <p>§ 76. District by <i>user</i>; formation.</p> <p>§ 77. Districts formed by mutual agreement.</p> <p>§ 78. Repeals former acts.</p> |
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AN ACT to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the commissioners of highways in each town in the several counties under township organization in this State shall be the drainage commissioners in and for all drainage districts in their respective town, and shall be known by the corporate name of Drainage Commissioners of District No., of the town of, county of, State of Illinois, and by that name shall be a body politic, and may sue and be sued, plead and be impleaded, contract and be contracted with, and all other drainage commissioners provided for in this act shall be alike the corporate authorities of their respective districts.

§ 2. The town clerk shall be the clerk of the drainage commissioners of his town; he shall be the custodian of all papers and records pertaining to drainage matters in his town, and shall keep in a well-bound book, to be known as the "Drainage Record," a record of the proceedings of the commissioners, and shall enter at length therein all the findings and orders of the commissioners pertaining to the subject of drainage.

§ 3. In all districts, in counties under township organization, the supervisor of the town in which the district is situated shall be the treasurer of the district. When the district lies in two towns, the supervisor of one of the towns, to be designated by the commissioners, shall be the treasurer. In all special drainage districts the county treasurer shall be the treasurer of the district. In all cases the treasurer shall give bonds to the commissioners, not less than double the amount

of money likely to come into his hands in any one year, as such treasurer: *Provided*, that this shall not apply to the county treasurer when his official bonds are deemed sufficient.

RIGHTS OF DRAINAGE.

§ 4. Owners of land may drain the same in the general course of natural drainage, by constructing open or covered drains, discharging the same into any natural water course, or into any natural depression, whereby the water will be carried into some natural water course, or into some drain on the public highway with the consent of the commissioners thereto; and when such drainage is wholly upon the owner's land, he shall not be liable in damages therefor to any person or persons or corporation.

§ 5. When it is necessary to extend drains on or through the land of others to obtain a proper outlet, and the person desiring to drain proposes to construct such extension at his own expense, by means of an ample and properly made tile ditch, and the owners of the land refuse to consent thereto, the person or persons desiring to drain may cause a summons to issue from any justice of the peace in the county, in the same form, and returnable in the same manner, as other summons in civil suits, and proceeding shall be had thereon as in other civil causes before justices of the peace: *Provided*, if the owner or owners of such land do not reside in said county, or cannot be found therein, summons may be served by leaving a copy with the person or persons in possession or control of such premises.

§ 6. The justice, or jury if a jury is empaneled, shall hear the evidence, and if they find such drain, if constructed in the manner proposed, would not empty into a natural water course or natural depression, whereby the water would be carried into any natural water course or any drain on a public highway, by consent of the road commissioners, they shall find for the defendant; if they find such drain, if constructed, would empty into a natural water course or natural depression, whereby the water would be carried into any natural water course or any drain on a public highway, by consent of the road commissioners, they shall find for the plaintiff or plaintiffs, and shall allow the defendant or defendants such actual damages only as will be sustained by entering upon the land and constructing such drain. The judgment shall be final and conclusive between the parties until after the expiration of two years from the finding in the former case.

§ 7. If, after judgment, the plaintiff or plaintiffs in such suit shall deem it best not to construct such drain, they may so state upon the docket of the justice, at the foot of such judgment, and pay all costs of such trial, but shall not again be permitted to commence a suit for the same purpose, until after the expiration of one year from the rendition of the judgment; if they desire to construct such drain, they shall first pay to the justice the judgment and costs taxed against them, and may thereupon enter upon such premises and construct such drain, and may thereafter at all times, in proper season, enter upon said land for the purpose of repairing such drain; and it shall be his or their duty to keep it in good repair, and this right and duty shall pass to the heirs or assigns

of the lands for the benefit of which the drain is constructed: *Provided*, that if the person or persons constructing such drain, or repairing the same, shall unnecessarily cause any damage to the owner or owners of such land, they shall forfeit and pay to such owner or owners three times the amount of such damage, to be recovered in any form of action.

§ 8. Before any person or persons shall be permitted to commence an action as provided for herein, they shall file a bond in a sum not less than fifty dollars, with security to be approved by the justice, conditioned that they will pay all costs legally accruing in said cause, and all damages, if damages are awarded therein, within sixty days after the rendition of judgment, or pay all costs and abandon the construction of such drain in the manner provided by this act, within the same time. If the defendant or defendants procure the attendance of any witnesses not necessary to a proper defense, all the costs of such witnesses and of subpoenaing the same shall be taxed to the defendant or defendants.

§ 9. Prior to issuing the summons in commencing any suit under this act, the plaintiff or plaintiffs shall file with the justice a sketch, or plat, of the land to be drained, and that of all other persons across or upon which such drain is to be constructed, showing the starting point of such drain and its proposed course, across or upon the land of others, and the point of its discharge; and such plat shall be kept by the justice with the other papers in said cause. A failure to comply with the provisions of this section shall be sufficient cause for the dismissal of the suit at any time before the trial is entered upon. If the judgment is for the plaintiff the justice shall file papers and map with the town clerk, to be recorded on the drainage record.

§ 10. If any person or persons shall wilfully fill up, injure or destroy any drain constructed as herein required, or wilfully prevent or delay the construction of any drain in the manner provided by this act, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, for the first offense, shall be fined in the sum of not less than twenty-five dollars, nor more than one hundred dollars; and for the second offense shall be fined in the sum of not less than fifty dollars, nor more than two hundred dollars; and for each subsequent offense shall be fined not more than two hundred dollars and confined in the county jail for not less than thirty days nor more than one year.

COMBINED DRAINAGE.

§ 11. When the case involves a system of combined drainage in one town, and it is proposed that the cost shall be borne proportionately by the several parties benefited, a petition addressed to the drainage commissioners shall be presented to the town clerk, signed by a majority in number of the adult owners of land lying in a proposed district, and they shall be the owners in the aggregate of more than one-third of the lands lying in the proposed district, or by the owners of the major part of the land and who constitute one-third or more of the owners of the land in the proposed district, setting forth the boundaries, or a description of the several tracts of land thereof or fractions as usually designated: *Provided*, that where two land owners only are concerned, the petition may be signed by one, or both of these, and the amount of land owned by the parties shall not be a condition. Said petition shall state

that the lands lying within the boundaries of said proposed district require a combined system of drainage or protection from wash or overflow; that the petitioners desire that a drainage district may be organized, embracing the lands therein mentioned, for the purpose of constructing, repairing or maintaining a drain or drains, ditch or ditches, embankment or embankments, grade or grades, or all or either, within said district, for agricultural and sanitary purposes, by special assessments upon the property benefited thereby. The names of the owners of the several tracts of land together with their postoffice address shall be given so far as known.

§ 12. It shall be the duty of the town clerk to file said petition in his office, and he shall, within five days after the filing of said petition, give notice in writing to each of the commissioners of highways of such town, of the filing of such petition, and shall give notice, if there be two parties only interested in the drainage, to each of the two parties concerned, or if the petition is signed by two or more and more than two parties are involved, then the notice shall be given by posting written or printed notices, in at least three public places in or near the proposed drainage district, that a meeting of the drainage commissioners will be held at such place and time as the commissioners may decide upon, not less than eight days nor more than fifteen days from the date of said notice, for the purpose of organizing said drainage district. He shall also file a copy of said notice in his office.

§ 13. It shall be the duty of the drainage commissioners to meet at the time and place mentioned in said public notice, and the clerk shall lay before them the said petition and all other papers in the case, and they shall thereupon proceed to ascertain whether the said petition contains the signatures of a majority of the adult persons owning land in said district, and if they are the owners of more than one-third of the land situate in said district, or by the owners of the major part of the land who constitute one-third or more of the owners of the land; and the affidavits of two or more credible signers of said petition that they have examined the same, are acquainted with the locality of the district, and that they believe that said petition is signed by a majority of the adult owners of land in said district, and that said signers are the owners of more than one-third of the lands in said district, or by the owners of the major part of the land, and who constitute one-third or more of the owners of land in the proposed district, may be taken as *prima facie* evidence of the facts set forth in said petition as against the owners of lands in said district, and as conclusive evidence against all persons signing said petition, that they have accepted the necessity for the organization of such district hereunder. At such meeting, any other owners of land within said district shall be permitted to place their names on said petition, if they so desire. Any person owning land in said district, whose name does not appear on said petition, may, at said time and place, appear and controvert any material statement in said petition; and for the purposes of such hearing, the said officers shall have full power to administer oaths to, and examine all witnesses produced, and shall decide all such controverted questions at such time and place, and make a written statement of their finding, to be filed with the papers in the case. If they find that the petition has not been signed as herein required, they shall dismiss the case. For cause shown they may adjourn, but not for more than three days at any one time.

§ 14. If the commissioners shall find in favor of the petitioners, as set forth in the last preceding section, they shall then adjourn their meeting to a time not less than eight days nor more than fifteen days, and publicly announce the same. The commissioners shall, in the meantime, go upon the lands included in the proposed district, and personally examine the same; and they shall have power to employ a competent civil engineer, if in their opinion the services of an engineer be necessary, who shall thereupon proceed to make such survey and estimates as the said commissioners may direct, and shall make and return to the said commissioners a map or plat of his survey, and a full report of all estimates so required of him.

§ 15. At the time appointed for the adjourned meeting, the commissioners shall meet and examine the map and report of the engineer, if any engineer shall have been employed, and said commissioners shall have power to change the boundaries of such proposed district from the boundaries given in petition, so as to take in land not embraced, or exclude lands taken into said proposed district, and shall permit additional signatures to be made to the petition by any adult person or persons owning land in, or owning land desired to be taken into such proposed district, to the end that a majority of the adult owners of land in the district as finally to be organized, and who shall be the owners in the aggregate of more than one-third ($\frac{1}{3}$) of such land, or by the owners of the major part of the land, and who constitute one-third or more of the owners of land in the proposed district, shall have signed the petition, which facts said commissioners shall find and put such finding in writing, and the same shall be filed and the clerk shall enter the same in his record, which finding shall be conclusive. And said commissioners may adjourn the meeting provided for in this section, not less than five (5) days at a time, and not more than fifteen (15) days in all, for the purpose of making the necessary examinations and findings, and shall publicly announce the time and place they so adjourned; and if, from their own examination, and said map and report, if any there be, it shall appear that the lands included in the proposed district will be benefited for agricultural and sanitary purposes by the construction of a drain, or a combined system of drainage, they shall so find, unless they shall find, from the evidence of witnesses then introduced, that the cost of the proposed work will exceed the benefits to be derived therefrom. And should they find in favor of the petitioners, or should a two-thirds ($\frac{2}{3}$) majority of the owners of land owning more than one-half ($\frac{1}{2}$) of the lands lying in said proposed district still desire the formation of said district, and such desire shall be evinced by a failure to withdraw their signatures from the petition, the commissioners shall enter on record an order in writing organizing said drainage district, and such district shall thereupon be declared fully organized. Each district shall be designated by a number, as Drainage district No., in township, county, and State of Illinois. And when the commissioners shall have organized said district, they shall cause a map thereof, showing the boundaries thereof, to be made, and the same shall be filed with the other papers in the case. The signing of any petition referred to in this act shall be taken as conclusive against the person so signing that they have accepted the provisions of this act as to their assessments of benefits and damages thereunder.

§ 16. In case the drainage prayed for embraces the lands of two parties only, the commissioners shall hold their first meeting on or near the lands in question, and they shall proceed to view the same, hearing the proofs and allegations of the parties on the merits of the case. If an adjournment be necessary to employ an engineer, or for other good cause, the adjournments shall not in all exceed ten days. If the commissioners shall decide in favor of drainage, they shall fix the boundaries of the drainage district to embrace such divisions or subdivisions of land of each party as will be benefited by the proposed drainage.

§ 17. Upon the organization of a drainage district, the commissioners shall go upon the land and determine upon a system of drainage, which shall provide main outlets of ample capacity for the waters of the district, having in view the future contingencies, as well as the present. Preference shall be given to tile drains whenever these will accomplish the purpose, and when open drains are deemed necessary, if it be practicable, these shall follow boundary lines, and parallels or right angles as the case may be, provided the drainage shall not be impaired thereby. Unless the district is small, and the plans are manifestly of easy determination, a competent engineer shall be employed to locate and advise upon the character of the work to be done, and report in writing, with maps, profiles and estimates of cost, and in a general way, the benefits to accrue to the lands in the several localities of the district. The maps and papers showing the final determination, as to the system of drainage, shall be filed in the clerk's office and be recorded in the drainage record.

§ 18. The commissioners shall then proceed to procure the right of way for said work from the owners of the land upon which the same may pass, so far as they can do so by agreement with said owners, which release or releases of right of way shall be in writing, and shall be a perpetual bar to all claims for damages by the grantor or grantors, or their assigns, on account of the construction of such work. Such release or releases shall be filed in the town clerk's office, and recorded in the drainage record: *Provided*, that should the commissioners be compelled to pay damages for the right of way in any lands over which any work may run, by virtue of the finding of a jury called to assess damages, as hereinafter provided, that then and in that case they shall allow damages equitably to other owners of lands through which such work may be located, notwithstanding such owners may have released such right of way without adequate compensation.

§ 19. Should the commissioners be unable to procure the right of way by agreement with the owner or owners of any lands over which the work may be located, they shall file a statement in writing with some justice of the peace in the vicinity, requesting him to issue a *venire* for a jury, to assess the damages in such case or cases; and it shall thereupon be the duty of the justice to issue a *venire* for a jury of six (6) disinterested land owners to appear at his office at a day and hour therein named, not less than five (5) nor more than fifteen (15) days from the filing of such statement with the justice, for the purpose of assessing the damages in the case or cases mentioned. The justice shall cause a notice or notices in writing to be served upon the owner or owners of the lands in question, informing him or them of the time and place when

the said case or cases will be tried. Said notices may be substantially in the following form :

To A. B. :

You are hereby notified that a jury has been called to meet at my office in..... township,county, on theday ofA. D. 18...., at.....o'clockM., for the purpose of assessing damages in the matter of the drainage commissioners of.....township,county, against you ; when and where you can appear and assert your rights in the premises, if you desire.

C. S.....J. P.

Said notice shall be served by a constable, not less than three (3) days before the time fixed for trial, in the same manner and with like effect as process in civil cases, and his return thereon shall show the manner such service was made, and for such service he shall be allowed the same fees as for service of process in civil cases : *Provided*, that where it shall be made to appear that any of such owners are non-resident, or unknown, notice of such proceedings shall be given by publication in some newspaper published in said county, two (2) successive weeks prior to the time of such hearing, which notice shall be substantially in the form given above ; and if any such owner shall be a minor, such notice shall be served upon him and also upon his guardian, if he shall have one who is a resident of said county : *Provided, further*, that the commissioners may commence the proceedings in the county court at any term thereof, either of common law or probate.

§ 20. When the jury shall appear, as provided in the foregoing section, the trial shall be conducted as other cases before a justice of the peace or county court, as the case may be. Either party may have the same number of challenges, and for the same causes as in other cases, before justices of the peace or the county court, as the case may be, and if notice shall not have been given according to law, or for any other good cause, the court may continue the case from time to time, till proper notice shall have been given, or the case is ready for trial. The jury shall hear the evidence offered in the case as to the value of the land proposed to be taken, and all damages consequent upon the construction of the proposed work, and may go upon the premises for the purpose of viewing them ; and they shall return as their verdict the amount of damages found, if any, in favor of the owner or owners and against the commissioners, and the justice of the peace or county judge shall enter judgment for the amount of such verdict, which judgment shall be final and conclusive. Vacancies in the panel of jurors, from whatever cause, shall be filled the same as vacancies in other cases, but vacancies shall, in all cases, be filled by freeholders, and the same jury shall hear and determine all cases for which the *venire* was issued and shall return separate verdicts as to each owner or joint owner ; and the justice or judge shall thereupon file in the office of the clerk of the drainage commissioners a certified transcript of the proceedings before him in each case, which shall be recorded in the drainage record.

SPECIAL ASSESSMENTS.

§ 21. As soon as the plans for the work have been determined, the commissioners shall proceed to make special assessments for benefits by classifying the lands in the district in tracts of forty acres, more or less, according to the legal or recognized subdivisions on a graduated scale, to be numbered according to the benefits to be received by the contemplated drainage. The tracts of land which will receive most and about

equal benefits shall be marked one hundred (100), and such as are adjudged to receive less benefits shall be marked with a less number, denoting its per cent. of benefit. This classification, when established, as hereinafter provided, shall remain as a basis for such levy of taxes as may be needed for the lawful and proper purposes of the drainage district. In districts heretofore formed, which have made one or more levy of taxes, and a new levy is required, the classification of lands on the graduated scale shall be made to conform as near as may be to the former proportionate assessment; but if the commissioners believe, from experience and results, that the former assessment was not fairly adjusted on the several tracts of land according to benefits, then the commissioners shall disregard the proportions of the former assessment and make the new classification in accordance with such proportions as should have been made originally. When the classification is completed it shall be properly tabulated, or shown by a map, or both, and filed in the clerk's office for inspection.

§ 22. When it shall appear to the commissioners that a drain or ditch has been, in whole or in part, previously constructed for the purpose of draining or protecting from overflow any land to be affected by the work proposed under this act, and such original work can be advantageously utilized, they may estimate the value of such old ditch, and allow the owner proper credit for the same: *Provided*, no allowance shall be made for any ditch which was constructed out of the swamp and overflowed land funds, or other public funds.

§ 23. The commissioners shall cause to be personally served upon all parties owning land to be affected by the proposed work, or other property liable to be taxed under this act, and residing in the county, a written or printed notice of the time when, and place where they will meet to hear any and all objections that may be made to the classification of lands on the graduated scale, which notice shall be served, in case of residents in the county, not less than three (3) days before the time set for hearing, by delivering a copy thereof to the party to be served; and the commissioners shall cause to be sent by mail such notice to all owners who do not reside in the county, whose land is to be affected, in case their postoffice address is known to the commissioners, or any of them, or can be ascertained by use of reasonable diligence; and in case the land of any non-resident is to be affected, then publication shall be made in some newspaper published in said county, for three (3) successive weeks prior to the time of such hearing, and such meeting to hear objections may be adjourned from day to day by public announcement of the commissioners, made at the meeting, until all objections are heard; and all persons duly notified of the first day of meeting, as hereinbefore provided in this section, shall take cognizance of all such adjournments without further notification. The affidavit of any credible person or persons, that he has or they have posted such notices hereinbefore required, and the certificate of the publishers of such newspaper as to such publication, shall be sufficient evidence of such facts.

§ 24. At the time of meeting for review the commissioners shall hear whatever objections may be urged by any person interested, and if satisfied that any injustice has been done in the classification of the several tracts of land or any of them, they shall correct the same in accordance

with what is right; but if not so satisfied, they shall leave the classification as first made, and enter an order to that effect. Any person appearing and urging objections, who is not satisfied with the decision of the commissioners, may appeal from their decision to three supervisors of the county, within ten days after the decision of the commissioners was rendered, by filing with the town clerk a bond with security conditioned to pay such tax as may finally be levied upon the land in question, and the costs occasioned by the appeal, in case the commissioners shall be sustained by the board of appeal.

§ 25. It shall be the duty of the town clerk to summon three supervisors of the county living nearest the office of the town clerk, but outside his town, and who are not interested in any lands or work in said district, or of kin to any of the parties interested, to meet at his office at a time not more than ten days from the filing of the appeal bond, for the purpose of hearing any appeal or appeals that may be taken from the decision of the commissioners. Should any of said supervisors fail to appear at the time named, the clerk may adjourn said meeting for a period not exceeding five days, and summon another supervisor or supervisors to fill the vacancy or vacancies. Whenever the supervisors summoned to hear appeals shall all appear as herein provided, it shall be the duty of the town clerk to lay before them the classification as determined by the drainage commissioners, and they shall examine the same, and hear allegations and testimony in opposition and support of the same, and may, if they deem it necessary, visit the district and view the lands. If they find the tracts of lands in question are marked too high or too low in the classification, they shall correct the errors; but if no injustice has been done, they shall confirm the classification as made by the commissioners. Their final determination shall be made in writing, and filed with the town clerk. The classification, when established as herein provided, shall be recorded with other papers on the drainage record, and shall be conclusive.

§ 26. The commissioners by resolution shall order such amount of money to be raised by special assessment upon the lands of the district as may be necessary, and such amount shall be apportioned among the several tracts in the name of the owner when known, according to acreage of each and its figure of classification on the graduated scale, so that each tract may bear its equal burden in proportion to benefits. They shall make out a special assessment roll, hereinafter designated tax list, setting down in separate columns the owners' names, when known, and when unknown, stating unknown, a description of the land, the number denoting the classification, the tax, the damages allowed, if any, or any other credit to be given to the owner. The balance of tax over credits or of damages or other credits over the tax, showing the amount due to the district by each land owner on the separate tracts, or, due to the land owner by the district, shall be set down in final columns. When completed the list shall be filed with the town clerk. The tax list may be substantially as follows:

“SPECIAL ASSESSMENT TAX LIST OF—(HERE INSERT NAME OF DISTRICT.)

Owners' Name.	Description of Land.				No. classification on scale	Tax levied		Total credits		Balance due District		Balance due Owners		Remarks.
	Sec.	Tp.	R.	Acs.		Dol.	Cts.	Dol.	Cts.	Dol.	Cts.	Dol.	Cts.	
.....
.....

APPEAL TO COUNTY COURT.

§ 27. Any party against whose land a tax has been thus levied, may, within ten days after the list has been deposited with the town clerk, appeal to the county court by filing a bond in double the amount of tax appealed from in the county clerk's office, but the appeal shall be upon the ground only that such tax is a greater amount than the benefits to accrue to the land in question by the proposed drainage. Appeals taken to the county court, under the provisions of this act, may be heard at any term thereof: *Provided*, ten days has intervened from the time of taking such appeal and the first day of the term, and if not ten days, then such appeal shall be heard at the next term, and trial shall be conducted as in other cases of appeals. If the court finds that the tax exceeds the benefits to accrue, the court shall modify the same, so as to make it equal to the benefits, and the costs may be apportioned by the court in its discretion: *Provided*, that in any proceedings under this act, where the costs have been unnecessarily or improperly made, such costs may be adjudged against the party making the same, but the taking of any appeal by any person or persons, as herein provided, shall not operate to delay the collection of any tax from which no appeal has been taken, nor delay the progress of the work.

§ 28. The taking of any appeal by any person or persons, as herein provided, shall not operate to delay the collection of any tax from which no appeal has been taken, nor delay the progress of the work.

§ 29. It shall be competent for the commissioners to order the tax to be paid in instalments of such amounts and at such times as will be convenient for the accomplishment of the proposed work; otherwise, the whole amount of such tax shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid; and such taxes shall draw interest at the rate of eight (8) per cent. per annum from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the taxes.

§ 30. Immediately after the commissioners shall have filed their tax list, the clerk shall make out and certify to the treasurer a copy of said tax list; and the said treasurer shall execute bond to the People of the State of Illinois for the use of all persons interested, in a sum not less than twice the amount of taxes levied, conditioned for the faithful performance of his duties as treasurer of said drainage district, and that

he will faithfully account for all money that, by virtue of said office, shall come to his hands. Such bond shall be with such sureties as may be approved by the commissioners, and said bond shall be kept and preserved in the town clerk's office. In case the supervisor shall fail to give such bond, as treasurer, the commissioner may appoint a treasurer until the supervisor or his successor shall give such bond.

§ 31. It shall be the duty of the treasurer of every drainage district to keep, in proper books to be furnished him by the commissioners, an accurate account of all moneys received by him and all disbursements of the same. He shall pay out no money except upon the order of a majority of the commissioners, and he shall carefully preserve on file all orders for the payment of money, and as often as required by a majority of the commissioners, shall render a correct account to them of all matters pertaining to his office, with the vouchers and other papers and records in his possession as such treasurer, verifying the same, and he shall turn over all books, papers, vouchers, money and property belonging to and in his hands or under his control as such treasurer, to his successor in office, and the commissioners shall have the right to examine the same at all times.

§ 32. It shall be the duty of the treasurer of each and every drainage district, heretofore or hereafter organized, to make out a certified list of all delinquent lands upon which the tax or any installment or any part thereof remains unpaid, and the same shall be by him, on or before the 10th day of March next after the same has become due, returned to the county collector of the county or counties in which such land shall lie. And it shall be the duty of the collector to whom such return is made, to transfer the amount thereof, from such return, to the tax books in his hands, setting down therein, opposite the respective tracts or lots, in proper columns prepared for that purpose, the amount thereof against each tract or lot, and the like proceedings shall be had, and with like force and effect, in the collection of such delinquent tax or installment, and the sale of said lands for the non-payment thereof, as in ordinary collections of State and county taxes and the sales of real estate by them, for such non-payment and of redemption from such sales. At the sale of lands for any delinquent drainage assessment or tax, the commissioners may become the purchasers or may designate or appoint some person to attend and bid at such sale on behalf of said district.

§ 33. When the certified list of such delinquent lands has come into the hands of the county collector, the said collector, unless he is the treasurer of the district, shall execute to the drainage commissioners for the use of said district a bond in a sum not less than double the amount of the delinquency as shown by said list, conditioned for the faithful performance of his duties as collector of said delinquency, and that he will faithfully account for all moneys that shall come into his hands by reason of the delinquent tax or installments, which bond shall be, with such securities as may be approved by the commissioners, filed in the clerk's office, and recorded in the drainage record. Notwithstanding the return of such delinquent list the treasurer of the drainage district may receive payment of any such delinquent assessment or tax, interest and costs, and receipt for the same, but shall keep a memorandum thereof, and on or before the day of sale fixed by the county collector for sale of lands for non-payment of taxes, shall present said memorandum or list

to the county collector, for the purpose of having the same checked or marked paid on the delinquent list in his hands; and all amounts collected by the county collector by sale or otherwise, after deducting his fees, shall be paid over to the treasurer of said drainage district, except as otherwise provided herein.

§ 34. The said commissioners, when they have procured the right of way for the proposed work, may divide the ditch or ditches into sections a quarter of a mile in length, except the remainder or remainders, after taking out as many full sections as the work contains, which remainder or remainders may be let with the adjoining section, or separately, as the commissioners may think best; or they may let the entire work in one or more contract: *Provided*, that in case the work is on the farms or lands of two parties only, the amount on each shall be let separately, and the owners of the land shall have the preference, where the bids are equal, to construct that part belonging to his own land, and this rule may be applied to a larger number, if the commissioners shall unanimously agree to the same.

§ 35. As soon as practicable the commissioners shall cause notice to be given of the time and place of the letting, and of the kind and amount of work to be done, and where plans of the same may be seen, by publication for twenty days in some newspaper printed or published in said county. Said bids shall be under seal, and the commissioners may reject any and all bids, and may continue the letting from time to time, if, in their judgment, the same be necessary. If the cost of the entire work will not exceed five hundred dollars (\$500), the commissioners shall let the same at such time and in such manner as they may think best. Said commissioners shall not, during their term of office, be interested, directly or indirectly, in any contract for the construction, repair or maintenance of any work in such drainage district, nor in the wages nor supplies to men or teams employed on any work under their jurisdiction. Any person or persons taking any work under contract shall, on the completion thereof, according to contract, be paid for such work by the treasurer, upon the order of the commissioners. If any person or persons to whom any portion of said work shall be let as aforesaid, shall fail to perform such work, the same shall be re-let in such manner as the commissioners may think best.

§ 36. In case any person from whom taxes are due contracts to do any work, and said work is done according to contract, the commissioners shall give said person a receipt for so much of said tax as said work amounts to, and said receipt may be received by the treasurer as payment of so much of said tax.

§ 37. All excess, if any, of allowances for right of way and damages over the amount of tax against the same person, shall be paid or tendered to the owners thereof, before the commissioners shall be authorized to enter upon said lands for the construction of any work thereon; in case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the county court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 38. The commissioners may use money belonging to the district for the purpose of compromising suits and controversies arising under this act, and in employment of all necessary agents and attorneys in the prosecution or defense of said operations, and to pay all necessary employés: *Provided*, the acts of the commissioners shall be uniform as to the rights of all persons and property.

§ 39. The commissioners may authorize any employés to go upon the lands lying within said district, for the purpose of examining the same and making surveys; and after payment or tender of compensation allowed, may authorize all contractors, with their servants, teams, tools, instruments, or other equipments, to enter for the purpose of constructing such proposed work, and may ever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such work, doing no more damage than the necessity of the occasion may require; and any person who shall willfully prohibit or prevent any of the aforesaid persons from entering such lands for the purpose aforesaid, shall be fined in a sum not to exceed twenty-five dollars (§25) per day, for such hindrance, to be collected as other fines.

§ 40. The commissioners shall have the right to use any part of the right of way of any public highway for the purposes of the work to be done, provided such use will not permanently destroy or materially impair such public highway for public use; and if in the construction of said work any public highway or railroad or any part of the same will be benefited, the commissioners may assess to such public road or railroad such sum or sums as will be just and equitable for such public road or railroad to pay in proportion to the benefits received; which shall be determined by estimating the amount of benefits to the entire district, including the benefits to such railroad or public road, and also the benefit to the railroad or the public road; then the fractional figures expressing the ratio between the sum of the benefits for the whole district, and the sum found to be the benefit to the railroad or public road, shall express the proportional part of the corporate taxes of the district to be paid by such railroad or public road, as the case may be. Such proportional classification shall be subject to like review and appeals as is provided for individual land owners. The amount of such road tax shall be paid out of the road and bridge tax of the town or district in which the public highway or part benefited lies.

§ 40½. The commissioners shall have the power and are required to make all necessary bridges and culverts along or across any public highway or railroad which may be deemed necessary for the use or protection of the work, and the cost of the same shall be paid out of the road and bridge tax, or by the railroad company as the case may be: *Provided, however*, notice shall first be given to the road or railroad authorities to build or construct such bridge or culvert, and they shall have thirty days in which to build or construct the same; such bridges or culverts shall in all cases be constructed so as not to interfere with the free flow of water through the drains of the district. Should any railroad company refuse or neglect to build or construct any bridge or culvert as herein required, the commissioners constructing the same may recover the cost and expenses therefor in a suit against said company before any justice of the peace or any court having jurisdiction, and reasonable attorney's fees may be recovered as part of the costs. The proper

authorities of any public road or railroad shall have the right of appeal the same as provided for individual land owners.

§ 41. After the completion of the work the commissioners shall thereafter keep the same in repair; and if they find by reason of error in locating or constructing the ditches, or any of them, or from other causes, the lands of the district are not drained or protected as contemplated, or some of them receive but partial or no benefit, they shall use the corporate funds of the district to carry out the original purpose, to the end that all lands so far as practicable shall receive their proper and equal benefits as contemplated when the lands were classified. If it be necessary to clear and enlarge natural or artificial channels lying beyond the boundaries of the district to obtain a proper outlet, the commissioners shall use the corporate funds for this purpose, and if the necessary privileges cannot be obtained for this by agreement, the commissioners may acquire the same by condemnation under the act for exercising the right of eminent domain: *Provided*, in all such cases if sufficient funds are not on hand the commissioners shall make a new tax levy.

§ 42. Nothing in this act shall be construed to forbid land owners within the district to more completely drain their lands by using the common drains as outlets to lateral drains; and the owners of land outside the drainage district, or another drainage district, may connect with the ditches of the district already made, by the payment of such amount as they would have been assessed if originally included in the district; or if such connection shall by increase of water require an enlargement of the district ditches, then the outside owners of land so connecting, or other drainage district as may be, shall pay the cost of such enlargement. If individual land owners outside the district have or shall so connect, they shall be deemed to have voluntarily applied to be included in the district, and their lands benefited by such drainage shall be treated, classified and taxed like other lands within the district. Drainage commissioners may at any time enlarge the boundaries of their district by attaching new areas of land which are involved in the same system of drainage, and require for outlets the drains of the district made or proposed to be made, as the case may be, on the petition of as great a proportion of the land owners of the district so enlarged as is required for an original district. All changes thus made in the district shall be duly noted and shown upon the map and recorded in the drainage record. The commissioners shall proceed to classify the lands thus added to the district, and such lands shall be classified and assessed or taxed with their fair proportion of the costs of the work done or to be done in like manner and upon the same basis as it would have been made had the new area been included in the district at its organization.

§ 43. Sub-districts may be formed by owners of land in main districts for the purpose of local or more minute drainage, in the manner provided in this act for the organization of main districts. Such sub-districts shall have the right to use the ditches of the main district for outlets, or, in drainage districts organized or proposed to be organized which have one or more lateral drains or proposed drains which are independent of each other, except as to the main drain or outlet, and which do now or will drain separate areas within said district, it shall and may be lawful for the commissioners, at their option, to divide the district

into as many sub-districts as there are separate areas, for the purpose of making assessments of benefits for the work to be done in said sub-district. The commissioners shall, on making such division, proceed to classify the lands therein and make assessments as in original districts, and the funds arising therefrom shall be kept as a separate and distinct fund to be used in the sub-district from which it was collected: *Provided*, the formation of sub-districts on either method as above provided shall not operate to release the lands in such sub-district from the payment of any assessment or levy made prior to such division, nor from any assessment or tax levy which may thereafter be made for the completion, maintenance or repair of the main work, or for payment of the principal and interest on any indebtedness incurred by the main district, nor shall it give such sub-district any claim upon the funds of the main district for its local use.

§ 44. Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or in any manner impair the usefulness of any drain, ditch, or other work constructed, established, or belonging to any drainage district for the purpose of drainage or protection against overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered before a justice of the peace in the proper county. All complaints under this section shall be in the name of the People of the State of Illinois, and all fines, when collected, shall be paid over to the proper commissioners, to be used for the work so injured, and in addition to these penalties, the person so wrongfully or purposely filling, or in any manner impairing the usefulness of any such drain or drains, or other work, shall be liable to the commissioners having charge thereof for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

§ 45. Whenever an owner or occupant of land in a drainage district shall permit animals to pasture in an enclosed field through which runs an open ditch, which ditch is a part of a combined system of drainage, said owner or occupant shall repair such damage to the ditch as may be made by the animals, and if he neglects to do so, the commissioners shall make such repairs and require the said owner or occupant to pay the amount of the expense of such repairs to the treasurer of the district, and in case such owner or occupant shall neglect or refuse to pay such amount for ten days after such requirement is made in writing, then said commissioners shall proceed to collect the same by a suit in law in the name of such district before any court having jurisdiction.

§ 46. For a failure to perform any of the duties imposed upon them by the provisions of this act, the commissioners so failing shall individually, upon complaint made under oath by any person who has paid a tax for the construction, maintenance or repair of such work, be liable to a fine not exceeding one hundred dollars (\$100), to be recovered in an action in the name of the People of the State of Illinois, for the use of the district interested, before any justice of the peace of the county, and all fines, when collected, shall be paid to the treasurer of the district, and be liable to the person injured by such neglect of duty, for all damages resulting to the person complaining.

§ 47. The drainage commissioners shall make annual reports of their acts and doings as such commissioners, and file the same with the clerk of their respective districts on or before the first day of November of each year, which report shall contain a statement of the kind, character and amount of work performed in the district, the cost of the same, the amount of orders issued, the amount of orders outstanding and unpaid, and such facts as may be of general or special interest or benefit to the land owners in the district. It shall also be the duty of the treasurer to make annual reports and present the same to the commissioners on or before the 30th day of October of each year, which report shall contain a statement of all moneys received and from what source, and of all moneys paid out, on what account paid, and the date, number and amount of all orders paid, and such other facts as the commissioners may require, which report shall be by the commissioners filed with their report in the clerk's office, and thereupon the clerk shall record said reports in the drainage record, and shall also cause the same to be published in some newspaper or newspapers in the county or counties in which the district or any part thereof lies.

UNION DISTRICTS.

§ 48. When the lands proposed to be organized into a drainage district lie in two towns in the same or in different counties, both under township organization, such district shall be designated as..... Union District No....., of the towns of....., county of....., State of Illinois. The petition shall be filed with the clerk of the town in which the greater part of the district lies, and such clerk shall select three commissioners for said district from the commissioners of highways of the two towns, taking a part from each town, to constitute the drainage commissioners for the union district, and the clerk shall notify each of them of their selection and of the time when they shall meet at his office as provided in section twelve (12) of this act, or to meet as provided in section sixteen, as the case may be. The clerk and commissioners shall have like powers and duties as provided for such officers in districts wholly in one town: *Provided, however,* if such district lies partly in two counties, the delinquent tax shall be made separately for such parts as lie in each, and be returned to the collector of the proper county.

SPECIAL DRAINAGE DISTRICTS.

§ 49. When the proposed district lies in three or more towns in the same or different counties, or in a county not under township organization, or partly in a county under township organization, and partly in a county not under township organization, the petition as provided in section 11 shall be presented to the county court of that county in which the greater part of the lands of the district shall lie, and be accompanied by a bond signed by at least three responsible persons, conditioned for the payment of all costs to the officers of the court or accruing to other parties by virtue of the proceedings in case such district be not established, the bond to be approved by the clerk or county judge. Such districts when formed shall be known as.....special drainage district in.....county (or counties) and State of Illinois.

§ 50. It shall be the duty of the clerk of said court to give notice by posting notices in at least five public places in each township in which

said proposed district or any part thereof shall lie, also by publishing for three successive weeks a like notice in some weekly newspaper in said county or counties, which said notice shall contain a copy of the petition, and state the day of the term of court when such petition and all parties interested will be heard. The petition may be heard on any day of a probate or common law term of court, not less than twenty days from the filing of said petition. The posting and first publication of said notices shall be at least twenty days before the hearing of said petition, and it shall be the duty of the clerk of said court to mail, at least ten days before the time fixed for the hearing of said petition, a copy of such notice to each person owning lands in said district, whose name, or postoffice address, or place of residence is given, and whose name does not appear signed to said petition; and the clerk shall, on or before the time fixed for such hearing, file the publisher's certificate of publication, together with his certificate of the mailing of such notices, giving the name of each person to whom notice was sent, also of the posting of the notices in each township, if the same, or any part of said notices, are posted by him, and the affidavit of all persons posting such notices, or any of them, which certificates and affidavits shall be evidence of the facts therein stated.

§ 51. It shall be the duty of the said court, at the time set for such hearing, to examine said petition, and if the court shall find, upon examination, that it is signed and that notice has been given as required herein, the court shall so find. The affidavits of three (3) credible signers of such petition, that they are acquainted with the locality, and that they verily believe that such petition is signed as required, shall be taken as *prima facie* evidence of such facts against all persons owning lands therein, and as conclusive evidence against all signers of such petition, of the facts therein stated, and that they admit the necessity of organization under the provisions of this act, and for the assessment of benefits and damages hereunder. At such meetings, any other owner or owners of land within said district shall be permitted to place his, her or their names on said petition, if they so desire. Any person owning land in said district, whose name is not on said petition, may, at said time and place, appear and controvert any material statements in said petition. And for the purpose of such hearing, and of publishing, posting and mailing of notices, the court shall have power to examine witnesses produced before it, and may continue the hearing from time to time, until all matters are heard and determined by the court.

§ 52. Should the court find against the petitioners, it shall enter an order to that effect, and the petition shall thereupon be dismissed at the cost of the petitioners; should the court find in favor of the petitioners, it shall enter an order to that effect, and it shall thereupon be the duty of the court to appoint three drainage commissioners for said district, who shall at once proceed to the examination of the lands in said proposed district; said commissioners shall go upon the land included in said proposed district, and personally examine the same; they shall have power to employ a competent civil engineer, if, in their opinion, the services of an engineer be necessary, who shall make such surveys and estimates as said commissioners may direct, and shall, if required by said commissioners, make and return to them a map, or plat, of his surveys, and a full report of all estimates required of him. Said commissioners shall make out and file with the clerk of the court a full report of their acts and

doings as such commissioners, together with all maps, plats, surveys and estimates made, or caused to be made by them, or the engineer employed by them, and may put into said report any recommendation they may deem advisable, which report shall be signed by the commissioners, and filed as aforesaid, on or before the time fixed by the court for the hearing to complete the organization of said district or such further time as the court may give for the filing of the same. It shall be the duty of the court at the time of the appointment of said commissioners to fix the time for the hearing of said commissioners' report as aforesaid, and to complete the organization of said district, and no further notice thereof shall be required, and said commissioners shall then appear before said court and file their report, with all maps, plats, surveys and estimates, if the same has not been previously filed in said court. The time fixed by the court for such hearing shall not be more than thirty days subsequent to the date of the appointment of said commissioners. At the time fixed for the said hearing, if the commissioners have not completed their estimates, or for other cause have not their report completed, the court may continue the hearing to such further time as will enable the commissioners to complete their work and file their report and other papers as herein required. At the time fixed by the court for the hearing on the report of the commissioners, and to complete the organization of said district, or at the time to which such hearing was continued, any owner of lands in said proposed district may appear in person or by attorney, and persons under guardianship by their guardians, and the court shall appoint a guardian *ad litem*, as in other civil proceedings, and be heard upon any and all questions, matters and things touching said report, and the organization of said district, and the court shall hear the testimony of all witnesses then introduced; and if it shall appear to the court that the lands included in the proposed district will be benefited for agricultural and sanitary purposes, the court shall so find and enter an order declaring such district organized, unless the court shall find, from the evidence introduced on such hearing, that the cost of the proposed work will exceed the benefits to be derived therefrom. In which case the court shall so find, and enter an order to that effect, and dismiss the petition: *Provided, however*, if the owners of lands lying in said district, who own in the aggregate more than one-half of the land lying therein, still desire the formation of said district and such desire shall be evidenced by a failure to withdraw their signatures from the petition, the court shall enter an order declaring said district organized, and the clerk shall enter the same of record, and the district shall thereupon be deemed fully organized, and shall be known and designated as "The special drainage district in the county (or counties) of and State of Illinois." The commissioners shall be the corporate authorities thereof, and shall be a body politic and corporate, with like powers as herein conferred upon other drainage commissioners either by this act or other laws of this State; may sue and be sued, plead and be impleaded in their corporate name and capacity, which shall be: "The commissioners of the special drainage district in the county (or counties) of, and State of Illinois."

§ 53. As soon as a special drainage district has been organized, containing fifteen (15) or more land owners, it shall be the duty of the county clerk of the county in which the proceedings are instituted, who shall be *ex-officio* clerk of the commissioners of said district, to give notice

by posting written or printed notices in at least five public places in or near said district, that on a day and place therein named, and at an hour not later than two (2) o'clock P. M., and not less than ten (10) days from the date of notice, an election will be held, for the purpose of electing three (3) drainage commissioners for said district.

§ 54. In all elections held for the election of drainage commissioners, the drainage commissioners then in office shall be the judges of election, and in the absence or refusal of any of them to act, the voters present may choose a person or persons to fill the vacancy or vacancies. The judges shall choose one of their number to act as clerk. Every adult owner of land in the said district, whether residing within or without said district, shall be a voter, and if a resident of the county in which such district, or any part thereof, lies, eligible to the office of drainage commissioner. The election shall close at four o'clock P. M., unless the judges of election shall determine to hold the polls open longer, but not later than six (6) o'clock P. M., to accommodate the voters. At the close of the election, the judges of election shall canvass the votes, and the three persons, or so many as there are vacancies to be filled, having the highest number of votes, shall be declared elected. In case of a tie, the judges shall determine, by lot, who is elected, and they shall also determine, by lot, at the first election, their respective terms of office, one of whom shall serve for one year, one for two years and one for three years, or such parts thereof as may expire upon the election of their successors, respectively, at the annual meeting, which shall be held each year on the third Tuesday of November, when there shall be elected one drainage commissioner, to hold his office for three years, and until his successor is chosen and qualified. In case of a vacancy in the office, from resignation, death, removal or refusal to serve, the commissioners in office shall fill the vacancy by appointment, until such vacancy shall be filled at an annual election. Within five (5) days after every election of drainage commissioners, the judges of election shall cause the poll book to be delivered to the county clerk aforesaid, with a certificate therein showing the names of those elected drainage commissioners, and the terms of each, which poll book shall be filed by the clerk, and be evidence of such election; each commissioner shall, within ten (10) days after his election or appointment, take an oath to faithfully discharge the duties of his office as such commissioner, which oath shall be signed by him and filed in the office of said clerk.

§ 55. In all special drainage districts containing less than fifteen (15) land owners the court, on the organization of the district, shall appoint three drainage commissioners, who shall not be interested in the lands or work to be accomplished, nor of kin to any of the parties interested therein, one of whom shall hold his office for one year, one for two years and one for three years, or such parts thereof as may expire upon the appointment of his successor; the term of each to be determined by the court by lot, at the time of such appointment; and annually thereafter, on the first day of the December term of the county court, the court shall appoint one commissioner for such district, who shall hold his office for three years and until his successor is appointed and qualified, and the court shall fill by appointment all vacancies in the office of commissioner from any cause.

§ 56. The commissioners, as soon as they are elected or appointed and qualified, shall go upon the land included in said drainage district

and determine upon a system of drainage, which shall provide main outlets of ample capacity for the waters of the district, having in view the future contingencies, as well as the present. A competent engineer shall be employed to locate and advise upon the character of the work to be done, and report in writing, with maps, profiles and estimates of cost, and in a general way, the benefits to accrue to the lands in the several localities of the district. They shall make, or cause to be made, a map or plat of the district and of the work to be done therein, which map shall show with reasonable certainty, the location of the proposed work, and they shall give a name or number to each ditch or drain. The maps and papers showing the final determination, as to the system of drainage, shall be filed in the clerk's office and be recorded in the drainage record.

§ 57. The commissioners shall then proceed to procure the right of way, where they can do so by agreement, as provided in section 18 of this act, which releases shall be filed and recorded in the drainage record. Should the commissioners be unable to procure the right of way by agreement with the owner or owners of any land on which the work may be located, they shall file a petition or statement, in writing, with the clerk of the court in which the proceedings are had, requesting the court to issue a venire for a jury to assess damages for right of way, and which petition or statement shall contain a general description of the lands or premises over or through which the right of way is sought, and the name of the owner or owners thereof, if known, the general course and direction of the right of way sought, and the amount of land proposed to be occupied by the same. On such petition or statement being filed, the court shall fix the time for the hearing not less than fifteen days from the date the same is filed, and the clerk shall issue a venire for a jury of twelve disinterested land-owners to appear at the time fixed by the court, which venire shall be delivered to the sheriff to execute the same as venires from courts of record. It shall also be the duty of the clerk to issue a notice or notices to be served upon the owner or owners of the lands over which the right of way is thus sought, informing him or them of the time and place when said case or cases will be tried, which notice may be substantially in the following form:

"To.....: You are hereby notified that a jury has been called to meet before the county judge of the....., county of....., State of Illinois, at the court house in said county, on the day of..... A. D. 18....., at..... o'clock ... M., for the purpose of assessing damages in the matter of the..... special drainage district, in the county (or counties) of..... and State of Illinois, when and where you can appear and assert your rights, if you desire."

Which notice shall be signed by the clerk, and attested by his seal of office, and may be served by any constable, sheriff or other person, by reading the same to the person to whom it is addressed, or by delivering a copy thereof to such person, or by leaving such copy at his usual place of abode, with some person of the family of the age of ten years or upwards, and informing such person of the contents thereof. The services of said notices shall be made at least five days before said hearing. If the service be made by an officer, the return shall be made as in other cases, but if made by any person not an officer, the return shall be made under oath, stating when and in what manner served; and for all services there shall be allowed the same fees as for services of process in civil cases: *Provided*, that if any of the owner or owners are non-residents or unknown, notice of such proceeding shall

be given by publication, in some newspaper published in said county, two successive weeks prior to the time of such hearing, which notice shall be substantially in the form as above given. Minors and their guardians shall be notified the same as other owners.

§ 58. When the jury shall appear, the trial shall be conducted as other cases before said court; either party may have the same number of challenges, and for the same causes, as in other civil cases before said court. And if notice shall not have been given as herein provided, or for any other good cause, the court may continue the case from time to time, until proper notice has been given, or the case is ready for trial. The jury shall hear the evidence offered as to the value of the land proposed to be taken, and all damages consequent upon the construction of the proposed work, and may go upon the premises at the request of either party, for the purpose of viewing them, and they shall return, as their verdict, the amount found, if any, in favor of the owner or owners, and against said district, and the court shall enter judgment upon the verdict, unless, for good cause shown, the court grants a new trial, in which case a time for such new hearing shall be fixed by court, and a new jury shall be empaneled; the judgment shall be final and conclusive. Vacancies in the panel of jurors, from whatever cause, shall be filled the same as other vacancies in other cases, but such vacancies shall be filled by land-owners. The owners of different tracts of land, whether they be joint or several owners, may be joined in the same petition or statement, and the jury shall hear and determine all cases for which the venire was issued, except when some one or more of the same have been settled, or the proceedings in reference thereto are determined. They shall return in their verdicts the amount allowed, if any, to each owner or joint owner, and in case they are unable to agree as to any one or more of the cases submitted to them, the court shall receive their verdict in the case or cases in which they do agree, upon which judgment shall be rendered as hereinbefore provided, and a new jury shall be called to hear and determine the case or cases in which the former jury failed to agree, and the court shall fix the time for such hearing by an order entered of record, which shall be conducted and tried as new trials in other cases, but may be heard at the same, or a subsequent term of the court. The court shall allow amendments to the petition, or other papers or records in the proceedings, at any time before rendering judgment.

§ 59. At the earliest practicable day the commissioners shall proceed to make a special assessment of benefits, as provided in sections 21 and 22 of this act, so that each tract benefited shall bear its proportionate share of the entire costs and expenses of such work and proceedings.

§ 60. They shall without delay make out and file in the office of the clerk of said court the table or map, either or both, showing the classification of the lands and premises in said district, the names of the owners thereof if known, and when unknown stating "unknown," and they may attach to the same a statement of damages allowed, together with any statement or explanation they may think proper or necessary to a full understanding thereof by all persons. Said commissioners shall fix the time, not less than fifteen (15) days from the filing thereof, when they will meet to hear any and all objections that may be

made to their classification; which meeting shall be at the court house of the county in which the district was organized, unless the commissioners shall, for the convenience of persons interested, designate some other place; and it shall thereupon be the duty of said clerk to issue notice or notices of the time and place of such meeting, which notice or notices may be in substance as follows:

"To whom it may concern: You are hereby notified that the commissioners of the special drainage district, in the county (or counties, as the case may be) of and State of Illinois, have filed their classification of lands benefited in said district, and that they will, on the day of A. D. 18 .., at the hour of o'clock .. M., meet at to hear any and all objections that may be made to the same, when and where you can appear and be heard if you see fit.

"Dated at county of, State of Illinois, this day of, 18.."

Which notice shall be signed by said clerk, and shall be published in some newspaper or newspapers printed or published in the county or counties in which the district or any part thereof is located, for two successive weeks, the first publication to be at least fifteen (15) days prior to the time for such hearing. The commissioners or a majority of them shall meet at the time and place fixed for the hearing, and shall hear all objections that may be urged, by any person interested, to their classification. They may adjourn from day to day, or from time to time, as deemed necessary, by public announcement, until all objections are heard. All persons shall take cognizance of all adjournments without further notice. After hearing all objections that may be offered to their classification the commissioners shall, if satisfied that any injustice has been done, correct the same in accordance with the rights and justice of the matter, which corrections or changes, if any, may be made on the table or map, and the commissioners shall thereupon confirm their classification; but if not so satisfied, they shall confirm their classifications as originally made and shall make an order to that effect. All orders made by the commissioners, either of correction or confirmation, shall be filed in said clerk's office within five days from the completion of the hearing, and any person appearing and urging objections who is not satisfied with the decision of the commissioners in confirming the classification of his lands, may appeal therefrom, within ten (10) days after the order of the commissioners is filed in said court aforesaid, by filing with the clerk of said court an appeal bond with good and sufficient security, to be approved by the clerk or judge thereof, payable to said drainage district, conditioned for the payment of such tax as may be levied upon the land in question and all costs occasioned by said appeal in case said order of said commissioners shall be affirmed.

§ 61. Where the district lies wholly in one county under township organization, the appeal shall be taken to three supervisors, as provided in sections 24 and 25 of this act; where it lies wholly in a county not under township organization, the appeal shall be taken to the county commissioners; where it lies in two counties under township organization, all of the supervisors shall not be selected from the same county; where it lies in more than two counties under township organization, the board of appeal shall consist of one supervisor from each county in which any part of the district lies, to be selected by the clerk of the commissioners. Where it lies wholly in two counties not under township organization, the appeal board shall consist of three of the county commissioners, but not more than two members of such board shall be selected from the same county; where it lies in more than two counties

not under township organization, one member of the board of appeal shall be selected from each county in which the district or any part thereof lies, and where it lies partly in a county or counties under township organization and partly in a county or counties not under township organization, at least one member of the board of appeal shall be selected by the clerk from each county in which any part of the district lies, and shall be a supervisor or one of the officers hereinafter mentioned, as the case may be, and the clerk shall summons the members constituting the appeal board in the same manner; and the clerk, as also the board of appeal, shall have like power, and perform like duties, as near as may be, as is provided by section 25 of this act, and the classification, when made and confirmed, shall be conclusive, and shall be recorded in the drainage record.

§ 62. As soon as the classification has been corrected and confirmed by the commissioners, or board of appeal, as provided in the preceding section, it shall be competent for the commissioners to order such amount of money to be raised by special assessment upon the lands of the district which are benefited as may be necessary, according to the best judgment of the commissioners, which amount shall be certified and returned by the commissioners to the clerk of said court, who shall record the same in the drainage record. The certificate may be substantially as follows:

"We hereby certify that we require the sum of.....dollars to be levied as a special assessment or tax for drainage purposes on the lands and property benefited in the.....special drainage district, in the county (or counties) of.....and State of Illinois.

"Given under our hand this.....day of....., 18...."

Which certificate shall be signed by the commissioners in their corporate name. It shall thereupon be the duty of said clerk to compute and apportion the amount thus levied among the several tracts, in the name of the owners when known, according to acreage of each and its figure of classification on the graduated scale, so that each tract may bear its equal burden in proportion to benefits. The commissioners shall make out a tax list, which shall conform, as near as the facts will admit, to the list provided for in section 26 of this act, which list shall be signed by the commissioners and filed by the clerk, and any party against whose land a tax has been thus levied may appeal therefrom to the county court in the same time and manner and upon the same grounds as provided in section 27 of this act.

§ 63. If at any time the commissioners shall find that the amount of such assessment or tax levied will be inadequate to complete the proposed work, they shall make such additional levy or levies as may be necessary to complete the proposed work, which additional levy or levies shall be made on the original classification as herein provided for the first assessment or tax levy and computed and extended by the clerk in the same manner. Upon any levy being made as herein provided, it shall be competent for the commissioners to order the tax to be paid in installments of such amounts and at such times as will be convenient for the accomplishment of the proposed work; otherwise, the whole amount of such tax shall be payable immediately upon such confirmation, and shall be a lien upon the lands assessed until paid; and such taxes shall draw interest at the rate of eight (8) per cent. per annum from the time they shall become payable till they are paid, and such interest may be collected and

enforced as part of the taxes: *Provided, however,* if, in the judgment of the commissioners, the payment of said tax, or any installment or installments thereof, for the speedy completion of the proposed work would be too heavy a burden upon the owners and persons interested to pay in time to be used for said work, the commissioners may at any time after the levy has been made postpone the payment of such tax, or any one or more installment or installments, or any part thereof, to such time or times as they may think proper and advisable, but not longer than fifteen (15) years from the time of the levy thereof. For the construction of the proposed work or for the continuation and completion of the same where it has been commenced, the commissioners may borrow money not exceeding in amount ninety per cent. of any assessment or levy unpaid at the time of borrowing, and may secure the payment of the same by notes or bonds of said district, bearing interest not to exceed seven (7) per cent. per annum. The interest may be made payable annually or semi-annually, which notes or bonds may be made due and payable at the same or different times, but shall not run beyond one year after the last assessment or levy, on account of which the money is borrowed, falls due, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment or assessments, levy or levies on account of which they are issued, for the repayment of the principal and interest thereon. On the correction and confirmation of said assessment or levy it shall be the duty of the clerk of said court to record the same, together with all orders of the commissioners or court, in the drainage record, and he shall make a certified copy of such tax list, the order of the commissioners and court, either or both, correcting and confirming the same, and of the order of the commissioners showing how or when the assessment or tax for benefits is payable, and deliver the same to the treasurer of said district, who shall proceed to collect the taxes or installments as they come due.

§ 64. In any case or cases where the drainage commissioners of any special drainage district heretofore organized, or that may be hereafter organized under the laws of this State, have, or may, for the purpose of constructing or completing the work to such district, issued notes or bonds on any assessment or assessments, installment or installments, the payment of which, at maturity, would, in the judgment of the commissioners, be an unreasonable burden on the owners of lands assessed, said commissioners shall have the right and power to fund such notes or bonds, as the case may be, or any part thereof, and issue new notes or bonds to the amount of the unpaid assessment or assessments, installment or installments, upon which such notes or bonds thus outstanding were issued, which new notes or bonds may bear interest not to exceed seven (7) per cent. per annum. Said commissioners may extend the time for the payment of any such assessment or assessments, installment or installments, as the case may be, by an order signed by them and filed with the clerk thereof, to be by him recorded in the drainage record, and a certified copy thereof to be by said clerk delivered to the treasurer of said district, which order shall operate to suspend the time for collection until the time fixed in said order of the assessment or assessments, installment or installments, named in said order. Such new notes or bonds shall run not to exceed one year beyond the time thus fixed for the payment of the assessment or assessments, installment or installments upon

which the same is, or are, issued. And the old notes or bonds shall be taken up and canceled by said commissioners immediately upon issuing the new notes or bonds on the same assessment or installment or any part thereof. The payment of interest on all notes or bonds shall be provided for, collected and paid, as herein provided for the payment of interest in other cases.

§ 65. Whenever a petition signed by a majority in number of the adult owners of lands assessed for benefits in any special drainage district heretofore or hereafter organized under any law of this State, and who own, in the aggregate, at least one-third of such land, shall be presented to the drainage commissioners of such district, representing that any assessment or tax has been made against the lands assessed for benefits for the purpose of constructing the work therein, and that the same has been confirmed and is unpaid in whole or in part, and that it would promote the interest of the land owners in such district to extend the time of the payment thereof or any part of the same, stating what part, and the time or times to which they desire such extension made, but not to exceed ten (10) years from the time the assessment or levy was confirmed, and asking that such extension be made and that bonds of the district be issued, not exceeding in amount the amount of the assessment levy or part thereof thus sought to be extended, it shall be the duty of the commissioners of such district to enter an order extending the time of the payment thereof as asked for in said petition, and thereupon it shall be competent for said commissioner to issue the bonds of said district to the amount thus extended, which bonds shall bear interest not to exceed seven (7) per cent. per annum, payable annually or semi-annually, and shall be a lien on the assessment levy or part thus extended, and shall run not longer than one year beyond the time the same becomes due by said extension. The petition and order of the commissioners shall be filed and recorded in the drainage record, and shall operate to stay the collection of the assessment, levy or part thus extended to the time fixed by said commissioners, and shall be sufficient authority for the issuing of such bonds by the commissioners of such district. No bonds issued under the provisions of this act shall be sold for less than their par value.

§ 66. Before issuing any bonds under the provisions of this act the corporate authorities of any district desiring to issue bonds shall provide a well bound book, in which a record of all bonds issued, with their number, amount, rate of interest, date of issue, when due, where payable, amount received for the same and the assessment, tax levy, installment or part thereof on account of which the bonds are issued shall be made, and said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, and on the payment of any bond an entry thereof shall be made in said book in proper column for that purpose.

§ 67. On the presentation of any bond, issued under the provisions of this act, at the office of the Auditor of Public Accounts for registration, the said Auditor shall cause the same to be registered in his office in a book to be kept for that purpose. Such registration shall show the date, amount, number, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond; under what act, and by what district issued, and the

name of the person or persons presenting the same for registration; and for such registration the Auditor shall be entitled to a fee of twenty-five cents. And the Auditor shall, under the seal of his office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate; but no bonds issued under this act shall be entitled to registration in the office of the State Auditor until a sworn statement by the corporate authorities of the district issuing the bond shall have been filed with him, showing the date of the organization of the district, in what county organized, the time when the assessment levy or part thereof on account of which the bonds are issued will become due, and the date, number, amount, rate of interest, and the date of maturity of the bonds, together with any other information in relation thereto which may be demanded by the Auditor of Public Accounts.

§ 68. When any bonds issued under the provisions of this act shall be so registered, the Auditor of Public Accounts shall annually ascertain the amount of interest or interest and principal due and accrued, or to accrue for the current year, on all such bonds so registered in his office, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make out and transmit to the county clerk of the county in which said district is organized, a certificate setting forth such estimated amount of such particular district for such purposes, to be filed in his office and recorded in the drainage record, and the amount thereof shall thereupon be deemed added to and a part of the amount which may be levied or provided by law within the limits of said district for the purposes of State revenue; and thereupon it shall be the duty of the clerk of said district to compute and apportion the amount so certified among the several tracts and property assessed for benefits in such district, in the manner as original levies are computed under this act, and thereupon he shall make out a tax list of the lands and property in the district, and extend opposite each tract and property its *pro rata* share of the amount so certified by the Auditor, and deliver the same to the treasurer of the district. Where the district lies in more than one county, the clerk shall make out a separate tax list of the lands and property assessed for benefits in each county, showing the *pro rata* share levied against the same separately, and deliver the same to the county clerk of the respective counties, and the clerk or clerks of the respective counties at the time of making up the tax books and extending State taxes shall extend on the tax books, for collection, the *pro rata* share thus levied, and the same shall be collected with the State taxes, and all laws of this State relating to the State revenue shall apply thereto.

§ 69. The State shall be deemed the custodian, only, of the tax so collected, and shall not be deemed in any manner liable on account of such bonds, but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds to satisfy which the same is hereinbefore provided to be collected as aforesaid, and such bonds issued under the authority hereof shall be deemed secured and provided for in virtue thereof until fully satisfied. The State shall annually collect and apply the said fund to the satisfaction of the interest or interest and principal, as the case may

be, of such registered bonds of any such district, and the interest coupons or bonds so paid shall be canceled by the State Treasurer and returned to the corporate authorities of the district which issued them.

§ 70. It shall be the duty of the commissioners of every special drainage district heretofore organized under any law of this State, as also the commissioners of every such district hereafter organized, to file on or before the first day of December of each year, with the county clerk of the county in which the district was or may be organized, a statement of the date, number and amount of all notes or bonds issued by them as such commissioners, and which remain unpaid, the time the same will mature, the rate of interest such notes or bonds bear and the time the interest falls due, the amount necessary to be levied on the lands assessed for benefits in order to meet the payment of the interest for the ensuing year; also the amount, if any, necessary to be levied to keep the work, or any part thereof, in repair for the year next ensuing; also the amount of any deficiency in the payment of interest before accrued, or in the payment for repairs made; and the clerk shall compute the *pro rata* share which each tract or parcel of land or property in said district, assessed for benefits, will have to pay to raise said respective amounts, which *pro rata* share shall be in the same proportion as the assessment for the construction of said work, and it shall be the duty of the county clerk of the county in which the lands are located to extend the same on the collector's books, the same as State, county, municipal or other taxes are extended, in appropriate column or columns, and in case the lands or property assessed lie in more than one county, the county clerk of the county in which the district is organized shall certify to the clerk, or clerks, of such other county or counties, a description of the lands or property assessed in such other county, and the amount to be extended against the same for interest, as also for repairs, either or both, and on receiving such certificate the clerk of the proper county shall extend the same on the proper collector's book, in proper columns, the same as though the whole proceedings and district were in his county. And the amounts so extended shall be collected at the same time and in the same manner as other taxes on like property, and shall be paid over by the party collecting, to the treasurer of the drainage district, in the same time and manner as taxes collected are required to be paid to treasurers of municipal corporations. No levy or assessment made by the commissioners to meet the payment of interest on the notes or bonds of the district unpaid shall be used for any other purpose, but shall be faithfully applied to the payment of such interest as it becomes due: *Provided*, where the whole or any part of the bonds of the district are registered, and the Auditor of Public Accounts has levied, as hereinbefore provided, an amount sufficient to meet the payment of the interest on such registered bonds as it becomes due, then the commissioners shall make their levy so as to meet the payment of the interest on the bonds that are not registered.

§ 71. The county treasurer of the county in which the proceedings for the organization of a special drainage district are commenced and district organized, shall be the collector and treasurer of such district. He shall give bond to the commissioners in such sum as they may fix, not less than double the amount likely to come into his hands in any one year, which bond shall be signed by two responsible securities, approved by the commissioners and filed and recorded in the office of the clerk:

Provided, where the district lies in two or more counties, the commissioners may appoint the county treasurer of either county as treasurer for the district.

§ 72. Any and all assessments made under any law of this State heretofore in force for the organization of special drainage districts, as also all assessments or levies hereafter made under the provisions of this act, shall be taken, held and considered to be a lien upon each and every tract of land or property assessed in such district to the extent and amount of the proportionate share assessed or levied against the same, but such land, or owner thereof, shall not be liable for more than such proportionate share and the subsequent levy or levies for construction and for the payment of interest or repairs, which lien may be discharged on the payment of the amount thereof to the treasurer of said district at any times before notes or bonds of the district are issued on the assessment. In case the owner or owners of any lands lying in said district, and which are assessed, fails or neglects to pay any assessment or assessments, installment or installments, tax levy or levies, when due, and the same be not collected on or before the annual sale of lands for non-payment of taxes, the commissioners of such drainage district may file a petition in the circuit court of the county in which the land or property upon which such assessment, installment or levy has not been paid, for a foreclosure of such lien; and the commissioners may proceed in their corporate name and capacity to foreclose such lien as provided by law. They may also commence and maintain suits at law for the recovery of judgment against the person or party whose lands or property is assessed for benefits for any assessment or tax, or any part thereof, which remains due and unpaid on the lands and property of such person or party. Any judgment so recovered may be enforced and collected as other judgments in the same court. The remedy provided in this section for the collection of delinquent special assessments or taxes shall not be construed to abridge or in any manner interfere with the right and power to enforce collection of any delinquent assessment or tax in the manner provided by the revenue laws of this State, or other provisions of this act, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent assessment or tax.

§ 73. The commissioners provided for in this act shall receive two dollars and fifty cents per day for the time actually employed in the discharge of the duties of their office. They shall make out their account under oath, and in all districts, except special drainage districts, their account shall be audited and allowed by the board of auditors of the town in which the district is organized; and in special drainage districts their account shall be presented to and allowed by the judge of the court in which the district is organized; and the amount allowed by the board of auditors, or court, as the case may be, shall be paid out of the funds of the district for which the services were rendered. The clerk of the commissioners shall receive the same fees as is allowed for like services in other matters connected with his office. If a civil engineer shall be employed he shall receive not to exceed five (5) dollars per day for the time actually employed. The treasurer shall receive for his services such sum as may be fixed by the commissioners, not to exceed two per cent. of moneys collected by him, and not to exceed one

per cent. on moneys paid him by other collectors or treasurers, and in no case shall the treasurer receive to exceed five hundred dollars for his services in any one year from any one district. All fees and allowances shall be paid out of the funds of the district for which the services were or may be rendered.

§ 74. There shall be constructed at least one bridge or proper passage way over each open drain where the same crosses any enclosed field or parcel of land, and the cost of construction thereof shall be charged as part of the cost of construction of such drain, and such bridge or passage way shall be maintained by the commissioners from the district funds: *Provided*, the commissioners may contract with owners of land crossed by such drain to maintain such bridges or crossing.

RIVER DISTRICTS.

§ 75. River districts may be organized in the manner and with like powers provided in this act for forming and conducting the business of drainage districts, and the commissioners as the corporate authorities shall have power to levy special assessments on the land and property benefited, for the purpose of straightening, enlarging, embanking or otherwise improving the channels of rivers or lesser streams for a more free flow of water and protection from overflow, including the clearing of driftwood from the stream and removing drift material from the bank when liable to become drift, and railroads and public roads which receive benefits may be included in the assessment for benefits; or the highway commissioners of towns interested therein may appropriate from the road fund, and the county board may appropriate from the county treasury in aid of or wholly to accomplish such work, in consideration of the benefits to roads, bridges and the public health. The town or county authorities named may order surveys and reports with maps, plans and estimates of cost and benefits to accrue from the proposed improvement. When such works or any of them are a necessary part to the system of drainage of any organized drainage district, such works shall be deemed as belonging to drainage.

DISTRICTS BY USER.

§ 76. Where two or more parties owning adjoining lands which require a system of combined drainage, have by voluntary action constructed ditches which form a continuous line, or line and branches, the several parties shall be liable for their just proportion for such repairs and improvements as may be needed therefor, the amount to be determined as near as may be on the same principle as if these ditches were in an organized district. Whenever such repairs and improvements are not made by voluntary agreement, any one or more owning parts of such ditch shall be competent to petition for the formation of a drainage district to include the lands interested in maintaining these ditches. The form and conditions heretofore prescribed shall be observed as near as practicable, but the ditches shall be taken as a dedication of the right of way, and their construction and joining as the consent of the several parties to be united in a drainage district. These ditches, if open, shall be made tile drains when practicable.

DISTRICT BY MUTUAL AGREEMENT.

§ 77. Owners of land which requires combined drainage may form drainage districts, by mutual agreement, to include lands of their own only, by an instrument of writing duly signed and acknowledged, and recorded in the drainage record. This agreement may include the location and character of the work to be done; the adjustment of damages; the classification, amount of taxes to be levied; how the work shall be done, or so much of these or more as may be agreed upon, and to this extent shall be as valid as though formed in the mode hereinbefore provided, and the powers and duties of the commissioners thereafter shall be the same as prescribed for other districts, and they shall commence acting at the point reached by the aforesaid agreement: *Provided*, that this agreement may include the selection of three drainage commissioners from their own number, or from others, and their terms of office shall be until the third Tuesday of the following November, or for this term and for one year in addition, as may be agreed at the time of their appointment; and at the annual meetings thereafter, a majority of the land owners may choose three commissioners to serve one year by signing a certificate to that effect, or a majority may, in writing, discontinue the voluntary district, and thereafter it shall be under such commissioners as is herein provided for other districts of this class. Such writings shall be recorded on the drainage record. The powers and duties of the commissioners of a district by mutual agreement, and the mode and effect of special assessments, shall be the same as provided for other districts.

REPEALING SECTION.

§ 78. This act is an amendatory revision and consolidation of the three following acts, which are hereby repealed:

1.—“An act to provide for the organization of drainage districts, and to provide for the construction, maintenance and repair of drains and ditches by special assessments on the property benefited thereby,” approved May 29, 1879, in force July 1, 1879.

2.—“An act to amend sections three, nine, twelve, thirteen, sixteen, thirty-three, thirty-four, thirty-five, fifty-one, fifty-three, fifty-four, fifty-five and fifty-seven, and to repeal section sixty-nine of an act entitled ‘An act for the organization of drainage districts and to provide for the construction, maintenance and repair of drains and ditches by special assessments on the property benefited thereby,’ approved May 29, 1879, in force July 1, 1879, and to add three new sections amendatory of last said act, to enable lands to be drained and protected from overflow, to be known as sections sixty-nine, seventy and seventy-one,” approved May 24, 1881, in force July 1, 1881.

3.—“An act to permit owners of land to construct drains for agricultural purposes,” approved June 23, 1883, in force July 1, 1883.

The acts and proceedings done, and rights acquired under either of the foregoing acts, if in substantial conformity to law, shall not be held to be void from merely technical informality of proceedings where no substantial rights of persons or property are adversely affected; and the same principles shall apply to this act. All drainage districts heretofore organized under any one or more of the acts hereby repealed shall be

held, and they are hereby declared to be legally organized, and the assessments made therein shall be held to be legally made. This act, as well as the acts repealed, shall be liberally construed to promote drainage, and the reclaiming of wet and overflowed lands, and in the making and collection of assessments and taxes therefor. The officers, under the repealed act, and proceedings begun, shall be continued under this act, and shall have and possess all the rights, powers and privileges the same and to the same extent as though the whole proceedings were commenced and carried on under the provisions of this act, and only affected as to the future as herein provided. The following acts are hereby also repealed, saving rights as in this section provided: "An act to amend sections one, two, three and five of an act entitled 'An act to provide for the construction and protection of drains, ditches, levees and other works,' approved April 24, 1871," approved April 15, 1875, in force July 1, 1875. "An act to protect, by levees, lands subject to overflow, and for draining wet or swamp lands and coal mines," approved May 16, 1877, in force July 1, 1877. This act and this repealing section shall not affect other independent laws for drainage and levees not herein mentioned, but shall be construed as an independent act, not affecting other independent drainage laws except as it is a codification and amended successor to the first three acts mentioned in the repealing section, and the special provisions of this act for their own class of districts shall apply only to such districts, but the general provisions applicable to all districts shall apply to all districts provided for in this act.

APPROVED June 27, 1885.

LEVEES.

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| <p>§ 1. Amends certain sections of the levee and drainage law, as follows:</p> <p>§ 2. Petition to establish drainage and levee or farm drainage districts.</p> <p>§ 3. Notice of filing petition.</p> <p>§ 4. County court has jurisdiction at any probate or common law term.</p> <p>§ 5. Hearing; findings of court; commissioners.</p> <p>§ 6. Oath of commissioners. (<i>See Section 63.</i>)</p> <p>§ 7. Chairman; secretary.</p> <p>§ 8. Quorum.</p> <p>§ 9. Commissioners to examine land and report.</p> <p>§ 10. Dismissal of proceedings.</p> <p>§ 11. Survey, plat, etc.</p> <p>§ 12. Alteration of plans; other lands may be included.</p> <p>§ 13. Filing report; notice of confirmation.</p> <p>§ 14. Confirmation; review; modification; report may be referred back.</p> <p>§ 15. Time fixed for hearing report.</p> | <p>§ 16. Order of confirmation; district declared organized; plat to be recorded; jury; oath.</p> <p>§ 17. Assessment of damages and benefits.</p> <p>§ 17½. Drainage and levee work; assessment for repair in any one year, etc.</p> <p>§ 18. Benefits; duty of jury; jury to consider void assessments, etc.</p> <p>§ 19. Correction of assessments; notice.</p> <p>§ 20. Hearing objections.</p> <p>§ 21. Proceedings by jury in hearing objections; court may continue the hearing.</p> <p>§ 22. Confirmation by jury; roll to be filed in county court within ten days from such confirmation, etc.</p> <p>§ 23. Appeal; bond.</p> <p>§ 24. Trial on appeal; cases consolidated; jury to be recalled to correct clerical errors, etc.</p> <p>§ 25. Appeal, etc., from county court; court to confirm assessments not appealed from.</p> <p>§ 26. Payment of benefits in installments; installments to draw 6 per cent.</p> |
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interest; release executed and recorded; lien of assessments.

- § 2. Amends the law by adding a section, as follows:
- § 26½. Annual benefits due 1st September. This section not applied to drainage independent of levees.
- § 3. Amends the following sections—27 to 34:
- § 27. Assessment roll to be recorded in other counties.
- § 28. Power of commissioners to contract.
- § 29. Treasurer; bond.
- § 30. Duties; term of office; compensation.
- § 31. Interest on installments.
- § 32. Bond of commissioners.
- § 33. Notice of assessments; sufficient demand.
- § 34. Delinquent assessment; return sale.
- § 4. Amends by adding section 34½:
- § 34½. Act liberally construed; judgment of confirmation conclusive.
- § 5. Amends sections 35 to 43:
- § 35. Payment of assessments before sale.
- § 36. Letting contracts; advertising for bids.
- § 37. Suits, etc.; payment of expenses; additional levy may be made upon petition and notice, etc.; commissioners may make assessments in lieu of jury.
- § 38. Commissioners may borrow money; not exceeding 90 per cent. of assessment; etc.; lien of bonds issued; interest.
- § 39. Payment of damages; right of commissioners to enter lands, etc.
- § 40. Court may remove commissioners; filling vacancies.
- § 41. Commissioners must report to court, notice of report, and hearing; failing to report may be removed.
42. Pay of commissioners; itemized account of their fees must be approved by the court.
- § 43. Petition to be relieved of assessment. This section applies to drainage and levee districts.
- § 6. Amends and re-numbers sections 43½ to 49:
- § 44. Before contract let, court may order commissioners to abandon the work.
- § 45. Commissioners may enter upon lands; penalty for preventing.
- § 46. Drainage and levee districts may take possession, etc.
- § 47. Assessment book; commissioners to keep drainage record; time of meetings; what shall be entered upon their record.
- § 48. Jurisdiction of justices of the peace; shall not confirm assessment roll.
- § 49. Proceedings before justice.
- § 50. Commissioners refusing to act; penalty.
- § 51. Upper district liable to pay lower district for outlets.
- § 7. Amends sections 52 to 65 and 71 to 73:
- § 52. Proceedings by lower district against upper district; petition; assessments against upper district in favor of lower district.
- § 54. Owners to be credited for ditches utilized by the district.
- § 55. Proceedings by district against railroad companies, public roads and private corporations to enforce payment of benefits.
- § 56. Railroad company required to construct or enlarge bridges, culverts and openings upon its grade.
- § 57. The word "ditch" defined.
- § 58. Lands lying outside can be made a part of district; proceedings.
- § 59. Additional ditches to be constructed to give outlets over lands of others; special assessment roll.
- § 60. Void assessments not lost to district; lands omitted may be assessed, etc.
- § 61. Proceedings to make valid void assessments; to assess lands omitted by mistake and to cure errors.
- § 62. Commissioners, when appointed.
- § 63. Oath of commissioners.
- § 64. Clerk to attest each bond issued; his certified statement thereon, etc.
- § 65. Districts organized under other laws may, if they elect, accept all the provisions of this act; proceedings.
- § 71. All districts organized under this act declared valid.
- § 72. Owner may pay his assessments in labor.
- § 73. This act, except, etc., shall apply to drainage and levee and farm drainage districts.
- § 8. Sections repealed.

AN ACT to revise and amend an act, and certain sections thereof, entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sections herein named of an

act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by the following acts, viz: "An act to amend sections three, five, twelve, thirty-three, thirty-four, thirty-seven and thirty-eight of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, and to add to said act an additional section to be known as section forty-three and one-half," approved May 19, 1881; "An act to amend sections seventeen, twenty-six, forty-two, forty-three, forty-six and forty-nine of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mineral purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, and to add to said act two additional sections, known as sections seventeen and one-half and forty-four and one-half," approved June 23, 1883; and "An act to amend sections thirty-three and thirty-four of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879," as amended by an act entitled "An act to amend sections three, five, twelve, thirty-three, thirty-four, thirty-seven and thirty-eight of an act entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, and to add to said act an additional section to be known as section forty-three and one-half," approved and in force May 19, 1881, be and the same are hereby revised and amended, that is to say, that sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17½, 18, 19, 20, 21, 22, 23, 24, 25 and 26, of said act, to which this act is an amendment, be and each of them is hereby so amended, as to read in their numerical order as follows:

"Section 2. Whenever a majority of the owners of lands within a district proposed to be organized, who shall have arrived at lawful age and who represent one-third ($\frac{1}{3}$) in area of the lands to be reclaimed or benefited, desire to construct a drain or drains, ditch or ditches, levee or levees, or other work to be known in this act as a 'drainage and levee district,' or 'drainage and levee work,' across the lands of others, for agricultural, sanitary and mining purposes, or to maintain and keep in repair any such drain or drains, ditch or ditches, levee or levees, heretofore constructed under any law of this State, or to establish in said district a combined system of drainage or protection from overflow, independent of levees, for agricultural, sanitary or mining purposes, and maintain the same by special assessments upon the property benefited thereby, such owners may file, in the county court of any county in which the greater part of the lands to be affected by said drain or drains, ditch or ditches, levee or levees, or other work proposed to be constructed, maintained or repaired shall lie, a petition signed by a majority of the owners of said lands, within said district proposed to be organized as

aforesaid, setting forth the proposed name of said drainage district, the necessity of the same, with a description of proposed starting points, route and terminus of the work and a general description of the lands proposed to be affected, with the names of the owners when known, and, if the purpose of said owners is the repair and maintenance of a ditch or ditches, levee or levees, or other work, heretofore constructed under any law of this State, said petition shall give a general description of the same, with such particulars as may be deemed important, and may pray for the organization of a drainage district, by the name and boundaries proposed, and for the appointment of commissioners for the execution of such proposed work according to the provisions of this act: *Provided*, that in case the proposed work shall consist of a combined system of drainage independent of levees, no description of such drains and ditches in the petition shall be required. But that nothing in this section shall operate to prevent the organization of any drainage district entirely within one county, nor to deprive the county court of such county of its jurisdiction of the subject matter of any petition filed in accordance with the provisions of this act: *Provided*, that the lands embraced in such drainage district shall be liable for any and all damages which may be sustained by any lands lying above such drainage district by the construction of any levee, ditch or drain in such district under this act, and the commissioners of any drainage district, composed of lands lying next below another drainage district organized entirely in one county as aforesaid, shall have power to cause the lands lying in such district to be assessed in the manner prescribed by this act for the assessment of benefits to pay all such damages to the lands lying in such lower district, and to pay any and all increased costs and expenses of constructing any levee, ditch or drain in such lower district which may be necessary to carry off waters flowing from the higher district, and such lower district shall have power to connect its levees, ditches or drains with the levees, ditches or drains of such higher district, and said higher district shall have the power to connect its levees, ditches or drains with levees, ditches or drains of such lower district.

“Section 3. Such petition being filed, the clerk of said county court shall cause three (3) weeks' notice of the presentation and filing of such petition to be given, addressed ‘to all persons interested,’ by posting notices thereof at the door of the court house of the county or counties in which the district is situated, and in at least ten (10) of the most public places in such proposed district, and also by publishing a copy thereof at least once a week, for three successive weeks, in some newspaper or newspapers published in the county from which the larger part of said district is proposed to be formed. Such notice shall state when and in what court said petition was and is filed; the starting point, route, termini and general description of the proposed work; the boundaries and name of the proposed drainage district, and at what term of the said court the petitioners will ask a hearing of said petition: *Provided*, that it shall not invalidate said notice if no description of drains or ditches is given therein. If any of the land owners of said district are non-residents of the county or counties in which the proposed districts will lie, the petition shall be accompanied by an affidavit, giving the names and places of residence of such non-residents if known, and if unknown, stating that, upon diligent inquiry, their places of residence cannot be ascertained; and the clerk shall send a copy of the notice aforesaid to each of said

non-residents, whose residence is known, within (3) days after the first publication of the same. The certificate of the clerk, or the affidavit of any other credible person, affixed to a copy of said notice, shall be sufficient evidence of the posting, mailing and publication of said notices.

“Section 4. The county court in which such petition shall be filed may hear the petition at any probate or common law term, and may determine all matters pertaining thereto, and all subsequent proceedings of the district when organized under this act, and may adjourn the hearing from time to time or continue the case, for the want of sufficient notice or other good cause.

“Section 5. On the hearing of any petition filed under the provisions of this chapter, all parties through or upon whose land any of the proposed work may be constructed, or whose lands may be damaged or benefited thereby, may appear and contest the necessity or utility of the proposed work, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. It shall be the duty of the court to hear and determine whether or not the said petition contains the signatures of a majority of the owners of lands within said proposed district who are of lawful age, and who represent one-third in area of the lands proposed to be affected by such work; and the affidavit of any three (3) or more of the signers of said petition, that they have examined said petition, and are acquainted with the locality of said district, and that the said petition is signed by a majority of such owners, who are of lawful age, who represent at least one-third in area of the lands proposed to be affected by such work, may be taken by the court as *prima facie* evidence of the facts therein stated; or the oath or affirmation before said court, or the affidavit of any person, properly taken and certified by any person or court authorized to take acknowledgments of deeds to real estate in this State, giving the age of such party, and his or her ownership of lands, to be named in such oath, affirmation or affidavit, by proper description, shall be sufficient evidence to the court of such facts: *Provided*, that all deeds made for the purpose of establishing or defeating the prayer of said petition, not made in good faith and for a valuable consideration, shall be taken and held to be in fraud of the provisions of this act, and the holders thereof shall not be considered as owners thereof. If the court, after hearing any and all competent evidence that may be offered before it for and against the said petition, shall find the same has not been signed by a majority of the land owners, as hereinbefore required, the said petition shall be dismissed at the cost of the petitioners; but if the court shall find that the petition has been signed by land owners constituting such majorities, the court shall so find, and such finding shall be conclusive upon the land owners of such district that they have assented to and accepted the provisions of this act; and if it shall further appear to the court that the proposed drain or drains, ditch or ditches, levee or other works, is or are necessary, or will be useful for the drainage of the lands proposed to be drained thereby, for agricultural, sanitary or mining purposes, the court shall so find, and appoint three (3) competent persons as commissioners, each of whom shall hold his office until his successor is appointed as hereinafter provided, to lay out and construct such proposed work. In case the lands to be drained or leveed shall be situated in different counties, not more than two (2) of the commissioners shall be chosen from any one of such counties. If the court

shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

“Section 6. Before entering upon the duties of their office, such commissioners shall take and subscribe to an oath to faithfully discharge the duties of their office, without favor or partiality, and to render a true account of their doings to the court by which they are appointed, whenever required by law or order of the court, which oath shall be filed with the clerk.

“Section 7. They shall elect one of their number chairman, and may elect one of their number as secretary.

“Section 8. A majority of the commissioners shall constitute a quorum, and a concurrence of a majority of their number in any matter within their duties shall be sufficient.

“Section 9. As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the land of the petitioners proposed to be drained or protected, and the lands over or upon which the work is proposed to be constructed, and determine:

First—If drainage and levee work is proposed in the petition, whether the starting point, route and terminus of the proposed work and the proposed location thereof, is or are in all respects proper and feasible, and if not, what is or are so.

Second—The probable cost of the work mentioned in the petition, including all incidental expenses, and the cost of the proceedings therefor.

Third—The probable annual cost of keeping the same in repair after the work is completed.

Fourth—What lands will be injured by the proposed work, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of such work.

Fifth—What lands will be benefited by the construction of the proposed work, and whether the aggregate amount of benefits will equal or exceed the cost of constructing such work, including all incidental expenses, costs of proceedings and damages.

Sixth—Whether the proposed district, as set out in the petition filed, will embrace all the lands that may be damaged or benefited by the proposed work, and if not, to report what additional lands will be so affected.

Seventh—In case the prayer of the petition is for the purpose of repairing and maintaining a levee or levees, ditch or ditches, heretofore constructed under any law of this State, it shall be the duty of the commissioners to examine the said levee or levees, ditch or ditches, and the lands intended to be reclaimed thereby, and to report to the court :

First—Whether, in their opinion, said levee or levees, ditch or ditches, can, with proper repairs, be made sufficient to protect permanently said lands from overflow from high water, or to drain the same.

Second—The probable annual expense of keeping the same in such repair.

Third—What lands will be benefited thereby, and the probable aggregate amount of such benefits.

Fourth—Whether the aggregate annual amount of benefits will equal or exceed the annual costs of such repairs, including all incidental expense and costs of proceeding, and

Fifth—Whether the proposed district will embrace all the lands that may be benefited by the maintenance of such levee or ditch, or combined system of drainage, and if not, to report what additional lands will be so affected, giving a description and the names of the owners thereof, which report shall be filed with the clerk of said court.

“Section 10. If the commissioners shall find that such costs, expenses and damages are more than equal to the benefits which may inure to the lands in general of said district, by reason of the proposed work, they shall so report, and the proceedings shall be dismissed at the cost of the petitioners.

“Section 11. If the commissioners shall find that the proposed work, or such portion of the same as will be satisfactory to the petitioners, and work of a like nature on lands they propose to annex to said district, can be done at a cost and expense not exceeding such benefits, they shall proceed to have the proper surveys, profiles, plats, plans and specifications thereof made, and they shall report the starting point, route and termini of the levee, ditch, ditches or drains, or other work, and the dimensions of the same, and what ditches or parts thereof should be opened or tiled, and the size of tile, if any is required, and shall report their conclusions and a copy of such surveys, profiles, plats, plans and specifications, to the court which appointed them.

“Section 12. The commissioners shall not be confined to the point of commencement, route or termini of the ditches, or to the number, extent or the size, or to the manner of constructing of the same, or the location, plan or extent of any levee, ditch or other work to that proposed by the petitioners, but shall locate, design, lay out, plan the same in such manner as they shall think will drain or protect the petitioners' lands with the least damage and the greatest benefit to all lands to be affected thereby; and any plans, ditches, drains or other work proposed by the commissioners may, on the application of any person interested, or the commissioners, be altered, or additional drains or other work shall be established by order of the court in such manner as shall appear to the court to be just. If the commissioners find that the proposed district, as described in the petition filed, will not embrace all the lands that will be benefited by the proposed work, or that it will include lands that will not be benefited, and not necessary to be included in said district for any purpose, they may extend or contract the boundaries of the proposed district, so as to include or exclude all such lands, as the case may be, and the boundaries adopted and reported by said commissioners may, at any time before the court declares the district established, upon the application of the commissioners, or of any person interested, be altered by the court in such manner as shall appear to the court to be just; and the court may change the name of the district or proposed district, at the same time in the same order establishing a drainage district, the boundaries of which shall have been changed as aforesaid: *Provided*, the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district that the petitioners

will no longer constitute a majority of the adult land owners of the lands therein situated, nor represent less than one-third of its area. And any person or persons owning lands adjoining or contiguous to said proposed district may, at any time, by application in writing to said court, reasonable notice thereof having been previously given to the commissioners, annex his lands to said district; and if such application be made after the latest general assessment of benefits against the lands in said district as herein provided, the court, if the owners agree thereto in writing, or the commissioners, or a jury of said court, shall, on such application to annex, hear evidence and make the assessment of benefits against or damages in favor of, the lands so annexed, and the court may order said assessments of benefits payable in installments corresponding as near as may be to the time of payments of general assessments and add the same to the general assessment roll of the district, and the collection of such additional assessments may be enforced as in other cases; such additional assessment roll shall also be recorded in the county court, and the same shall be a lien upon such lands from the filing thereof for record until paid.

“Section 13. Upon the report of the commissioners being filed with the clerk of the court appointing such commissioners, he shall cause three weeks' notice to be given, addressed 'to all persons interested,' in the same manner as is provided in section three of this chapter, which notice shall state the time of filing such report, that a plat and description of the work laid off and proposed to be constructed is on file in the office of the clerk of said court; a description of the additional lands, if any, recommended by the commissioners to be embraced in the proposed district, and upon what day application will be made for the confirmation of such report, at which time all persons interested may appear and contest the confirmation thereof, or show that additional drains, ditches or other work should be constructed or that the report ought to be modified in any particular, and may offer any competent evidence in support thereof.

“Section 14. If, upon the hearing, the court shall be of the opinion that the objections are not well taken, or if no objections shall be made, it shall order the confirmation thereof. If it shall appear that additional ditches, drains and outlets, not named in the report, are necessary, or that the report ought to be modified in any particular, and the court shall be sufficiently informed in the premises, it shall modify the same to conform to the equities in the premises; or if not sufficiently informed, it shall order the commissioners to review and correct their report; and may make specific directions in what respect they shall reform their report; and the court may make all necessary orders in the premises, either for the continuance of the hearing or other lawful purposes.

“Section 15. If the report be referred back to the commissioners for amendment, the court may fix a day when the commissioners shall again present their report, in which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof. If no day shall be fixed for such report, the cause shall be continued to the next term of court, when it shall stand for hearing.

“Section 16. If after hearing all objections, if any, to the report of the commissioners, and all applications, if any, to annex other lands to the proposed district, the court finds that a drainage district should

be organized, the plat of the same shall be recorded and an order may be made according to the findings of the court, substantially as follows:

County court of.....county,term, A. D. 18.... In the matter of the petition of (here insert names of the petitioners) this day the report of....., commissioners heretofore appointed by this court to examine the lands of the petitioners for the purposes specified in the petition filed in this cause, having been filed, and it appearing to the court that due notice has been given to all persons interested, for the length of time and in the manner required by law, of the application to this court for the confirmation of said report, and the court having duly examined said report and considered all objections to the same, it is ordered by the court that the report of said commissioners (or if said report has been modified by the court, say "as modified by the court,") be and the same is hereby confirmed; and the court further finds that the work proposed in said petition to be done, will be useful for agricultural, sanitary or mining purposes to the owners of lands within said proposed district, and the court also finds that the persons who have signed said petition are of lawful age, and are a majority of the land owners, and who represent one-third in area of the land to be affected by such proposed work. And the court further finds that said drainage district of the corporate name mentioned in said petition, viz:....., bounded as follows:....., is duly established as provided by law.
.....County Judge.

And upon entering such order of record, said district is hereby declared by law to be organized as a drainage district by the name mentioned in said petition, and with the boundaries fixed by the order confirming the report of the said commissioners, and said district is hereby declared to be a body politic and corporate, by the named mentioned in said order of court, with the right to sue and be sued and to have perpetual succession, and may adopt and use a corporate seal; and the commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute the corporate authorities of such drainage district, and shall exercise the functions conferred upon them by law. And thereupon the court shall empanel a jury of twelve men, having the qualifications of jurors in courts of record; or may, as provided by section 37 of this act, direct that the assessment of benefits herein named shall be made by the commissioners of said district. The jury shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment, and to make their assessments of damages, or damages and benefits as the case may be, according to law, or the court may direct that a jury be empaneled before a justice of the peace for the assessment of damages and benefits, in which case the commissioners may apply to any justice of the peace in the county, who shall immediately, without the formality of any written application, proceed to summons and empanel a jury of twelve men, having the qualifications of jurors as aforesaid, who shall be sworn in the same manner as is above provided in case of a jury empaneled by the court in which the proceeding is pending, and the justice shall enter upon his docket a minute of such proceeding before him, and the names of the jurors.

"Section 17. The jury when empaneled as aforesaid, shall elect one of their number foreman, and shall proceed to examine the lands to be affected by the proposed work, and ascertain, to the best of their ability and judgment, the damages and benefits which will be sustained by, or will accrue to, the lands to be affected by said proposed work, and shall make out an assessment roll, in which shall be set down, in proper columns, the names of owners when known, a description of the premises affected, in the words or figures, or both, as shall be most convenient; the number of acres in each tract, and if damages are allowed, the amount of the same; and if benefits are assessed, the amount of the same; and in case damages are allowed to and benefits assessed against the same tract

of land, the balance, if any, shall be carried forward to a separate column for damages or benefits, as the case may be.

“Section 17½. But in case ‘drainage and levee work’ is proposed by the petition, the amount assessed for keeping said levee or ditch in repair shall not in the aggregate amount to a sum, in any one year, greater than would be produced by thirty cents per acre on all the lands within said district. In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment to repair and keep in repair said levee or ditch, the jury shall assess the benefits which said lands will sustain by repairing said levee or ditches, and also the ‘annual amount’ of benefits which said lands will sustain by keeping said levee or ditch in repair thereafter; and in such case no other or different assessment shall be made by the jury, but in all other respects the jury shall comply with the provisions of this act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assessment of benefits to repair said levees or ditches heretofore constructed under any laws of this State, are insufficient to complete the ditches, drains or levees embraced in the proceedings, the ‘annual amount of benefits’ assessed by the jury to keep said levee or ditch in repair after making all necessary repairs for any year, may be applied to complete the ditches, drains or levees embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains or levees, when completed, and in constructing additional ditches, drains or levees, when required to protect the lands embraced in the drainage and levee districts organized under this act from inundation and overflow, and in paying interest on any notes or bonds issued under this act. Jurors summoned or empaneled to assess damages and benefits under this act shall receive the same compensation as petit jurors and be paid as in other cases in courts of record.

“Section 18. In making such assessment the jury shall award and assess the damages and benefits in favor of and against each tract separately, in the proportion in which such tract of land will be damaged or benefited; and in no case shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and expenses of the proceeding, nor in a greater amount than it will be benefited by the proposed work, according to the best judgment of the jury; and when directed, by the commissioners, or the court empaneling a jury for making any additional assessment of damages and benefits, or benefits, or for the purpose of making assessment in favor of or against any one or more tracts as the case may be, in any district, such jury may consider any prior assessment or assessments, against any lands, which are void and unpaid, by reason of some omission, clerical error, mistake or for want of proper notice to the owner thereof, or on account of other irregularity of proceedings not affecting the merits of such prior assessments, and may include the same or any part thereof with such other assessments.

“Section 19. When the jury shall have completed their assessment of damages and benefits, they shall fix a time and place when and where they will attend, in case the jury was empaneled by the court in which the petition was filed, before the same court at a time fixed within any term, or if the jury was empaneled by some justice of the peace, or if

the district was organized before a justice of the peace, then before the same justice if still in office, and if not, before his successor, or any other justice they may select, for the correction of their assessment, and the jury shall give at least ten days' previous notice of such time and place, and object of such meeting, by posting and publishing notices in the manner required in section three of the act to which this act is an amendment; the affidavit of any credible person or persons that he or they has or have posted such notices as herein required, and the certificate of the publishers of such newspaper, as to such publication, shall be sufficient evidence of such facts.

“Section 20. The jury shall appear at the time and place appointed, and shall hear all objections that may be there and then made by the owners of any lands which may be allowed damages or assessed for benefits, or by the commissioners, to the allowance of damages to or assessments of benefits against any tract of land, and shall make such corrections as shall seem to them just, and shall adjust such assessment so as to make the same just and equitable.

“Section 21. At such hearing by the jury, if in the county court, the court may compel the attendance of witnesses, and in case any juror empaneled shall fail to appear, may attach him for contempt or may empanel another in his stead, and may at any time during the proceedings, in considering or making their assessment, empanel one or more jurors in the place of any juror who may fail from any cause or refusal to act, and administer to such jurors the oath required by section sixteen (16) of this act, and with the consent of such jury, may, on the day fixed, continue the hearing of objections to another time more convenient without further notice. And if such hearing shall be before the justice of the peace, he shall preside and enforce order as in other cases before justices of the peace, and shall have like power as in this section conferred upon the county courts.

“Section 22. If no objection shall be made to the assessment at the time and place appointed to hear objections, or when found correct, or when corrected upon hearing, the jury shall confirm such assessment, which shall be certified by the foreman of the jury and delivered to the commissioners, who shall return the same to the court before whom the said petition was filed, within ten days from such confirmation, and the same shall stand for hearing at the next term thereafter, if the same has been filed ten days before such term; or, for good cause, may be continued; but if not filed ten days before such term, shall stand continued to the next term.

“Section 23. The commissioners, in case they did not make such assessments; or any person who shall have made objections to such assessment, may appeal from such finding and confirmation of the jury to the county court within ten days after the assessment roll shall be filed in said court, by filing with the clerk of said court his or their bond, payable to the opposite party, with such security and in such amount as shall be approved by the clerk, conditioned to pay all costs that may accrue by reason of such appeal, and if the appeal is by an owner of the land assessed for benefits, to pay such an amount as may be found against him on account of benefits to his land by reason of such work, and all costs that may be adjudged against him.

“Section 24. Appeals taken to the county court under the provisions of this act, may be heard at any probate or common law term thereof: *Provided*, ten days have intervened from the time of taking such appeal, and the first day of the term; if not ten days, then such appeal shall be heard at the next term; and the trial shall be conducted as in other cases of appeals from justices of the peace, except that if more than one party appeals, the judge shall order the cases to be consolidated and tried together; and the rights of each party shall be separately determined by the jury, and in case the assessment of damages or benefits shall be changed from that made by the jury or commissioners, the court shall cause the assessment roll to be amended to conform thereto; and in case clerical errors appear upon the roll, the court shall also have power to reconvene the jury who made the assessment in general for the purpose of amending such assessment roll to conform to the facts.

“Section 25. When the assessment roll shall have been corrected as aforesaid, or in case no correction shall be required to be made, the court shall confirm the same and cause it to be spread upon the records, and appeals or writs of error shall be allowed therefrom as in cases of appeals from and writs of error to the county courts in proceedings for the sale of lands for taxes or special assessments: *And provided*, that the granting of an appeal in one or more cases or to one or more persons shall not operate to defer the confirmation of said assessment roll in other cases, but the court may proceed to confirm said assessment roll as to all lands where no appeal is taken, and in all appeals taken from the confirmation made by the county court, if the judgment of the county court shall be affirmed, or if, upon such cause being remanded for a new trial, the judgment of said court shall be in favor of said district, the county court shall order the judgment so rendered to be made a part of said confirmed roll, and the assessment of benefits or damages so found shall be extended on said roll, and the same shall become a part thereof.

“Section 26. At the time of confirming such assessments it shall be competent for the court to order the assessment of benefits to be paid in installments of such amounts, and at such times, as will be convenient for the accomplishment of the proposed work or payment of bonds that may be issued; otherwise the whole amount of such assessment shall be payable immediately upon such confirmation. The assessments or installments thereof shall draw interest at the rate of six per cent. per annum from the time of confirmation until paid; but if any owner elects, he may pay the whole amount of the assessments, and interest, if any, accrued against his land, before it becomes due: *Provided*, such payment is made before any bonds are issued by the district. Said assessments shall be a lien upon the lands assessed as other taxes, and such lien shall continue until said assessments are paid; and the proceedings of the county court of the county in which said lands are situated, shall be sufficient notice of such lien. When an assessment against any tract of land has been fully paid, it shall be the duty of the treasurer of such district to execute and deliver to the owner of such land a release in full, which shall discharge such owner from all further liability to pay the same. The release may be recorded in the recorder's office of the county where such lands are situated.”

§ 2. That said act to which this act is an amendment be, and the same is hereby, amended by adding to said act another section, to be numbered section 26½, as follows:

“Section 26½. In case where a levee or ditch has been heretofore built under any law of this State, or may hereafter be built under the provisions of this act, the annual amount of benefits for keeping the same in repair shall be due and payable on the 1st day of September annually, and shall be a lien on the lands upon which said assessments are made from and after the confirmation of the report. The court in which such proceedings are had shall require from said commissioners a report of the condition of the levee or ditch, at its July term of each year, together with their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees when required to protect the lands embraced in the drainage and levee districts organized under this act, from inundation and overflow; and if the court shall find that a less amount will be required for such ensuing year than the whole amount of the assessment for that year, then the court shall by an order fix the amount to be paid for such year, and only that amount shall be collected, and the excess of such assessment over and above the amount so fixed by said order for said year shall be remitted by law, and shall not thereafter be collected: *Provided*, that the amount to be collected under the order of said court shall not, in the aggregate, amount, in any one year, to a sum greater than would be produced by a levy of thirty cents per acre on all the lands within said district: *Provided, further*, that in all cases where the ditches, drains or levees constructed or repaired under this act, are in danger of being impaired, injured, broken or destroyed by overflow or otherwise, and a part of the annual amount of benefits for protection and keeping the same in repair for the year in which said ditches, drain or levees are so threatened has been remitted by order of court as herein provided, or when the annual amount of benefits for protecting and keeping the same in repair for any year is insufficient, the commissioners of drainage and levee districts, organized under this act, may borrow money on the annual amount of benefits becoming due the 1st day of September, following the time when said ditches, drains or levees are so threatened, to the extent of two-thirds of said annual amount of benefits, and may secure the same by notes or bonds of the drainage and levee districts bearing interest at the rate of six per cent. per annum, and not running beyond one year from the date of issue, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the annual amount of benefits falling due thereafter for the repayment of the principal and interest thereof: *Provided*, that the report of the commissioners as to the condition of the levee or ditch, and their estimate of the amount necessary to keep the levee or ditch in repair, pay all incidental and necessary expenses for the ensuing year, and the amount necessary to complete the ditches, drains or levees embraced in the proceedings, and to raise, strengthen or protect said ditches, drains or levees when completed, and in constructing additional ditches, drains or levees, when required to protect the lands embraced in the drainage districts, when the proceeding is before a justice of the peace, shall be made on the first Monday in July, in each year. But this section shall

not apply to districts organized for the purpose of establishing a combined system of drainage independent of levees."

§ 3. That sections 27, 28, 29, 30, 31, 32, 33, 34, of the act aforesaid, to which this act is an amendment, and each of them, be and the same is hereby amended so as to read, in their numerical order, as follows:

"Section 27. Immediately after the entry of such confirmation by the court, the clerk shall make out and certify to the commissioners a copy of such assessment roll, and shall also make out and deliver to the commissioners separate copies of such parts thereof, pertaining to the lands situated in the other counties, which shall be recorded in the recorder's office of the respective counties in which the lands are situated, and shall be notice of the lien thereof to all persons.

"Section 28. Upon the organization of said drainage district it shall in its corporate name, by its commissioners from thenceforth, have power to contract and be contracted with, sue and be sued, plead and be impleaded, and to do and perform, in the corporate name of said district, all such acts and things as may be necessary for the accomplishment of the purposes of this act.

"Section 29. The commissioners shall, after the confirmation of said assessment roll, and before any collections shall have been made by them, appoint a treasurer, who shall not be one of their number, who shall execute a bond to the People of the State of Illinois for the use of all persons interested, in a sum of not less than twice the amount of assessments that may be in his hands during his term of office, with such sureties as may be approved of by the judge of said court, conditioned for the faithful performance of his duties as treasurer of said drainage district, and that he will safely and faithfully account for all money that by virtue of his said office shall come to his hands. Which said bond when approved by the court shall be kept and preserved by said commissioners, and suits may be maintained upon the same by them upon any breach of its conditions.

"Section 30. It shall be the duty of said treasurer to keep proper books to be furnished him by the commissioners, in which he shall keep an accurate account of all moneys received by him, and of all disbursements of the same; he shall pay out no money, except upon the order of a majority of the commissioners, and shall carefully preserve on file all orders for the payment of money given him by the commissioners, and shall turn over all books, papers, vouchers, moneys, and other property belonging to and in his hands, as such treasurer, to his successor in office. His term of office shall be two years, but he may be at any time removed by the court upon petition of a majority of the commissioners, or for good cause shown. He shall receive, as a compensation for his services, a sum fixed by the commissioners before his appointment.

"Section 31. In case the assessments for benefits shall be payable in installments, such installments shall draw interest at the rate of 6 per cent. per annum, from the time of confirmation of the assessment roll until they are paid, and such interest may be collected and enforced as part of the assessment.

"Section 32. The commissioners appointed by virtue of this chapter, shall not collect or receive any money for the purposes therein specified, until they shall have given bond, payable to the People of the State of

Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits payable in any one year, or may come into their hands or under their control during such year, with such security as shall be approved by the judge of the court, conditioned for the faithful application of all moneys that may be received by them as such commissioners, and to make due account thereof to the court whenever required by law or order of court, which bond shall be filed in the court in which the proceedings are had. Such commissioners are hereby required to renew such bond, on or before the 15th day of September, each year, after the appointment of them, or either of them.

“Section 33. The commissioners, upon receiving such certified copy of such assessment roll, or the treasurer of such district, shall immediately cause a notice to be published for three weeks, in the manner required in section 3 of this act, in substance as follows:

Notice is hereby given to all persons interested, that an assessment (or installment of per cent. of the assessment, as the case may be,) is now due for drainage purposes for the year A. D. 18...., upon lands lying within the drainage district, in the county of, and State of Illinois, and the same must be paid to the undersigned commissioners of said drainage district (or to treasurer of said district, at his office in as the case may be,) on or before the day of 18....; and in default of such payment, the several tracts of land upon which said assessment (or installment, as the case may be,) remains unpaid, will be sold according to law, to pay the amount of such assessment, (or installment,) and costs.

Dated this of, 18....

.....Commissioners (or Treasurer).

In case the assessments made are ordered by the county court to be paid in installments, said commissioners or treasurer shall give a like notice, as near as may be, of any installment or installments immediately after such installment or installments become due and payable, and in case of ‘annual amount of benefits,’ in drainage and levee districts, as is required by section twenty-six and one-half of this act, the commissioners shall give notice in a similar manner immediately after the first day of September of each year, stating what part of the ‘annual amount of benefits’ will be collected for that year, which notice may be in substance as follows:

Notice is hereby given to all persons interested, that the ‘annual amount of benefits’ (or, per cent. of the ‘annual amount of benefits,’ as the case may be,) is now due for drainage and levee work for the year A. D. 18 .., upon land lying within the drainage and levee district, in the county of and State of Illinois, and that the same must be paid to the undersigned commissioners of said district, (or to treasurer of said district, at his office in as the case may be,) on or before the day of 18....; and in default of such payment, the several tracts of land upon which said ‘annual amount of benefits,’ (or per cent. of the ‘annual amount of benefits,’ as the case may be,) remains unpaid, will be sold according to law, to pay the amount of the same and costs.

Dated this day of 18....

.....Commissioners (or Treasurer).

Which notice shall be a sufficient demand for any assessment or installment that may be due.

“Section 34. If the assessment or any installment or installments thereof, or annual amounts of benefits, due upon said lands, shall not be paid on or before the day named in the notice given in section thirty-three (33), of this act, it shall be the duty of said commissioners, if they have not appointed a treasurer as aforesaid, and if so, then of said treasurer, to make out a certified list of such delinquent lands upon which the assessment, or any installment or annual amount of benefits remains unpaid, and the same shall be by him or them, on or before the

tenth day of March next after the same have become payable, returned to the county collector of the county or counties in which said lands shall lie; and when the same shall lie in different counties, a separate return shall be made for each county of the delinquent lands therein; and it shall be the duty of the county collector to whom any such returns have been made, to transfer such returns to the tax books in his hands, setting down therein in proper order the several tracts of the real estate, town lots and blocks so returned, and setting opposite to the respective tracts of real estate, lots and blocks, in proper columns prepared for that purpose, the amount of assessments or installments or annual amount of benefits against each tract of real estate, lots and blocks, and the like proceedings shall be had and with the like force and effect in the collection of such delinquent assessment or assessments, or installment or annual amount of benefits unpaid, with interest, and the sale of said real estate, lots, blocks and lands for non-payment thereof, as in ordinary collections of State and county taxes by county collectors, and of sale of real estate by them for such non-payment and of redemption from such sales. Nothing in this act contained shall be construed to affect or impair any assessment or return of lands delinquent for assessment heretofore made under any law of this State."

§ 4. That said act to which this act is an amendment be, and the same is hereby further amended, by adding to said act another section, to be numbered section 34½, as follows:

"Section 34½. This act shall be liberally construed to promote the ditching, drainage and reclamation of wet or overflowed lands; and collection of assessments shall not be defeated by reason of any omission, imperfection or defect in the organization of any district, or in any proceedings occurring prior to the judgment of the court, confirming the assessments of benefits and damages; but said judgment shall be conclusive that all prior proceedings were regular and according to law."

§ 5. That sections 35, 36, 37, 38, 39, 40, 41, 42, 43 of the act aforesaid to which this act is an amendment, be and each of them respectively so amended as to read, in their numerical order, as follows:

"Section 35. Notwithstanding the returns of such delinquent list, the said commissioners, or their treasurer, shall be authorized to receive payment of any such delinquent assessments and costs, and may give receipts for the same, but shall keep a memorandum of the same, and on or before the day of sale fixed by said county collector for the sale of such lands, shall present said memorandum or list to said county collector or collectors, for the purpose of having the same checked or marked paid on the delinquent list in his hands, and all amounts collected by the said county collector, by sales or otherwise, after deduction of his fees, shall be paid to the commissioners on demand.

"Section 36. The commissioners, when qualified in pursuance of this act, may do any and all acts that may be necessary in and about the surveying, laying, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch, levee or other work for which they have been appointed, including all necessary embankments, protections, dams and side drains, clearing out and removing of obstructions from natural or artificial channels or streams within or beyond the limits of the drainage district, procuring or purchasing riparian rights by agreement with the owners thereof, and may use any money in their hands

arising from assessments for that purpose: *Provided*, that in all cases where the work to be done is the construction of the principal work, the cost of which will exceed five hundred dollars, the same shall be let to the lowest responsible bidder, and the said commissioners shall advertise for sealed bids by notice published in some newspaper issued in the county in which the petition is filed, and if there be no newspaper issued or published in said county, then in the next nearest newspaper; which said notice shall particularly set out the time and place, when and where, the sealed bids will be opened; the kind of work to be let, and the terms of payment. Said commissioners may continue the letting from time to time, if in their judgment the same shall be necessary, and may reserve the right to reject any and all bids. And said commissioners shall not, during their term of office, be interested directly or indirectly in any contract for the construction of any ditch, drain or levee, in such drainage district, nor in the wages of or supplies to men or teams employed on any such work in said district: *Provided, further*, that no levee, drain, ditch, or other work authorized to be constructed or made under this act, shall be constructed or made in such a manner as to destroy or impair the usefulness or prevent the public use of any bay or harbor, or body of water used as a harbor, connected with any navigable stream.

“Section 37. Said commissioners may use money arising from the collection of assessments, or coming into their hands as such commissioners, for the purpose of compromising suits and controversies arising under this act, and in the employment of all necessary agents and attorneys in organizing said district, and for conducting other proceedings in law or equity for the same, and for the purpose of constructing or repairing or maintaining any ditch, ditches, drains, levee or levees within said district, or outside of said district, necessary for the protection of the lands and complete drainage of the same within such district: *Provided*, that the commissioners shall use such money under the direction and approval of the court; and assessments from time to time may be levied on the land within any district when it shall appear to the court that the previous assessment or assessments have been expended or are inadequate to complete such work, or are necessary for maintenance and repair, or when it shall become necessary for the construction of any additional work, or the completion of any work already commenced within any drainage district to insure the protection or drainage of the lands in said district, under the order and directions of the court or justice of the peace, if the original proceeding shall be before a justice of the peace, on the petition of the majority of the owners of lands within said district who are of lawful age and represent at least one-third in area of such lands; or on the petition of the commissioners, accompanied by an itemized statement of accounts made by the commissioners, under oath, showing the moneys received by the district and the manner in which they have been expended, together with plats, profiles of such additional work and estimated cost of the same; two weeks' previous notice of the time set for the hearing of said petition in the manner required by section three of this act, having been given. Upon the hearing of such petition the court may grant the prayer of the same, and with like proceedings and notice, as near as may be, as in cases of original assessments of damages and benefits under this act; and such additional assessment or assessments, when made, shall have the

same force and effect and be collected in the same manner as original assessments: *Provided*, that when the right of way of the proposed ditches, drains or other work within any district has been released by the owners of the lands over which the same is located, or when the owners of the lands in such district, about to be assessed, agree thereto, or in case the court so orders, the commissioners of said district may make any assessments of benefits, or damages and benefits, in lieu of a jury; and all the proceedings required of a jury in such cases by this act, shall be required of and observed by the commissioners as near as may be in making such assessments.

“Section 38. The commissioners may borrow money, not exceeding ninety per cent. of the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct, or for the payment of any indebtedness they may have lawfully incurred under the provisions of this act, or to the act to which this is an amendment, and may secure the same by notes or bonds, bearing interest at the rate of not exceeding six per cent. per annum; and not running beyond one year after the last assessment or installment of assessment on account of which the money is borrowed shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for money borrowed, but shall constitute a lien upon the assessment for the re-payment of the principal and interest thereof; or such bonds may be issued to the amount of ninety per cent. of any one installment, and constitute a lien on such installment alone, falling due within one year after such installment becomes due; such installment shall be particularly designated in such bonds. And the county court may, on the petition of the commissioners, authorize them to refund any lawful indebtedness of the district authorized by and created under this act, or the act to which this is an amendment, by taking up and canceling all outstanding notes and bonds of such district, issued under this act or the act to which this act is an amendment, as fast as they become due, or before they shall become due, if the holders thereof will surrender the same, and to issue in lieu thereof new notes or bonds of such district, payable on such longer time as the commissioners shall think proper, not to exceed in the aggregate the amount of all notes and bonds of such district then outstanding, and the unpaid accrued interest thereon; and the court shall have power, on the petition of the commissioners, to order that the collection of any one or more, or all of the installments of the assessments for benefits on account of which the money was borrowed, be postponed to such time as the court may consider proper and reasonable, when the same shall become due and payable; and such installment, or installments, so postponed, shall bear interest, until they shall become due, at the rate of eight (8) per cent. per annum, unless otherwise ordered by the court, but after they become due, they shall bear interest at the rate of eight (8) per cent. per annum: *Provided*, that such bonds and notes shall be made due and payable within one year after the last installment of the assessment postponed as aforesaid shall become due. The court shall have the power to make all needful orders to carry into effect the provisions of this act, and no irregularity in the proceedings, either before or after the organization of the district, or in the assessment of benefits, or in the extension of time for the payment of the same, shall in any manner affect the validity of the bonds or coupons issued in pursuance of this act.

“Section 39. All damages over and above benefits to any tract of land, shall be payable out of the amount assessed against other lands assessed for benefits, and shall be paid or tendered to the owners thereof before the commissioners shall be authorized to enter upon his land for the construction of any work thereon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the court, and the court may order the payment thereof to such party as shall appear to be entitled to the same. The damages assessed under this act, in favor of any tract or tracts of land in such district, shall be in full compensation to the owner thereof, their heirs or assigns, for the perpetual right of way, as located by the commissioners over such lands, of any ditch or ditches, open or covered, levee or other work, including the right of the commissioners, their employes or contractors, with teams, tools or machinery to enter upon such lands and construct such work, and, if necessary, to repair or enlarge the same; and any person who shall wilfully prohibit or prevent any of the aforesaid persons from entering such lands for the purpose aforesaid, shall be fined in a sum not to exceed twenty-five dollars (\$25) per day, for such hindrance, to be collected as other fines.

“Section 40. The court may, for good cause, at any time remove any commissioner appointed by it, and appoint another in his place, and may fill all vacancies caused by death, resignation, removal or otherwise.

“Section 41. The commissioners shall, as often as once in each year after their appointment, and as much oftener as the court shall require, make a report to the court, showing the amount of money by them collected, and the manner in which the same has been expended; and upon the filing of such report, the court shall set a time not exceeding three weeks from such filing when such report shall be heard; and the commissioners shall give at least ten days' notice thereof, by posting written or printed notices in not less than four of the most public places in the district, and one at the door of the court house of the county in which said district was organized. Upon the time fixed the court shall hear said report and all objections thereto, or may continue such hearing to another time fixed; and upon hearing such report, may require evidence, to be produced by the commissioners, in support thereof, and if found correct may approve such report. Upon the failure of the commissioners, or either of them, to make such report, to the satisfaction of the court, as required by this section, such commissioner or commissioners on the application of any person interested, or the court without such application, shall remove such commissioner or commissioners from office.

“Section 42. The commissioners shall receive for their services the sum of two dollars per day and their necessary traveling expenses, for each day they shall be actually engaged in the business of their office. The commissioners shall present an itemized account, under oath, to the county court, or justice of the peace when the proceedings are before a justice of the peace, of the amounts due them respectively, which amounts shall be audited at least once a year by said county court or justice of the peace, and certified to by said court or justice of the peace to their treasurer, to be paid by him on said certificate. But such itemized account or accounts shall be subject to the approval of the court as provided by section 41 of this act. The clerk of the county court and [the]

justice of the peace shall receive for their services hereunder such fees as are by law allowed for similar services in said county court and before justices of the peace: *Provided*, that when the proceedings are before the justice of the peace, the commissioners shall make all reports required of them by law to the justice of the peace before whom the drainage and levee district was organized, or his successor in office, when not otherwise specially provided for.

“Section 43. Whenever a petition shall be presented to said court by the owner of any tract of land within said district, setting forth that the same, or any part thereof, has been erroneously assessed for benefits for the reason that the same is not subject to overflow, or has never been overflowed by the highest water known, or that the assessment is too high, and that no bonds have been issued by the district which are a lien on said assessments, and praying that the said lands, in whole or in part, may be released from the assessment made or to be made in the future, the court may, after ten days’ notice of the filing of such petition being given to the commissioners, at any term of court, probate or common law, proceed to hear said application, granting such continuance as may be right and proper; and if the court shall find, upon issue joined, that any part of the land named in said petition is not subject to overflow, or has never been overflowed by the highest water known from the stream against which the levee in question has been constructed, or that the assessment is too high, may, by order to be entered of record, unless it appears to the court that the assessment on the whole tract is no more than the proportion that the land subject to overflow (if said land or any part thereof is subject to overflow) in said tract is benefited and should pay toward constructing and maintaining the levee, or that the assessment on the tract is no more than the proportion of sanitary benefits received by the whole tract, and no more than the whole tract should pay for sanitary benefits towards constructing and maintaining the levee, [approve] the assessment roll returned by the jury in conformity to the facts found, and such part shall thereafter be discharged from all other assessments, and the clerk shall immediately cause a copy of such order to be delivered to the commissioners, that the copy of the assessment roll in their hands may be made to conform to such order: *Provided*, that a petition for the correction of any assessments heretofore made, shall be filed within a year after this act shall take effect, and as to assessments thereafter made, such petition shall be filed within one year after the confirmation of the assessment: *And, provided*, that where such petition shall be for the correction of an assessment heretofore made, the proceedings had thereon shall be at the cost of the petitioner: *And, provided, further*, that this section shall not apply to districts organized for the purpose of establishing a combined system of drainage independent of levees.”

§ 6. That sections 43½, 44, 44½, 45, 46, 47, 48, 49, of the act aforesaid to which this act is an amendment, be and the same are hereby revised by changing the numbers thereof, that is to say, section 43½ shall be known as section 44; section 44 of said act as section 45; section 44½ as section 46; section 45 as section 47; section 46 as section 48; sections 47, 48, 49, as sections 49, 50, 51; and that each of said sections be so amended as to read as follows:

“Section 44. At any time before the contract shall have been made for the construction of any drain, ditch, levee or other work provided for

in the report of the commissioners, or the order of the court made in pursuance thereof, which is sought to be abandoned as hereinafter provided, upon petition of the majority of the adult land owners of the district, representing one-third the area, the county court may, if upon due inquiry it shall be satisfied that justice towards all the land owners of said district require it, direct the commissioners to abandon any drain, ditch, levee or other work, or any part thereof, mentioned in such report or order. Upon the filing of any such petition, it shall be set down for hearing by the court, and notice of the filing of such petition, and of the nature of the relief sought by the petitioners, shall be given for the length of time and in the manner (so far as applicable to the nature of the proceeding) required by section three (3) of the act to which this is an amendment. The court may, for good cause, after the proof of notice as aforesaid, continue the hearing of such application from time to time, and any person or persons interested may appear and resist such application; and the court, after full hearing of all material facts pertaining thereto, may make such order in the premises as shall appear to the court to be just. If the court shall determine that any portion of the proposed work shall be abandoned, it shall ascertain to what extent the cost of said proposed works will be diminished thereby, and if the assessments for benefits shall have been made, such portion of said assessments shall be abated in such uniform proportion as such change of plans shall render unnecessary for the completion of such works according to such modified or altered plans; and if any lands shall have been assessed by the commissioners which, on account of such change of plans, will be wholly deprived of the benefits contemplated in the original plans, the court shall order that the entire assessments against such lands be abated. If such order shall be made after the assessment shall have been collected, the court shall order such proportion of said assessments as may be abated to be refunded to the persons who may have paid the same, or their lawful representatives, and for non-compliance with such order the commissioners, and the treasurer of said district, respectively, and their sureties, shall be liable upon their respective bonds. And the court may make any other or further order in pursuance of the objects of this section of this act, as justice to all persons whose interest may be affected by it may require. And at any time before the contract for the construction of the proposed works shall have been made, upon presentation to the county court of a petition signed by owners, not less than two-thirds in number of all the land owners of such district, and owning more than one-half in area of lands assessed for benefits in the district to which the petitioners belong, whose aggregate assessments amount to not less than one-half the cost of the proposed works, and all debts and expenses incurred up to the time of filing such petition, praying that the whole system of proposed works may be abandoned and the district abolished, the court shall enter upon its records an order granting the prayer of such petition, upon condition that the petitioners pay all costs, and the debts and expenses aforesaid, within ten (10) days from the rendition of such order, the amount of such costs, debts and expenses to be fixed and determined by the court and made a part of said order. If such petitioners fail to comply with such order, it shall be considered, after the expiration of said ten (10) days, as of no force or effect whatever. If the district be abolished under this section, assessments collected shall be refunded to the persons

who have paid the same, or their representatives. All of the provisions of this act shall apply, so far as the same can be applied, to all drainage districts heretofore organized under the jurisdiction of justices of the peace, in pursuance of the provisions of the act to which this act is an amendment.

“Section 45. The commissioners from the time of their appointment may go upon the lands lying within said district, for the purpose of examining the same, and making plans, plats and surveys, and after the organization of said district, and payment or tender of compensation allowed, may go upon said lands, with their servants, teams, tools, instruments or other equipments, for the purpose of constructing such proposed work, and may forever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such proposed work, doing no more damage than the necessity of the occasion may require; and any person or persons, who shall wilfully prevent or prohibit any of such persons from entering such lands for the purposes aforesaid, shall be fined any sums not exceeding \$25 per day for each day's hindrance, to be recovered in an action of debt in favor of such drainage district, before any justice of the peace, or court of competent jurisdiction, which sum shall be paid into the treasury for the use of said district.

“Section 46. Drainage and levee districts heretofore organized under this act, and drainage and levee districts hereafter organized under said act, when it shall become necessary to construct additional drains, ditches or levees in order to protect the lands embraced in said drainage and levee districts from inundation and overflow, or repair, enlarge, raise, strengthen or protect drains, ditches or levees already constructed or in process of construction, may, by their agents and employes, enter upon and take possession of such lands as may be necessary to construct such additional drains, ditches or levees, or repair, enlarge, raise, strengthen or protect drains, ditches or levees already constructed or in process of construction, paying, if the owners of such lands and the commissioners of said drainage and levee districts can agree, the value of such lands taken, and the amount of damages occasioned thereby to any such lands or its appurtenances, and if such owners and commissioners of said drainage and levee districts cannot agree, then the value of such land and the damages occasioned thereto may be ascertained, determined and paid in the manner that may now or hereafter be provided by any law of eminent domain. And the commissioners of said drainage and levee districts, when necessary to protect the drains, ditches or levees thereof, may put in such works, in and along rivers, creeks or lakes, as will protect the banks of the same from caving, and they may go beyond the bounds of the said district for that purpose.

“Section 47. When an assessment has been made as provided in the preceding sections, and annually hereafter, it shall be the duty of the commissioners to provide suitable books, with proper headings and columns, in which shall be inserted, according to township and range, the several tracts of lands against which assessments are to be carried out, the names of the owners if known, the number of acres to be assessed, the total amounts of assessments and for what year, and a column for payments, and if any assessments shall remain due and unpaid after the time mentioned in the notices to be given as provided in section 33 of this act, it shall be the duty of said commissioners or treasurer to

make a list of the lands upon which such assessment has not been paid, and deliver such list or lists to the county collector of each county in which such lands may respectively lie, to be by him collected as heretofore provided. And the commissioners shall also, at the expense of the district, keep a well bound book, to be known as the 'drainage record,' which shall at all times be open for inspection to parties interested, in which one of their number, as secretary, shall record the proceedings of every meeting thereof. They shall hold such meetings on the first Tuesdays of March, May, July and September of each year, or oftener, if necessary. They shall make a brief memoranda, in such record, of all their transactions concerning the district. If bonds have been issued, and sold as a lien on any particular installment of assessments, or a general lien on all; or contracts have been let on any section or division of work; or orders issued on the treasurer; or materials or tools purchased; or warrants for service of a commissioner issued by the clerk; or sums paid, by order, for work done; all such proceedings and any other particular matter or transaction of such commissioners shall be carefully entered upon such record, and the dates, amounts, and proper descriptions of such doings shall at all times be observed in making such memoranda. Said commissioners shall also take and preserve proper vouchers for all orders given by them on the treasurer.

"Section 48. When the costs of any proposed drain, ditch, levee or other work authorized by this act to be done, will not exceed the sum of two thousand dollars, the petition may, if the petitioners shall so elect, be filed with a justice of the peace in the county where the land to be affected or the major part thereof is situated, and if the drainage district is situated in two or more townships or precincts, the petition shall be filed with the justice of the peace in the township or precinct where a major part thereof is situated; and all the proceedings authorized by this act to be had in the county court, in cases where the petition is filed in such court, may be had before such justice of the peace, the justice of the peace performing all the services and duties required of the clerk of the county court by this act in proceedings commenced in that court; and the assessments of damages and benefits shall be conducted before such justice in the same manner, as near as may be, as cases commenced by petition before such county court. In proceedings before a justice of the peace under this act, the petition, report of commissioners, assessment roll and all other papers, may be filed and a hearing had thereon at any time, notice having first been given for the length of time and in the manner required by this act: *Provided*, that such justice of the peace shall not have jurisdiction to hear objections to the assessment roll confirmed by the jury; but immediately after such confirmation he shall file the same in his office and make a brief memorandum of such filing on his docket, and he or the commissioners shall, within ten days from such confirmation, present and file said assessment roll for confirmation in the office of the clerk of the county court of the county in which the greater part of the lands in such district are situated; and like proceedings shall be had with the same by the county court as in cases of assessments made by a jury in districts organized in said court.

"Section 49. When the proceedings for organization shall be had before a justice of the peace, the justice of the peace shall appoint three commissioners, residents of the township or precinct in which the district is situated, to lay out and construct such work, and perform the duties

required of commissioners appointed under this act; and such commissioners, appointed as aforesaid as provided in this act, shall have all the power and authority and may perform all acts, and shall discharge all the duties imposed upon or required of commissioners appointed by the county courts as herein provided; and the said commissioners so appointed by the justice of the peace as aforesaid, as provided by this act, shall receive for their services the same compensation as herein provided to be paid to commissioners appointed by the county court, and before entering upon their duties shall be duly sworn as required by section six of this act.

“Section 50. If any commissioners shall refuse or neglect to discharge any of the duties imposed upon him, by virtue of this act, he shall, for every such refusal or neglect, be liable to the party aggrieved for all damages sustained by him, and upon conviction, may be fined in any sum not exceeding one hundred dollars (\$100), and be removed from his office.

“Section 51. When a ditch or drain of a district has been located under the provisions of this act, of sufficient capacity to carry off the water that flows into it, and also to properly drain the land taxed for the construction of the same, such land shall not again be taxed or assessed for the benefit of improving any lands of any drainage district lying above the lands assessed for the construction thereof; and in all cases where any such ditch of such upper district empties into any lower ditch above described of such lower district, for the benefit of lands lying above the ditch of such lower district, the commissioners of such upper district, or other commissioners appointed by and under the direction of the court, shall levy a sufficient tax on such land of the upper district benefited by the lower ditch to enlarge such lower ditch or ditches, so as to confine the water to the same level that it originally had before an additional amount of water emptied into such lower ditch for the benefit of lands lying above the lower ditch.”

§ 7. That said act to which this act is an amendment, be and the same is hereby further amended by adding to the same, additional sections, to be numbered as sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 71, 72 and 73, as to read as follows:

“Section 52. Whenever any district empties its waters into the ditch or ditches of such lower district in the manner described by the preceding section, or floods the lands of such lower district, it shall be the duty of the commissioners of such lower district, in case the matters in difference between such districts, respectively, cannot be adjusted without suit, to file a petition for relief in the county court in which such district was organized, against such upper district, setting forth such facts and other matters under which the petition claims relief under this and the preceding section, alleging the probable cost of enlarging such lower ditch or ditches in such lower district, and the excavations necessary to enlarge such ditch or ditches, or construct additional ditches so as to accommodate the ditch or ditches of such upper district, which estimate shall be sworn to by at least two of the commissioners of such lower district. Upon the filing of such petition, the usual common law summons will issue thereon out of said court, against such upper district, which shall be served upon the defendants therein, as in common

law cases, and the same rules of practice now in force in common law cases as to the service and return of such summons, or the continuance of such cause, shall apply in this case.

“Section 53. Upon the hearing of said cause the court or jury shall determine from the evidence what sum, if any, the petitioners should recover from the defendants; and should the verdict be in favor of the petitioners the court shall give judgment on the verdict for the amount of such verdict and costs of suit, and shall thereupon appoint three disinterested freeholders as special commissioners, who shall, for the purposes named in this section, act as the corporate authorities of such upper district, who, being sworn as required by section 63 of this act, shall go upon the lands of such upper district and make special assessments of benefits necessary to raise the amount of such judgment against the lands benefited by the proposed enlargement of the ditch or ditches and the construction of such additional work therein named in such lower district. Said commissioners shall make such assessments of benefits and hear objections thereto after notice thereof in the manner provided by this act for assessments of benefits by a jury in drainage districts; and shall report such assessments to the county court for confirmation within ten days from the time such commissioners shall have confirmed the same; and all practice and proceedings in confirming the same by the court, and enforcing the collection thereof, shall take place thereon as herein before provided in like cases, and when said assessments are collected they shall be paid to the commissioners of such lower district.

“Section 54. Whenever it shall appear to the jury or commissioners, in case they make the assessments, that a drain, ditch, levee, or other work has been in whole or part constructed by voluntary effort of the owners thereof, for the purpose of draining or protecting any lands to be affected by the work proposed under this act, and said work shall be found to be a benefit to such lands, and that any of the lands to be benefited by the said work have borne any part of the expense of such work so voluntarily done, the jury or commissioners, if the commissioners make the assessment, may allow the owners of such lands, and deduct from the assessment which they may make against the same, the amount of the expenses of such work so borne by such lands, or such part thereof, as will make an equality of burdens and benefits as between the several owners of lands benefited: *Provided*, that no memorandum of the amounts so deducted shall be required on the assessment roll.

“Section 55. When a ditch, drain, or levee, or other work established or repaired, or a combined system of drainage, is located by the report of the commissioners, confirmed by the court or justice of the peace, under this act, drains or levees, or proposes to drain or levee, either in whole or in part, any public or corporate road or railroad so as to benefit any of such roads so that the road-bed or traveled track or other property of such road will be improved by the construction of said ditch, drain or levee, the commissioners shall apportion to the county, State, or [if a] free turnpike road to the township, if a township road, to a company, if a corporate road or railroad, such portions of the cost and expenses thereof as to private individuals, and give to the corporate authorities so benefited or proposed to be benefited, or their agents, at least ten days' written notice thereof prior to the time fixed by the jury or commissioners for hearing objections to the assessment roll, and in case there is a disagreement between the commissioners and the corporate authorities of

the county, State or free turnpike road or railroad as to the amount they should contribute, then the commissioners shall refer the matter to the jury empaneled to assess damages and benefits, when they meet to correct their assessments of damages and benefits, and the jury shall then proceed to assess the damages and benefits in like manner as the lands of individuals, and no other or different notice shall be given than that required by this section and by section nineteen of this act: *Provided*, that when the commissioners and the corporate authorities of the county, State, or free turnpike, township road, corporate road, or railroad, or any of them, agree as to the amount that they or any of them should contribute, that the amount so agreed on shall be reported to the said jury, or commissioners, as the case may be, when they meet to correct their assessment roll, and the amount so agreed on shall be incorporated into said assessment roll when amended by said jury or commissioners: *And, provided, further*, that the amount so assessed against any railroad company or private corporation shall, upon the confirmation of the assessment roll by the county court, become a lien upon the real property of such railroad company or private corporation, and have the same force and effect as a judgment at law in favor of such district against such railroad company or private corporation, and execution may issue thereon as upon judgments in courts of record in other cases, and shall have a like lien upon personal estate. Appeals from such findings shall be allowed as in other cases of assessments under this act. The ten days' notice in writing required by this section shall be served by the sheriff in the manner provided by law for the service of process issued from courts of record against an incorporated company, county, town, or commissioners of highways. In case such assessment is made against any township in this State, the commissioners of highways of such town shall cause the same to be levied and paid to said district in the manner provided by sections thirteen, fourteen, fifteen and sixteen of an act entitled 'An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named,' approved June 23, 1883, or in such manner as may now or hereafter be provided by law: *And, provided, further*, that the sum assessed against either of said corporations shall not include the expense of constructing, erecting or repairing any bridge, embankment or grade, culvert or other work of the roads of such corporations, crossing any ditch or drain, constructed on the line of any natural depression, channel or watercourse; but the corporate authorities of such road or railroad are hereby required, at their own expense, to construct such bridge, culvert, or other work, or to replace any bridge or culvert temporarily removed by the commissioners in doing the work of such district. Full power and authority is hereby given the drainage commissioners to remove such bridges or culverts for the purposes aforesaid, if they, in their judgment, find it necessary.

"Section 56. When any ditch or drain or other work of enlarging any channel or water course is located by the commissioners on the line of any natural depression or water course, crossing the road of any railroad company where no bridge or culvert or opening of sufficient capacity to allow the natural flow of water of such ditch or water course is constructed, it shall be the duty of the commissioners to give notice to such railroad company to construct or enlarge such bridge or culvert or opening in the grade of such road, for such ditch or ditches

or other work, of the dimensions named in such notice, within twenty days from the service thereof; and any railroad company neglecting, failing, or refusing so to do, shall be liable to any owner of land in such district, for all damages to such land sustained by such neglect or refusal; and shall be liable to such district in the sum of twenty-five dollars (\$25) for each day said company shall have neglected or refused to construct such work, after the time fixed in such notice for constructing the same shall have expired, which damages or penalty may be recovered before a justice of the peace, if within his jurisdiction, or before any court of competent jurisdiction.

“Section 57. The word ‘ditch,’ when used in this act, shall be held to include a drain or watercourse, and the petition for any drainage district shall be held to mean and include any side, lateral, spur or branch, ditch, drain, open or covered, or tiled or watercourse to be constructed to secure the object of such petition, whether the same is mentioned therein or not; and this act shall extend to and include the widening, straightening, or deepening of streams and natural watercourses, or removing drift-wood and rubbish therefrom.

“Section 58. Any land lying outside the drainage district as organized, the owner or owners of which shall thereafter make connection with the main ditch or drain, or with any ditch or drain within the district as organized, or whose lands are or will be benefited by the work of such district, shall be deemed to have made voluntary application to be included in such drainage district: and thereupon the commissioners shall make complaint in writing, setting forth a description of such land or lands benefited, and amount of benefits; the name of the owner or owners thereof, also a description of the drain or ditch making connection with the ditches of such district, as near as may be; and file said complaint in the county court or before a justice of the peace. The court or justice of the peace shall fix a day, not less than fifteen days from such filing, when he shall hear such complaint; and thereupon the commissioners shall give ten days’ notice thereof in writing; said notice shall embrace a copy of such complaint, and service thereof shall be by reading or delivering a copy thereof to such owner or owners; and affidavit of such service shall be evidence thereof. At the time fixed, or at a time continued from such time fixed, the court or justice of the peace shall hear said cause, and if the complaint is before a justice of the peace, and judgment is rendered in favor of said district, he shall record a copy of said complaint, and service of notice thereof, together with his judgment thereon, upon his docket, and if the district was organized before the county court, he shall transmit a certified copy of such complaint and judgment to the clerk of such court, who shall file and record the same, or if the complaint was heard by the county court in which such district was organized, and judgment given in favor of said district, a record of such judgment giving a description of such lands annexed shall be made, and such lands, described in the complaint in either case, shall be deemed a part of such district and shall be assessed as other lands therein. The assessment of benefits against such lands so added to said district, may be made at any time the commissioners may deem proper; and the assessment roll thereof shall be filed and recorded and proceedings thereon had as in other cases; or such lands may be assessed when all lands throughout the district are assessed.

“Section 59. If, after an assessment of lands throughout the district has been made for the purpose of constructing the work laid off according to the profiles, plats and specifications of the commissioners, as reported and confirmed, it shall appear to the commissioners, on application of some owner or owners of land in the district, that additional ditches, drains, outlets, or other work over other lands, are needed in order to afford complete drainage by outlets, or protection to some particular tract or tracts of land of such owner, it shall be the duty of the commissioners to examine such lands, and lay off and make plans, profiles and specifications of such additional work and costs of the same, and make a special report thereof, and file the same in the county court. Such report being filed, the commissioners shall give the owner who made such application, and other persons interested in such tracts of land over which the proposed ditches or drains are sought to be constructed, ten days' notice of the filing of such report, stating that the commissioners will appear at a day mentioned in said notice and ask said court for a confirmation of such special report, and upon confirmation thereof by the court a special assessment of benefits and damages shall be made upon the particular lands benefited by the proposed work, by the commissioners or a jury; and like proceedings shall be had therein as in other cases of assessments of benefits and damages provided by this act, which special assessment of damages and benefits shall be recorded and made a part of the general assessment roll.

“Section 60. Whenever it shall appear to the court that any proceedings for the organization of a drainage district, or any assessment of damages or benefits under this act, or any law of this State, is invalid as to one or more tracts of land, jointly or severally owned, situated in such district, or any tract of land has been omitted from such assessment by reason of clerical error or other mistake, or want of the proper notice or notices, as required by the act to which this act is an amendment, such want of notice shall not invalidate such organization, neither shall such assessment of benefits be lost to the district; but the commissioners of such district may file a petition against the owner or owners, his heirs or assigns, of such lands irregularly assessed or omitted, in said court, describing in such petition the boundaries and name of the district, the land owned by defendants, the amount of damages and benefits assessed in favor of and against such lands, reciting such irregularity of notice and omissions and praying the defects and omissions may be cured, and such assessment be made valid, and that the lands omitted, if any, may be assessed, or made a part of the district as the case may be.

“Section 61. Upon the filing of such petition, process of summons shall be issued thereon, made returnable to said court, and served ten days before the next succeeding term thereof, or continued, as the case may be, for service, in the manner now provided by law for issuing and service of summons in chancery cases; and in case the defendants, or either of them, are non-residents of this State, a like proceeding and practice shall be had, and notice by publication shall be given as provided by such law in chancery cases. In case any defendants are minors, the court shall appoint a guardian *ad litem*, who shall appear and defend in behalf of such minors; and every defendant served or notified as required by this act shall by his answer show cause why the

prayer of the petition should not be granted; and in default of such answer the court shall give judgment according to the prayer of such petition. In case the defendants file such answer, the court, on the trial of said cause, shall hear oral or written evidence, and give judgment therein, as in cases of equity, and may grant the prayer of such petition: *Provided*, in case the petition asks to make valid an assessment of damages or benefits, or to make assessments in favor of or against lands omitted, the defendant, if he demands it, shall be entitled to a jury to view the premises, and make assessments *de novo*, or make assessments omitted, as to the lands named in the petition, and the jury shall be sworn and shall proceed in the manner provided by this act, as near as may be, for making assessments, and make a special assessment roll as to the lands named in the petition, and file the same in the county court within the time now provided by this act for such return and filing, and such further proceedings and confirmation shall be had therein as provided in this act in cases of other assessments; and the defendants may appeal from the confirmation of the jury or judgment of the county court, upon the same conditions provided by this act for appeals from judgment in other cases of assessment of damages and benefits.

“Section 62. On the first Monday of September, 1885, in each district heretofore organized under this act, and on the first Monday of September, after any district may be hereafter organized under this act, the county court shall appoint three commissioners for each respective district; one to serve one year, one for two years, and one for three years from the date of the first appointments under this section; and on the first Monday of September of each year thereafter, the court shall appoint one commissioner of said district, who shall hold his office for three years and until his successor is chosen and qualified.

“Section 63. Each commissioner shall within ten days after his appointment take and subscribe the oath required by section six of this act, and file the same with the clerk of the county court. And before making assessments as herein provided, the commissioners shall take and subscribe an oath, substantially as follows, viz:

We..... commissioners of..... district, do solemnly swear (or affirm) that we will faithfully and impartially perform the duties required of us, to the best of our understanding and judgment, and make assessments of damages and benefits, (or benefits, as the case may be) in favor of or against the lands in said district, according to law.

Which oath or affirmation, so subscribed, shall be filed with the clerk of the county court.

“Section 64. Each bond issued as provided for by section 38 of the act to which this act is an amendment, shall be attested by the clerk of the county court, and said clerk shall also make a certified statement thereon, affixing his seal of office thereto, of the total amount of assessments and rate of interest it bears, pledged for the payment of said bond and other bonds, if any issued; the date, number, denomination and time due of all bonds issued which are a lien upon the assessments or installments of assessments of the district; when the assessments were confirmed by the county court, and the number of acres of land in the district against which said assessments were made.

“Section 65. Whenever a petition, signed by the owners of lands situated in any drainage district organized under any law of this State, other than the act to which this is an amendment, equal in number to

one-fifth of the adult owners of lands in such district, shall be presented to the town clerk of the township in which the lands of such district, or a major part thereof, lie, or the commissioners of any drainage district not under township organization, praying to submit the question whether such district will become organized as a drainage district under this act, to the decision of the adult owners of lands in such district, it shall be the duty of the town clerk, or such commissioners, to submit the same accordingly; and to fix the time and place within such district for holding such election, and make a record thereof; and to appoint the three judges to hold such election; and to give notice of the time and place and purpose of such election, by causing at least five notices thereof to be posted in public places in such district, for at least fifteen days prior to holding such election. Each owner residing within or out of such district, shall have the right to cast a ballot at such election, with the words thereon, 'for organization under the drainage and levee act,' or 'against organization under the drainage and levee act.' The judges of such election shall be sworn as required by law in force concerning State and municipal elections, and shall make returns of the poll-books of such election, as soon as practicable after the election is held, to the clerk of the county court of the county in which such district or the greater part of the lands thereof are situated; or, to the justice of the peace of the precinct in which such drainage district is situated, if the first assessment of such district did not exceed the sum of one thousand dollars. The clerk of the county court or justice of the peace, to whom such returns have been made, shall canvass such returns and cause a statement of the result of such election to be entered of record, and if a majority of the votes are 'for organization under the drainage and levee act,' the officer canvassing such returns, shall send a certified copy of such record to the town clerk, or other officer having in his custody the records of such district, whose duty it shall be to file and record such certified copy of the result of such election, in the drainage record of such district; and such district shall, from henceforth, be deemed to be duly incorporated as a drainage district, under this act, and all further proceedings and work of such district shall, thereafter, be in the manner provided by this act, but the officers of such district, then in office, shall continue as like officers of such district, until their successors shall be appointed and qualified, under the provisions of this act. It shall be the duty of the drainage commissioners, treasurer and other officers of any drainage district, whose terms of office expire by reason of adopting the organization under this act, or whenever a successor or successors to any or either of the officers provided by this act shall have been appointed and qualified, to transfer and deliver all moneys, books and papers appertaining to his office, to such successor or successors in office."

"Section 71. All drainage districts heretofore organized under the act to which this act is an amendment, for drainage and levee purposes, or to establish a combined system of drainage in such district, or for either of such purposes, in whole or part, be and the same are hereby declared legally organized, and all such districts shall be held to have been and to be legally organized, under the laws of this State.

"Section 72. In case any person assessed for benefits, contracts to do any work, and said work is done according to contract, the commissioners shall give said person a receipt for so much of said assessment as said work amounts to, and said receipt may be received by the treasurer

as payment of so much of said assessment: *Provided*, that when bonds have been issued by said district, such contractor shall have an order on the funds in the hands of the treasurer for said amount.

“Section 73. The act to which this act is an amendment, except as herein expressly provided, shall app'y to ‘drainage and levee districts’ and districts organized for the purpose of establishing a combined system of drainage independent of levees.”

§ 8. That sections numbered from 50 to 65, both inclusive, of the act to which this act is an amendment, be and the same is [are] hereby repealed; but the repeal of said sections shall not affect any suits that may be pending or any rights that may have accrued at the time this act shall have taken effect; and this section shall not be construed to repeal sections forty-eight and forty-nine of said act, known in this act as sections fifty and fifty-one, and above recited as amended in full; nor shall this section be construed to repeal sections numbered from fifty-two to sixty-five, both inclusive, which are above recited at large, as additional sections of the act to which this act is an amendment. This act shall not be construed to interfere with the execution and enforcement of other laws on the subject of drainage passed by this General Assembly.

APPROVED June 30, 1885.

ELECTIONS.

CLERK CRIMINAL COURT OF COOK COUNTY.

§ 1. Amends sec. 20, act 1872, by changing time of election to November, 1886.

AN ACT to amend section 20, of an act entitled “An act in regard to elections, and to provide for filling vacancies in elective offices,” approved April 3, 1872, 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 20, of an act entitled “An act to provide for the filling of vacancies in elective offices,” approved April 3, 1872, and in force July 1, 1872, be and the same is hereby amended so as to read as follows:

“Section 20. The clerk of the criminal court of Cook county shall be elected on Tuesday next after the 1st Monday of November, 1886, and every four years thereafter.

APPROVED June 30, 1885.

CITIES, TOWNS AND VILLAGES.

ARTICLE I.—ADOPTION.

- § 1. Petition to county court to submit to vote the proposition for adoption, in cities.
- § 2. Notice by court for an election by publication; returns of such election; blanks furnished by the county clerk; canvass of votes; penalties for neglect of duty of county clerk; expenses of election paid by county.
- § 3. Form of ballot.
- § 4. Ballots printed upon tickets of candidates for office; separate ballot may be voted; counting ballots for or against proposition.
- § 5. Canvass of ballots by election judges.
- § 6. Canvass of ballots by election judges; manner of procedure.
- § 7. Tally sheets used by judges and clerks of election.
- § 8. Returns of election made in triplicate; to whom made; tally sheets returned; delivery of returns and tally sheets by the judges of election to the persons addressed; receipts and safe keeping.
- § 9. Watchers of the canvass.
- § 10. Canvass of the returns by the county judge and two electors who shall constitute the canvassing board; declaration of the result; copy of order for the adoption of this act filed in the office of the Secretary of State.
- § 11. Penalties imposed for neglect of duty or for interfering in any unlawful manner with the returns, by judges or clerks of election.
- § 12. Officer in charge of returns guilty of theft thereof, when; penalties.
- § 13. Other offenses in the conduct of elections under this article, regulated by the laws of the State.
- § 14. Adoption of this act by any incorporated town or village in this State; petition.
- § 15. After adoption of this act by any city, town or village; laws applicable.

ART. 2.—ELECTION COMMISSIONERS.

- § 16. Appointment of election commissioners by the county court; term of office; vacancies.
- § 17. Selection of commissioners from leading political parties.
- § 18. Removal of commissioner by the county court.
- § 19. Organization of the board of commissioners; oath of office and bond; office opened; business hours; county clerk shall turn over to the board all election books, papers, etc., in his hands relating to elections.
- § 20. Registry books, ballot boxes, poll books, tally sheets, blanks and stationery provided by the board of commissioners.
- § 21. Chief clerk of the board and other clerical assistance.
- § 22. Election precincts organized; number of voters in each precinct.
- § 23. Registry of voters.

- § 24. Appointment of judges and clerks of election in each precinct.
- § 25. Notice to judges and clerks of selection and examination; term of office; record of names of judges and clerks; exemption from jury duty; penalty for refusing to serve if qualified.
- § 26. Judges and clerks selected from each of the two leading political parties in each precinct; veto power of the commissioners; in disagreements in regard to appointments, how selected; refusal to serve as judge or clerk; prosecution by commissioners; in default of which, liable to removal.
- § 27. Representation of leading political parties in the selection of judges and clerks of election in each precinct.
- § 28. Confirmation of appointment of judges and clerks by the county court; notice of application for confirmation by publication; objections to be filed; filling vacancies if any exist; commission shall issue upon confirmation; judges and clerks officers of the court; appointments when too late for confirmation by the court; removal of judges or clerks by the commissioners for neglect of duty; appointments and confirmation must be made 30 days before the election; appointments or removals within five days of an election.
- § 29. Oath of office by judges and clerks; form of oath.
- § 30. Polling places and places of registry fixed by the commissioners; places where intoxicating liquors are sold prohibited.
- § 31. Clerks of court shall furnish to commissioners monthly the names of persons convicted of penitentiary offenses; the Governor shall furnish October 1, annually, names of persons pardoned.
- § 32. Officers in charge of vital statistics shall furnish monthly the names of males over 21 years who have died.
- § 33. Alphabetical lists of criminals and deceased persons furnished to judges of election.
- § 34. Notice of time and place by publication of registration.
- § 35. Rules and regulations for registration and the conduct of all elections, by the board of commissioners.
- § 36. Election days declared legal holidays under this act.
- § 37. Appointments of judges and clerks of election at the expiration of their term of office.

ARTICLE 3.—GENERAL REGISTRATION.

- § 38. Judges of election constitute boards of registry for each precinct.
- § 39. Qualification of voters.
- § 40. Boards of registry shall meet four weeks before the day of election, for registration of voters; three books shall be furnished; form of registry books; proceedings of the board of registry; (1) sessions of the board; oath of applicants for registry; (2) entry of names by clerks; (3) form of

entry; (4) qualification; (5) alphabetical list, ruling and headings of register.

- § 41. Certificate of each day's registration made by judges.
- § 42. "Public register" exposed to public inspection; challenge of voter; oath of voter as to qualification.
- § 43. Boards of registry shall meet three weeks before the day of election for the purpose of adding to, revising and correcting registry lists; list of "suspects;" "public register" hung up at place of registration for public examination, and the other two registers returned to the office of commissioners.
- § 44. Clerks of election constituted canvassers of the precinct; house-to-house canvass; police protection; refusal to answer questions of canvassers—penalties; correction of "suspect" list by canvassers.
- § 45. Comparison of list of canvassers with register; notice to "suspects" to appear and show cause why name should not be erased from register.
- § 46. Boards of registry shall meet 2 weeks before election to revise registry; no new names added; examination of "suspects" under oath; erasure of names; restoration of names; further examination and inquiry by canvassers; neglect of duty by clerks—penalties; disability of clerk to serve—substitute.
- § 47. At the close of last session of boards of registry after comparison and correction, judges shall sign and add certificate; "public register" hung up for public examination; copies of registers; printed lists for distribution to voters; publication in newspapers.
- § 48. Application to have names erased; affidavit; notice to person whose name is desired erased.
- § 49. Docket of applications for registration or erasure; hearing of such applications by commissioners; precincts taken up for hearing in numerical order; notice of hearing given newspaper; applications received too late for entry on docket, heard on last day of session; decision of commissioners.
- § 50. County court shall sit on Monday or Tuesday before election to hear applications for registry; affidavit of applicant; applications filed and docketed; hearing; order of court for registration; closing and delivery of registry books to judges on the day prior to election; registration by order of the court shall not protect against false registration or voting.
- § 51. Appeals from county to Supreme Court.
- § 52. Lists of persons added to registry or erased, printed and posted at polls on election day with original register and delivered to voters on demand.
- § 53. Registration for general presidential elections; at each general registration application for registration in person; previous registers used at subsequent registrations; same proceedings had at each registration.

INTERMEDIATE REGISTRATION.

- § 54. At elections held between the general registration provided for in sec. 53, the last general registration shall be revised and used; meetings of boards for revision, 3 weeks before election; names added; transfer of names from one precinct registry to another; certificates of removal; form of certificate; application for certificates; change of residence in the same precinct; correction of register accordingly.
- § 55. Board shall erase all names of persons dead, convicted criminals not pardoned and removed from precinct; list of erasures; classification of "suspects;" clerks shall make lists.
- § 56. Registers compared and made to agree at close of session; judges shall sign each page of the registers and add certificate; two registers returned and "public register" hung up at place of registration; list of names for canvassers.
- § 57. House-to-house canvass and examination of list as in general registrations; notice to "suspects;" correction of registry; police protection of canvassers.
- § 58. Boards of registry meet to revise lists 2 weeks before election day; report of canvassers; no new names added.
- § 59. At each meeting all the registry lists shall be revised and corrected; evidence shall be heard as to qualification; names of persons on "suspect" list erased unless an appearance is entered.
- § 60. Registers compared and made to agree and signed by judges at bottom of each page; registry closed; certificate of number of voters attached; public register hung up, and return made of the other two.
- § 61. Board of commissioners shall copy immediately upon their return the registers for printing and distribution of the same as for the general registration, as set out in sec. 47; also supplemental lists, as set out in sec. 52.
- § 62. Application to commissioners to have name refused by judges, entered on register; application by any voter to have names erased; proceedings as in general registration; decision of commissioners; application for review by the county court; persons whose names are not on register shall not be allowed to vote; registers shall be delivered to judges the day before election; one to judge or judges of opposite political parties.
- § 63. Public register taken possession of by judges on election day, and the three registers returned by judges to the commissioners the day after election; in case of mutilation of public register, copy shall be made, and corrected, so that three registers may be had for use at next meeting of board in each precinct.
- § 64. Special and judicial elections no revision shall be made of registry; affidavits of voter accepted at such elections; no person not on register allowed to vote except upon affidavit of change of residence.

- § 65. Registers in commissioners' office always open to public inspection.
- § 66. Judges of precincts, the day before election, shall call for registers; ballot box delivered to one of the judges, containing poll books, blanks and stationery.
- § 67. Penalties for removing, mutilating or destroying "public register" hanging at place of registry.
- § 68. Vacancies on boards of registry on day of election, how filled.

ARTICLE 4—ELECTION.

- § 69. Time of opening and closing polls; attendance of judges and clerks.
- § 70. Absentee judges or clerks; substitutes; oath of office; upon appearance of regular judge or clerk, substitute shall cease to act; penalties for willful absence or detention of poll book or register.
- § 71. Ballot box shall be shown to be empty before voting begins; shall be kept constantly in view until the close of the polls; penalties for obstructing view or for not removing obstructions.
- § 72. Poll books kept by clerks.
- § 73. Voter may write his name on the back of his ballot.
- § 74. One judge shall receive the ballot and the other two check the name of voter on the registers; challenge; cause of challenge to be stated by challenger; examination under oath; challenged party, if his vote is rejected, may by affidavit of himself and a registered voter in the same precinct, establish his right to vote, if his name is on register.
- § 75. No one shall vote whose name is not registered.
- § 76. Challengers—appointment, duties and privileges; rights and privileges of political parties to be represented at the polls by challengers and watchers of the canvass.
- § 77. Judges of elections preservers of the peace, and may cause arrests.
- § 78. Judicial elections; appointment of ticket holders—duties, and liability for neglect.
- § 79. Canvass of the vote by judges; police protection; who may be present.
- § 80. The ballots shall be counted and made to agree in number with the names on poll books; excess, if any, how disposed of; the count, how made; tally lists; straight tickets; "split" and "scratched" tickets; result to be announced.
- § 81. Ballots when counted shall be strung.
- § 82. Propositions submitted to vote; how canvassed and result declared.
- § 83. Tally sheets and returns of propositions submitted to vote; penalties for neglect.
- § 84. Proclamation of the result of canvass made by all the judges in succession.
- § 85. Returns of election precincts by the judges; how made, to whom delivered, and how; endorsements on outside of envelopes.

- § 86. Ballots voted attached to returns; rejected ballots attached.
- § 87. Poll books placed in ballot box; ballot box locked; how sealed up.
- § 88. One judge shall take charge of ballot box and another the key; the two judges not in possession of ballot box shall take envelopes containing statement of votes cast; clerks shall take tally sheets; delivery to board of election commissioners and officers, addressed.
- § 89. Ballot box received and opened by the board of election commissioners.

ARTICLE 5—GENERAL CANVASS.

- § 90. Canvass of returns by city canvassing board; tabulation by sheets.
- § 91. Result of canvass; abstract entered of record by county court; copy filed with county clerk; returns made to Secretary of State; effect of return.
- § 92. Certificates of election to county and town offices.
- § 93. Certificates of election to city offices.
- § 94. Canvassing board shall declare the election of city or town offices; tie vote, how decided.
- § 95. Canvassing board authorized to investigate changes in returns or suspected fraud; witnesses may be examined.
- § 96. County judge shall be president of canvassing board; majority may declare result.

ARTICLE 6—OFFENCES.

- § 97. REGISTRATION—personating an elector; fictitious name; double registration; false registration or erasure of qualified voter by fraudulent means; intimidation; deception; interference; inducing others to violate the law; punishment.
- § 98. VOTING—personating an elector; fictitious name; repeating; voting illegally; intimidation; interference; violation of law or inducing or compelling others to violation—punishment.
- § 99. Judges or clerks—false lists or entries—punishment.
- § 100. Judges—refusing legal ballot; accepting illegal ballot; omitting to challenge—punishment.
- § 101. Officer of election making false canvass, false return, or who shall deface, destroy or conceal any return—punishment.
- § 102. "Stuffing" the ballot box—punishment.
- § 103. Officers of election under this act or general laws of the State, violating law—punishment.
- § 104. Officer in custody of any records or papers guilty of theft, destroying, mutilating, erasing or falsifying, or permitting to be done—punishment.
- § 105. Any person not an officer, so offending—punishment.
- § 106. False swearing—punishment.
- § 107. Inducing others to swear falsely.
- § 108. Fraudulently changing or substituting a ballot.

- § 109. Unpardoned convicts voting or offering to vote.
- § 110. Wilful disobedience of any lawful command of a judge of election or board of registry.
- § 111. Breach of the peace or disorderly conduct at the registration of voters or on election days.
- § 112. Interfering with or hindering judges or clerks of election in the performance of their duty; molesting the canvass or interfering with challengers or watchers.
- § 113. Destruction of ballot box, ballot, poll list, report, returns or certificate.
- § 114. Judges or clerks of election admitting persons to registration or receiving any vote or proceeding with canvass without the concurrence of a majority of judges.
- § 115. Judge of election absenting himself without urgent cause.
- § 116. Ballots within the polling places prohibited.
- § 117. Intoxicating liquors prohibited in any place of registration or election.
- § 118. Irregularities in conducting elections.
- § 119. Offenses further defined; the term "election" defined; the word "householder" defined.
- § 120. Payment of fines.
- § 121. Forfeitures under this act, how recovered.
- § 122. Prosecutions of offenses under this act by the election commissioners.

ARTICLE 7.—COMPENSATION.

- § 123. Compensation paid by counties; classification of counties; salaries of commissioners and chief clerk in counties of 1st class; in counties of 2d class; in counties of 3d class, (Cook county); expenses of board paid by city; salaries and expenses audited by county judge and paid by county and city treasurer.
- § 124. Per diem of judges and clerks and official ticket holders.
- § 125. Number of days compensation allowed judges and clerks.
- § 126. Cities pay expenses of elections at which city officers are elected.
- § 127. General State and county elections, counties shall pay expenses.
- § 128. Claims of judges and clerks and ticket holders for services, audited by commissioners.

ARTICLE 8.—MISCELLANEOUS PROVISIONS.

- § 129. Adoption of this act by villages and towns, effect.
- § 130. Election commissioners in cities shall be ex-officio commissioners of villages and towns in the same county.
- § 131. Returns of elections for villages and towns; canvass of returns.
- § 132. Returns of villages and towns for officers other than town officers.
- § 133. Oaths administered under this act.

AN ACT regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

ARTICLE I.—ADOPTION.

1. SECTION 1. That the electors of any city now existing in this State may adopt and become entitled to the benefit of this act in the manner following:

Whenever one thousand of the legal voters of such city, voting at the last preceding election, shall petition the judge of the county court of the county in which said city is located to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefit of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State or county election, and if such proposition is not adopted at such election, the same shall in like manner be submitted to a vote of the electors of such city by such county court upon like application at any general State or county election thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid. If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election.

2. § 2. The judge of such county court shall give at least sixty days' notice of such election by publishing such notice in one or more newspapers published within such city, for at least five times, the first publication to be at least sixty days before the day of election, and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward sixty days before such election; and such court shall enter an order directing the county clerk to prepare the necessary blank returns for the use of the judges of election, substantially in the following form:

"At an election held in the.....precinct of the.....ward in the city of....., in the State of Illinois, on the..... day of..... in the year A. D....., the following vote was cast for and against city election law, to-wit:

For city election law.....votes.
 Against city election law.....votes.

Certified by us:

A	B.	} <i>Judges of Election.</i>
C	D.	
E	F.	

Attest:

G	H,	} <i>Clerks of Election."</i>
I	J,	

Also to prepare separate tally sheets with appropriate headings. And it shall be the duty of such county clerk to deliver to the judges of all the precincts in such city at such election proper tally sheets and blank statements of returns of votes cast for and against such proposition at such election. And it shall be the duty of the said judge of the county court to supervise and direct such matters and see that they are properly done. Said judge of the county court shall also prepare directions to the judges and clerks of election as to the manner of canvassing the votes for and against such proposition, keeping tally thereof and making returns of the votes as to such proposition, in accordance with the provisions of this article; also informing them therein of the penalties of the law imposed upon the judges and clerks for any refusal or neglect pertaining to their duties, and such judge of the county court shall deliver such directions to the county clerk directing him to have them printed and sent out to such judges and clerks. And it shall be the duty of such county clerk to obey such instructions. And it shall be the duty of the county clerk to do, and cause to be done, all things required of him by this article, and for a failure to perform such duties he shall, on conviction, be sentenced to the county jail for not less than six months nor more than twelve months, and shall also be removed from his office by the court in which such conviction shall be had. The county shall pay all expenses connected with such election.

3. § 3. At such election the ballots, so far as they relate to this act, shall be written or printed in the following form: "For city election law;" or "against city election law."

4. § 4. The ballot upon such proposition in the form aforesaid must be printed or written at the bottom of the ticket containing the names of candidates for public offices at such election who are voted for by any elector. But if any elector desires to vote upon such proposition and does not desire to vote for any candidate for any public office, he may vote a ballot prepared as aforesaid, without the name of any candidate being thereon; but he cannot by one ballot vote for or against such proposition, and then by another ballot vote for any candidate for any office at that election. If any one shall vote a ballot which shall

contain no reference to such proposition, or if both forms of ballot, viz: "for city election law," and "against city election law," be upon the same ticket unerasd, such ballot shall not be counted for or against such proposition.

5. § 5. The judges of such election shall canvass the ballots so cast for or against such proposition. They shall count in favor of said proposition all ballots "for city election law," and they shall count against such proposition all ballots "against city election law."

6. § 6. Such canvass shall be made by such judges in the following manner: Before the name or names of any candidate on any ballot shall be canvassed, one of said judges, the other two sitting on either side of him and observing the canvass, shall separate all of the ballots cast in such precinct into three piles or files, putting together in the first pile all those containing the phrase, "for city election law," and putting together in the second pile all the ballots containing the phrase, "against city election law," and putting together in the third pile all the other ballots of every description. One of said three judges shall then count the first pile of ballots in batches of ten, and when one batch is counted, shall pass the same to the next judge, who shall count the same and pass it to the third judge who shall also count it, and when the three shall have finished the count of the ten ballots, the last judge shall announce in a loud voice the result, "ten votes for city election law," when the tally clerks shall tally ten votes accordingly on each tally sheet for city election law, and so the whole pile shall be counted, and before counting the second pile the clerks shall announce the result or number so entered and credited "for city election law," and then the second pile shall be counted in the same way in batches of ten, and the result tallied and announced in the same way "against city election law." And thereupon it shall be the duty of each of said judges in turn to announce in a loud voice the result of the election in that precinct upon that proposition. No ballot shall be counted for or against such proposition, unless it be in the form herein prescribed; no account is to be kept of the third pile of ballots as to such proposition.

7. § 7. If no tally sheets shall be furnished to the judges and clerks of any precinct relating to such proposition, such clerks shall use any piece of paper containing the headings written out by either of them: "For city election law," and "Against city election law," and tally the vote thereon opposite the respective headings as announced to them; and if no blank statements of returns relating to such proposition be provided or furnished to them, then it shall be the duty of said judges and clerks to write out a return in triplicate, in substance in accordance with the form found in section two of this article.

8. § 8. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign triplicate returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in section two of this article. Each of which shall be attested by the election clerks, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the judge of the county court, one to the clerk of the county court, and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed, "City election law returns." In the same man-

ner the tally sheets shall be signed by said judges and clerks and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of said envelopes shall be endorsed, "City election law tallies." On the outside of each envelope shall be endorsed whether it contains a statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of said judges of election shall take one of said returns, and each of said election clerks shall take one of said tallies and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered. And it shall be the duty of such officers to give such receipts, and to safely keep such envelopes unopened until called for by the canvassing board herein provided.

9. § 9. At the canvass of the ballots in any precinct in any city where such proposition has been submitted, it shall be the duty of said judges of election, on request, to admit to the room two electors of the ward who voted in favor of such proposition, and two who voted against it, as special watchers of such canvass; and said judges and the police officer or other officer of the law present shall protect such watchers and see that they are not excluded, and at the time of such canvass of the ballots cast for or against such proposition, such watchers shall be entitled to a position where they can plainly see and read each ballot, and it shall be the duty of such judges to grant and protect them in such position.

10. § 10. On the sixth day after such election the judge of the county court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board, to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the room usually occupied by such county court. The envelopes containing all the returns and all the tally sheets shall, upon the demand of the judge of the county court, be delivered to said board by the officers so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announced. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was which was cast for or against such proposition in any precinct, or upon the written application of two persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct, said county judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing said ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and thereupon said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and thereupon the said judge of the county court so having received possession of such ballots, shall again place them upon a string or twine and place them in the

same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the county judge," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for six months, and then destroy the same if there be no contest. At the completion of the canvass of all the precincts in such city, the total number of votes cast for and against such proposition in the various precincts, ascertained as aforesaid, shall be added together by said board, who shall then declare the total result: thereupon said county court shall enter an order declaring the number of votes so ascertained, cast for, and the number of votes cast against such proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such election, the court shall, by its order, declare this act adopted; and it shall be the duty of such county judge to file a copy of such order in the office of the Secretary of State, and thereupon this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof.

11. § 11. Any judge of election or clerk of election, who shall wilfully neglect to perform any duty imposed upon him by this article, shall be deemed guilty of a felony, and, upon conviction, be imprisoned in a penitentiary for not less than one year and not more than three years. Any judge of election or clerk of election, who shall wilfully open, change, tear, mutilate, lose or conceal, or wilfully cause or permit to be opened, changed, torn, mutilated, lost or concealed, any return of votes cast for or against this act, or any tally sheet of votes so cast for or against such proposition after the same has been sealed up and delivered to him to be carried and delivered to the officer of law required by this act to receive the same, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in a penitentiary for not less than three nor more than five years.

12. § 12. Any officer having possession of such returns, tallies or ballots, who shall steal, counsel or assist in stealing, or who shall change or mutilate any return or tally sheet relating to such election, shall be deemed guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not less than five, nor more than ten years. And any other person who shall steal, counsel or assist in stealing, or who shall change or mutilate or counsel or assist in changing or mutilating any return, ballot or tally sheet relating to such election, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the penitentiary not less than five years nor more than ten years.

13. § 13. All other offenses pertaining to the conduct of any election under this article shall be governed by the laws of the State not inconsistent herewith.

14. § 14. Any village or incorporated town in this State may adopt this act in like manner, and the same shall be submitted to a vote of the people of the said village or town upon written application to said county court of 500 electors in such village or town.

15. § 15. After and from the time of the adoption of this act as aforesaid, the provisions of the same shall be applicable to such cities, villages

or towns, and all laws in conflict therewith shall no longer be applicable to such cities, villages or towns. But all laws or parts of laws not inconsistent with the provisions of this act shall continue in force and be applicable to any such city, village or town, the same as if this act had not been adopted.

ARTICLE II.—ELECTION COMMISSIONERS AND THEIR DUTIES.

16. SECTION 1. In every city, village and incorporated town so adopting this act, there shall be created a board of election commissioners, which shall be composed of three members, each of whom shall be designated as an election commissioner, and shall be appointed by the county court in the county in which such city, village or incorporated town shall be located. And such appointment shall be entered of record in such court, and, when qualified, such commissioner shall be an officer of such court. The first appointment of such commissioners shall be within sixty days after the adoption of this act, and those first appointed shall hold their offices for the period of one, two and three years respectively, and the judge appointing them shall designate the term for which each one shall hold his office, whether for one, two or three years. If the office of either commissioner shall become vacant, it shall thereupon be the duty of such county court to appoint a successor for such unexpired term; after the expiration of the term for which each commissioner is appointed, such court shall, in the same way, nominate and appoint a successor, who shall hold his office for the period of three years, and until his successor is appointed.

17. § 2. Two of such commissioners, at least, shall always be selected from the two leading political parties of the State, one from each of such parties, and all shall be legal voters and householders, residing in such city, village or incorporated town, and be men of well known political convictions and of approved integrity and capacity. No commissioner can hold any other public office. Whenever it shall come to the knowledge of such judge of the county court that one of the leading political parties of the State is not represented upon such commission by a person of the same political faith, he shall at once remove one of such commissioners and fill the vacancy with a member of the leading political party not so represented.

18. § 3. Such judge of the county court may, at any time, upon complaint made and cause shown, satisfactory to him, after notice to such commissioner, and an opportunity to be heard, remove any such commissioner and enter of record in the court such order of removal, and there shall be no appeal from such order. Such complaint must be signed and sworn to by at least twenty-five legal voters of such city, village or incorporated town, and must state the grounds of such complaint.

19. § 4. Within twenty days after such first appointment shall be made, such commissioners shall organize as a board by electing one of their number as chairman, and one as secretary; and they shall perform the duties incident to such offices. And upon every new appointment of a commissioner, such board shall reorganize in like manner. Each commissioner, before taking his seat in such board, shall take an oath of office

before such county judge, which in substance shall be in the following form:

"I, do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in the city of in the State of Illinois, for a period of ten years last past, and that I am a legal voter and householder in said city and State. That I will support the constitution of the United States and of the State of Illinois, and the laws passed in pursuance thereof, to the best of my ability, and will faithfully and honestly discharge the duties of the office of election commissioner for said city."

Which oath, when subscribed and sworn to before such judge, shall be filed in the office of the county clerk of said county, and be there preserved. Such commissioner shall also, before taking such oath, give an official bond in the sum of \$10,000, with two securities, to be approved by said judge, conditioned for the faithful and honest performance of his duties and the preservation of the property of his office. Such board of commissioners shall at once secure and open an office sufficient for the purposes of such board, which shall always be kept open during business hours of every day, Sundays and legal holidays excepted. Upon the opening of such office, the county clerk of the county in which such city, village or incorporated town is situated, shall, upon demand, turn over to such board, all registry books, poll books, tally sheets and ballot boxes heretofore used, and all other books, forms, blanks and stationery of every description in his hands in any way relating to elections or the holding of elections within such city, village or incorporated town.

20. § 5. Such board shall provide all necessary ballot boxes and all registry books, poll books, tally sheets, blanks and stationery of every description with printed headings and certificates, necessary and proper for the registry of voters and the conduct of such election, and for every incidental purpose connected therewith.

21. § 6. Said board shall have the right to employ a chief clerk, who shall have charge of the office of said board, and who shall be present and in attendance at all proper business hours. Such chief clerk shall take an oath of office before such county judge, to the effect that he will honestly and faithfully perform all the duties of such office, under the direction of said board, which shall be preserved in the same way, and shall be under the direction of said board, and he shall have the right to administer all oaths required under this act to be administered by either of said commissioners. Such additional assistance may be employed by said board from time to time, as may be necessary, with the consent and approval, previously entered of record, by said county court, or which may afterwards be approved by such court.

22. § 7. It shall be the duty of said board of commissioners, within two months after its first organization, to divide such city, village or incorporated town into election precincts, which shall contain as nearly as practicable three hundred actual voters, and in making such division, and establishing such precincts, such board shall take as a basis the poll books, or the number of votes cast at the last previous presidential election. Within ninety days after each presidential election, such board shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, three hundred actual voters, measured by the vote of such election, but at any time and in all instances where the vote cast at any precinct, at any election, equals four hundred and fifty, there must be a rearrangement,

so as to reduce the vote to the standard of three hundred, as near as may be. The precincts in each ward, village or incorporated town shall be numbered from one upwards consecutively.

23. § 8. After the first organization of such board of commissioners it shall prepare for a new and general registration of voters for the next general city or village election, or general state or county election, as the case may be, and when made, such registry shall be continued and revised in the manner hereinafter provided.

24. § 9. Said board of commissioners shall, at least sixty days prior to such election, select and choose three electors, who shall be householders, as judges of election for each precinct in such city, village or incorporated town. They must be citizens of the United States, and entitled to vote in the ward, village or incorporated town in which such precinct is located, at the next election, and they must be men of good repute and character, who can speak, read and write the English language, and be skilled in the four fundamental rules of arithmetic, and they must be of good understanding and capable; they must reside in the precinct of the village, city or incorporated town, at which they are selected to act, and they must not hold any office or employment under the United States, the State of Illinois, or under the county, city, village or town in which such election is to be held, and they must not be candidates for any office at the next ensuing election. Two clerks of election shall be selected within the same time by said board, who shall possess the same qualifications as the judges, except that they need not be householders. Being a notary public shall be no disqualification for judge or clerk.

25. § 10. Each and every person so selected by the board of election commissioners shall be notified of the fact of his selection, with direction to appear, within the time fixed in the notice, before such board for the purpose of examination, and if, upon examination, he is found qualified, he shall, unless excused by such commissioners, by reason of ill health, or old age, be bound to serve as such officer for the term of one year, if his appointment shall be confirmed by the county court. Said commissioners shall keep books in which shall be written down the names of all such judges and clerks agreed upon before such notification, to appear before them, and if, when they appear, they shall be rejected for want of qualification, such fact shall be noted on said books opposite their names, and if excused on the ground of ill health or old age, such fact shall be noted, and in like manner also, if they do not appear for examination, such fact shall be noted. No person shall be compelled to serve as judge or clerk, for three years after the expiration of his term of service. The judges and clerks of election shall be exempt from jury duty during the term of their service, and for two years thereafter. In case such person, so selected and notified to appear for examination, shall not appear before such board as required, or if he does appear, and shall refuse to serve, he shall forfeit not less than one hundred dollars nor more than three hundred dollars, unless it shall appear that he was not qualified for such service for any reason herein stated.

26. § 11. In the selection of judges of election, at least one judge shall be selected from each of the two leading political parties or organizations of the State, to serve in each precinct, and one clerk of election

shall be selected from each of the two leading political parties of the State, to serve in each precinct. Each of the commissioners shall have a veto upon the proposed selection or nomination of any judge or clerk, and if, in any instance, in consequence of such veto, the board cannot agree upon such appointments, then the names of six persons who are eligible shall be selected, for judge or clerk, as the case may be, by the commissioner or commissioners belonging to the leading political party entitled to be represented by such judge or clerk, and out of said six names the other commissioner or commissioners representing the other leading political party of the State, shall select the name of such judge or clerk, who, when so selected, shall be the judge or clerk, if otherwise eligible, if he will serve or shall be not excused for cause, and if he shall be confirmed by the county court. In case the persons so selected for judges or clerks do not appear for examination on notification, then some other persons shall be selected and notified as aforesaid, until some eligible person is found who will serve. In all cases where the parties aforesaid do not appear and be examined, or if they do appear and refuse to serve, it shall be the duty of the commissioners, by the corporate name of the board of commissioners of election, to prosecute such persons for such forfeiture above provided, and collect and pay over the same into the county treasury, and the failure of such board of commissioners of election, or either of them, to prosecute such persons shall be sufficient cause for removal from office, and when established, the county court shall so remove such commissioner or commissioners from office.

27. § 12. The leading political party represented by a minority of all the commissioners in said board, shall be entitled to one of the judges and one of the clerks in each precinct with an even number, and to two of the judges and one of the clerks in each precinct with an odd number, and the other leading political party shall be entitled to two judges in the even, and one judge in the odd numbered precincts, and also shall be entitled to one clerk in each precinct, and it shall be the duty of such commissioners to observe this division in all respects in making such appointments. If there should be three political parties represented in said board of commissioners, then each of such parties shall have one representative as judge in each precinct, as far as practicable, to be selected under some rule to be adopted by such board. And if there be not three political parties represented upon such board, yet if there be a third political party in such city, respectable in numbers, said commissioners may, in their discretion, select a judge from said party for each precinct, if a proper person for such position can be found, in such manner as said board may agree upon.

28. § 13. After the judges and clerks are selected and have agreed to serve, then a report of such selections shall be made and filed in the county court, and application shall then be made by said board to said court for their confirmation and appointment, whereupon the county court shall enter an order that cause be shown, if any exist, against the confirmation and appointment of such persons so named, on or before the opening of the court, on a day to be fixed by the court. And said board of commissioners shall immediately give notice of such order, and the names of all of such judges and clerks so reported to such county court for confirmation, and their residence, and the precinct for which they are selected, by causing the same to be published in one or more newspapers

in such city, village or incorporated town, and if no newspaper be published in such city, village or incorporated town, then by posting such notice in three of the most public places in such city, village or town, and if no cause to the contrary be shown prior to the day fixed, such appointments shall be confirmed by order entered by that court. If objections to the appointment of any such judge or clerk be filed within the time aforesaid, the court shall hear such objections and the evidence introduced in support thereof, and shall confirm or refuse to confirm such nominations; as the interests of the public may require. No reasons need be given for a refusal to confirm. If any vacancies shall exist by reason of the action of such board or otherwise, at any time, the said board of commissioners shall further report and nominate persons to fill such vacancies so existing in the manner aforesaid, and the court in the same way shall consider such nominations, and shall confirm or refuse to confirm the same in the manner aforesaid. Upon the confirmation of such judges and clerks, at any time, a commission shall issue to each of such judges and clerks, under the seal of such court, and appropriate forms shall be prepared by said board of commissioners for such purpose. After such confirmation and acceptance of such commission, such judges and clerks shall thereupon become officers of such court, and shall be liable in a proceeding for contempt for any misbehavior in their office, to be tried in open court on oral testimony, in a summary way, without formal pleadings, but such trial or punishment for contempt of court shall not be any bar to any proceedings against such officers, criminally, for any violation of this act. Where a vacancy shall occur so late that application to and confirmation by the court cannot be had before the election, then said board of commissioners shall make an appointment and issue a commission to such officer or officers, and when thus appointed, such officer shall be considered an officer of the county court, and subject to the same rules and punishment, in case of misbehavior, as if confirmed by said court, and any judge or clerk, however appointed, and at whatever time, shall be considered an officer of court, and be subject to the same control and punishment in case of misbehavior. Said board of commissioners shall have the right at any time, in case of misbehavior, or neglect of duty, to remove any judge of election or clerk of election, and cause such vacancy to be filled in accordance with this act. The judges and clerks of election must be appointed and confirmed at least thirty-five days prior to the next election. If any vacancy shall occur or exist more than five days before election, the judges or clerks appointed to such places must be confirmed by such court. Such commissioners shall not voluntarily remove any judge or clerk within five days of such election, except for flagrant misbehavior; incapacity or dishonesty. And the reasons therefor must afterwards be reported in writing to such court, and if such removal be wilful and without cause, said commissioners shall be guilty of a misdemeanor under this act, and be subject to removal.

29. § 14. After the issue of a commission to such judges and clerks, they shall again be notified to appear at the office of said board, and shall then and there, after taking the oath of office before one of said commissioners or said chief clerk, receive their commissions, and the oath of office shall be in writing and subscribed by each one, and shall be in substance as follows:

"I,, residing at, in the city (village or town) of, in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter (and a householder in case of a judge), in the ward of the city (village or town) of, in the State of Illinois; that I will support the laws and constitution of the United States, and of the State of Illinois, and that I will faithfully and honestly discharge the duties of the office of judge (or clerk) of elections and of registration, for the precinct of the ward of the city (village or town) of, in the county of, in the State of Illinois, according to the best of my ability."

30. § 15. It shall be the duty of said board of commissioners to appoint the place of registry, and also the polling place, in each precinct in such city, village or town, and to give public notice thereof, and shall cause the same to be fitted up, warmed, lighted and cleaned, but in each election precinct, such place or places shall be in the most public, orderly and convenient portions thereof, and no building or part of building shall be designated or used as a place of registry, or revision of registration, or as a polling place, in which spirituous or intoxicating liquor is sold.

31. § 16. It shall be the duty of the clerk of any court where parties are tried or convicted of penitentiary offenses in the county where such city, village or incorporated town is located, to furnish monthly, to such board of commissioners, the names of all parties convicted or sentenced for any crimes, the punishment of which is confinement in the penitentiary, and their place of residence, if such fact be in the possession of such clerk. It shall be the duty of the Governor of the State, on or before the first day of October in each year, to furnish to such commissioners of election the names of all persons pardoned by him out of the penitentiary for any crime of which such party was convicted in a court in a county where said city, village or incorporated town is located.

32. § 17. It shall be the duty of the person or officer, having charge of the vital statistics of any such city, village or incorporated town, to furnish to such board of election commissioners, monthly, a report of the names and the previous residences of all male persons over twenty-one years of age that have died during the preceding month.

33. § 18. It shall be the duty of the board of election commissioners to cause to be arranged, as nearly as possible according to wards in cities, and election precincts in villages or incorporated towns, the names and the residences, or the former residences of all such criminals, and of all such deceased parties, and to have the same printed by wards in cities, and election precincts in villages or incorporated towns, and furnish a printed list of the names of such persons whose residence was formerly in such wards or precincts, to all the judges of election of such wards or precincts when acting as a board of registry, for their guidance, and when they shall be advised that a person convicted of a crime has been pardoned, such fact shall be noted opposite his name. Such list shall be arranged alphabetically.

34. § 19. It shall be the duty of such board to give timely notice through the press of the time and place of registration and election in each precinct of such city, village or incorporated town; and they shall also cause the printed list and supplement of the registration for the previous election to be posted up at the place of registration, two days before such

registration, with a printed notice of the time and place of the next registration. This to be obligatory only after the first registration under this act.

35. § 20. Said board of commissioners shall make all necessary rules and regulations, not inconsistent with this act, with reference to the registration of voters and the conduct of elections; and they shall have charge of, and make provision for, all elections, general, special, local, municipal, State and county, and of all others of every description, to be held in such city or any part thereof, at any time, or in such village or incorporated town, as the case may be.

36. § 21. The days upon which the general State or county or city elections shall hereafter be held in such city, village or incorporated town, shall be holidays, and shall, for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday.

37. § 22. At least sixty days prior to the next election occurring immediately after the expiration of the term of office of said judges and clerks, said election commissioners shall cause judges and clerks of election again to be selected, who shall be selected, appointed and commissioned in the same way, according to the same forms and subject to the same qualifications and limitations as required for the selection and appointment of such officers in the first instance hereunder.

ARTICLE III.—GENERAL REGISTRATION.

38. SECTION 1. The judges of election shall constitute the board of registry in the precinct for which they shall be appointed.

39. § 2. Every person having resided in the State one year, in the county ninety days, and in the election precinct thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year A. D. 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, 1870, or who shall be a male citizen of the United States above the age of twenty-one years, shall be entitled to vote at such election.

40. § 3. Such board of registry and the election clerks shall meet in the precinct on Tuesday, four weeks preceding the first general city, village or town election, or the first general State or county election which may occur after the first appointment of such board of election commissioners at the place designated by such board of commissioners, and they shall then proceed to make a general registration of all the voters in such precinct. A new general registration shall be made by the board of registry, prior to and for each presidential election, in the same way as required hereby for the first registration hereunder. Three registry books shall be furnished to such board by the board of election commissioners for the purpose of such registration, and such books of registry shall be prepared substantially in the following form:

One of said books shall be denominated "Public Register" on the outside or on the first page.

Said board of registry shall then proceed as follows:

I. They shall open the registry at eight o'clock A. M. and continue in session until nine o'clock P. M. on the first day. One of the judges shall administer to all persons who shall personally apply to register, the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right, as such, to register and vote under the laws of this State."

II. Each of said clerks of election, and one of said judges of election, shall have charge of the registry books, and shall make the entries therein required by this act, and one of the judges shall ask the questions as to qualification, and after he is through, either of the judges may ask questions. One of the judges of election may, when necessary, relieve one of the clerks from time to time, as necessity may seem to demand, in making entries in said book.

III. The name of every applicant shall be entered in such registry books, and all the facts shall be therein stated, as hereinafter provided, whether he be entitled to vote or not. If it shall be determined by the board that he is not a qualified voter in such precinct, then an entry shall be made in the appropriate column "no," and if qualified, an entry shall be made in the same column "yes."

IV. Only such male persons of the age of twenty-one years, residing in such precinct, as apply personally for registration, shall be entered in such registers, but every applicant who would be twenty-one years of age on the day of the next election, if otherwise qualified, shall be entered on such registers. Every applicant who has commenced to reside in such precinct at least thirty days before such election, shall be entered in such registry, and shall be marked "qualified" or "disqualified," as the case may be, but unless, on the day of election, he shall have resided for thirty full days in such election precinct, he cannot vote therein, although otherwise qualified.

V. The headings to the registry books shall be so prepared that the registry shall be made alphabetically, according to the surname of each person applying, but it shall be arranged so that the residence of such persons shall appear in the first column. The register shall be ruled, and one name shall be written on each line, but no name shall be written between the lines. The entries shall be as follows:

1. Under the column "Residence," the name and number of the street, avenue, or other location of the dwelling, if there be a definite number, and if there shall not be a number, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house he resides. And if there be more than one family residing in said house, either the floor on which he resides or the number, or location of the room or rooms occupied by him, whether front or rear; every floor below the level of the street or ground being designated as the basement; the first floor above such level being designated as the first floor, and each floor above that as the second or such other floor as it may be.

2. Under the column "Address," the name of the applicant, writing the surname first and given or Christian name after.

3. Under the column "Nativity," the State, county, kingdom, empire or dominion as the facts stated by applicant shall be.

4. Under the column "Color," the words "white" or "colored."

5. Under the subdivisions of the general column "Term of Residence," the periods by day, month or year stated by the applicant.

6. Under the column "Naturalized," the word "yes" or "no" or "native," as the fact stated.

7. Under the column "Date of Papers" the date of naturalization, if naturalized, or about the date.

8. Under the column "Court" the designation of the court in which, if naturalized, such naturalization was had, and if the name of the court cannot be had with certainty, then the name of the place in which such court was located.

9. Under column "By Act of Congress," the word "yes," in case such person, though foreign born, has been made a citizen by act of Congress without taking out his naturalization papers.

10. Under the column "Qualified Voter," the word "yes" or "no," as the fact shall appear or be determined by a majority of the board of registry, it being, however, required of them, to designate, as a qualified voter, any male person, who, if otherwise qualified, shall not, at the time of making application, be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his application, and not later than the day of election immediately following such time of applying.

11. Under the column "Date of Application," the month, day and year when the applicant presented himself, and was adjudged a qualified voter in election precinct.

41. § 4. At the end of each day's registry, or revision of registration, said judges shall each sign his name at the end of the list on each page, so that no new name can be added without discovery, and shall also sign a certificate, as hereinafter provided, but before doing so, the said judges and clerks shall compare the three registers so kept, and cause any differences to be corrected, and to make the same agree in all respects, and said judges shall then attach at the end of each register, in substance in the words and figures following:

"We, the undersigned, judges of election in.....precinct of the.....ward of the city of in the State of Illinois, do jointly and severally certify that at the general registration of electors in said election precinct, on the day of, there were registered by us in said election precinct the names which in this book are entered, and that the number of registered and qualified voters was and is the number of"

Dated.....

42. § 5. Said board of registry shall, on or before noon of the day following such registry, hang up the register, which shall be known as the public register, at the place of registration, which shall be accessible to the public during all business hours, and the other two registers shall be returned to the board of election commissioners, within the time aforesaid. Any voter of the ward, village or town shall be permitted to be present at the place of registration in said ward, and shall have the right

to challenge any applicant who applies to be registered. And when challenged, such applicant must make an affidavit in writing, setting out the facts which constitute him a voter in such precinct, and leave it with said board of registry, and if it shall be deemed sufficient and if the board is convinced that such person is a qualified voter, then he must be admitted to such registry as qualified. And any person claiming to be an elector of any election precinct in such city and who, upon application, is denied the right to be registered as a qualified voter in such precinct, may, within two days after such denial of registry, make and sign an application in writing, under oath, to said board of election commissioners, in substance in the following form:

"I do solemnly swear that I,, did on..... make application to the board of registry of the precinct of ward of the city of and that said board refused to register me as a qualified voter in said precinct; that I reside in said precinct, am a duly qualified voter and entitled to vote in said precinct in the next election."

43. § 6. On Tuesday, three weeks preceding such city, village or town or state or county election, said board of registry shall again meet at the place designated, and said clerks of election shall meet with them, and they shall remain in session from eight o'clock A. M. until nine o'clock P. M. for the purpose of registering all qualified voters not before registered, and who shall apply in person to be registered, and also for the purpose of noting the names of any persons on such registry whom they suspect not to be qualified voters. The same forms shall be observed as to applications made on the second day as were required on the first day of registration. If any voter of the ward, village or town, during such session, shall come before the board of registry and make oath that he believes any particular person upon such registry is not a qualified voter, such fact shall be noted. At the end of such day's registration the said registers shall be examined, compared and made to agree, and they shall then be signed by the judges in the same way as at the end of the first day's registry, and similar certificates shall be attached thereto. Before separating, said judges shall make out and deliver to such clerks a list, with the address upon the registry, of all those who have been registered as qualified voters, whom either one of said judges suspects may not be a qualified voter, which list shall include the names and address of all those as to whom any voter of the ward, village or town may have made complaint as to their qualification as above provided. If said judges shall, however, know that any person so complained of is a qualified voter, and shall believe that such complaint was only made to vex and harass such qualified voter, then such name shall not be put upon such list of suspected persons; but it shall go upon such list in case any one of the judges desire it. It shall be the duty of said clerks during the session of that day, and before said board adjourns or separates, to make a copy of all the names upon such registers, marked qualified, together with the addresses as indicated on such registers. Said judges shall, before noon of the next day, hang up such public register at the place of registration, and, within the same period of time, return the other two registers to the office of said election commissioners.

44. § 7. The clerks of election are hereby constituted canvassers of the precinct for which they are appointed, and upon the Wednesday, Thursday and Friday following the second day of registration, if so much time shall be required, said two clerks shall go together and canvass such precinct, calling at each dwelling place or each house where

any one may reside in such precinct, and ascertain the name of every male inhabitant over twenty-one years of age residing in such precinct, and write the same down in a canvassing book furnished for that purpose by said commissioners, and such canvass lists shall be arranged by streets and street numbers. Said canvassers shall also note what information can be obtained as to whether the persons upon their canvass list are qualified voters, and if either of them shall be of the opinion that he is not, to make a minute briefly stating his reasons. Whenever deemed necessary by said canvassers, or either of them, he, or they, may demand of the superintendent, captain or lieutenant of police, having command of such portion of the city, village or town, to furnish a policeman to accompany them and protect them in their duties when necessary; and it shall be the duty of such superintendent, captain or lieutenant having authority over such police, in such locality, to furnish a policeman for such a purpose, and in default thereof, such captain, superintendent or lieutenant shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not exceeding \$100 nor less than \$25. If, in making such canvass, any person shall refuse to answer questions and to give the information asked for and known to him or her, such person shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not to exceed \$50. In making such canvass said canvassers shall make special inquiry at the residence, as designated in the registry, of all the persons so registered as qualified voters. And if they, or either of them, suspect any person so registered not to be qualified, though he is not upon their suspected list, they shall add his name to such suspected list, or if they find or believe that one so registered does not reside at the place indicated on such registry list, they shall also add his name to the suspected list.

45. § 8. After such canvass is finished, said canvassers shall compare the same with the list of qualified voters so registered, and in their possession, and if any one shall appear upon said registry not found by them in their canvass, or who may, if found, be suspected as to his qualifications by either or both of said canvassers, if such name shall not already have been added to their suspected list, it shall then be added, whereupon said canvassers, or one of them, shall sign a notice and send the same through the mail, duly stamped, to the address given of all persons who are upon such suspected list, requiring such person to appear before the board of registry upon the Tuesday following, giving the time of such session, and show cause why his name should not be erased from such register. Proper blanks and postage stamps shall be furnished for this purpose to said canvassers by the board of commissioners. A similar notice shall be also served by one of said canvassers upon such party, personally, before the following Tuesday, and if he cannot be found at the place designated upon said registry, the same may be left at the place of residence designated, if there be such a place. Such notice, sent through the mail, must be mailed not later than Saturday of the week of such canvass.

46. § 9. On the Tuesday, two weeks preceding such general county, city, village, town or State election, said board of registry shall again meet at the place designated, and said clerks of election shall meet with them, and they shall remain in session from six o'clock P. M. to ten o'clock P. M. for the sole purpose of revising their registry, and no new names

shall be added. Said canvassers, or one of them, at the beginning of the session, shall make affidavit as to the mailing of the notices sent by him or them, and to whom directed, and where, and as to the personal service upon such party, or as to the leaving of the same at his place of residence so designated, if there is any such place; and if any person to whom such notice was sent, shall appear before the board of registry during that session, he shall make and sign an affidavit, in substance, as follows :

"I do solemnly swear that I am a citizen of the United States, and that I have resided in the.....precinct of the.....ward, in the city of.....and the county of..... and the State of Illinois, since the.....day of.....; that I have never been convicted of any crime (or if convicted, state the time, and when pardoned by the Governor of any State.)"

Which affidavit shall be signed and sworn to before one of such board of registry, and it shall be preserved and filed in the office of said election commissioners. Thereupon said board of registry shall further examine him, and shall also swear such canvassers, and hear them upon the question, and they shall also have the power to send one or both of said canvassers to make further examination, and inquire at the place claimed by such person to be his residence; and again examine such canvassers touching the same, and if, after such further examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall mark the word "yes" under the column of the registry marked "erased," and shall also draw a line in ink under his name, which memorandum, in case of any registration, shall indicate that the name of such person is erased from the register, and such person shall not be entitled to vote unless his name be restored as hereinafter provided. During the last hour of said session, if any person so notified to appear at such session has not yet appeared and shown cause why his name should not be erased from such register, the same shall be erased in the manner aforesaid. Persons whose names have been so erased, may make application in writing to said board of election commissioners within two days thereafter to be restored to such register, as in the cases before provided for. Either of said clerks shall have the power and rights of both in the matter pertaining to such canvass, except that both are required to go together and make such canvass, but in case either refuses to go or neglects to go and make such canvass, as aforesaid, then the other may make such canvass alone. But a clerk who wilfully neglects to perform his duty in making such canvass, shall be deemed guilty of a misdemeanor, and, on conviction, shall be imprisoned in the county jail not exceeding sixty days nor less than thirty days. In case of temporary disability on the part of either canvasser or clerk, the judge, who belongs to the same party, may appoint a temporary clerk or canvasser, who shall belong to the same party, and administer to him the usual oath of office, and he shall perform all the duties of the office until the disability of the regular clerk or canvasser is removed.

47. § 10. At the end of the last session above provided for, the said board of registry and said clerks shall compare and correct the three registers aforesaid and make them correspond and agree, and said judges shall then, immediately following the last name on each page of the register, sign their names, so that no other names can be added without discovery, and shall add the certificate as provided at former

sessions. And thereupon and during the forenoon of the next day, said judges shall hang up the registry, known as the public register, in the place of registration for the use of the public, and shall return the other two registers to the possession of the board of election commissioners; and thereupon the said board of commissioners shall at once cause copies to be made of such registers of all names upon the same with the address not marked erased, and shall have the same arranged according to the streets, avenues, courts or alleys, commencing with the lowest number, and arranging the same in order according to the street numbers, and shall then cause such precinct register, under such arrangement, to be printed in plain large type, in sufficient numbers to meet all demands, and, upon application, a copy of the same shall be given to any person in such precinct. Said commissioners may, in their discretion, cause such precinct register to be published in one or more newspapers published in said city.

48. § 11. Any voter or voters in the ward, village or town containing such precinct, may make application in writing, before such board of election commissioners, to have any name upon such register of any precinct in the ward erased, which application shall be, in substance, in the words and figures following:

“I (or we).....do hereby solemnly swear (or affirm) that I (or we) believe thatis not a qualified voter in.....precinct of.....ward of the city (village or town) of....., and hence I (or we) ask that his name be erased from the register of such precinct.”

Such application shall be signed and sworn to by the applicant and filed with said board. Thereupon notice of such application with a demand to appear and show cause why his name shall not be erased from said registry, shall be personally served upon such person, or left at his place of residence, named in such registry, by a messenger of said board of commissioners, and, as to the manner and time of serving such notice, such messenger shall make affidavit; said messenger shall also make affidavit of the fact, in case he cannot find such person or his place of residence, and that he went to the place named on such register as his place of residence. Such notice shall be served at least one day before the time fixed for such party to show cause. Said commissioners shall also cause a like notice, or demand, to be sent by mail, duly stamped and directed, to such person to the address upon said registry, at least two days before the day fixed in said notice to show cause.

49. § 12. A docket of all applications to said commissioners, whether said applications shall be made for the purpose of being registered, or for the purpose of erasing a name on the register, shall be made out in the order of the wards and precincts. The commissioners shall sit to hear such applications on the Thursday following the Tuesday two weeks before said election, and shall continue such session the remainder of that week, if necessary. They shall take up the wards or precincts in their numerical order and shall divide the business, fixing various wards for various days of such session, if necessary, and shall give public notice in one or more of the newspapers of said city, village or town, if there be any such newspaper, of the day when they will hear the applications from the various wards or precincts. If application by any voter to erase a name from the register, or an application to be registered, shall be filed too late to go upon such docket, such application shall be heard on the last day of that session. The decision on each application shall be announced

at once after hearing and a minute made thereof, and when an application to be registered or to be restored to such register shall be allowed, the said board shall cause the same to be made upon the two registers of said precinct so in its possession. And where an application to erase a name shall be allowed, said board shall cause the same to be erased forthwith.

50. § 13. The county court of the county in which such city, village or incorporated town shall be located, shall, on the Monday or Tuesday of the week prior to the week in which such election is to be held, specially sit to hear such applications as shall be made to it to be placed upon the register in any particular precinct. Such applications shall be sworn to, and shall state that the party making the same has applied to the board of registry of the precinct and to the board of election commissioners, and that one or both boards refused to place him upon such register, or has stricken his name from such register, as the case may be. Applications shall be made on or before the opening of the court, on the Monday last aforesaid, and the court shall make out a docket of such applications, arranged by wards and precincts, and the same shall be heard summarily, and evidence may be introduced for and against such application. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application, and on the Wednesday following, or as soon thereafter as possible, an order shall be entered of record, granting all such applications as are allowed by the court, indicating each name and the precinct and ward where he is entitled to vote, a certified copy of which shall at once be given to said commissioners, who shall forthwith cause such names to be placed upon the appropriate register, and indicate that it was so entered by order of court. After the entry of the applications so allowed by said court, no further change shall be permitted, and the appropriate stamp prepared shall be fixed at the end of each page of names in each precinct register by said board of commissioners. Said books of registry so prepared, shall, on the day prior to the election, be delivered to the judges of election, one only, however, to be delivered to the judge or judges representing the same political party. No person admitted to the registry by order of such court or such board, shall be protected by such order in case he should be indicted for false registration or false voting.

51. § 14. In case said county court shall refuse any such applications, an order shall be entered accordingly on the Wednesday following the session of the court held for the purpose aforesaid, and any person desiring to appeal from the said order may appeal to the Supreme Court of the State, if application be made therefor within five days after the entry of said order, and such appeal shall be allowed on the giving of an appeal bond in the penalty of \$250, conditioned to pay the expenses of such appeal. The time for filing such appeal bond and certificate of evidence shall be fixed by the court, and upon presentation to the court of a certificate containing the evidence heard at such hearing, within the time fixed by the court, the court shall sign the same, and thereupon the same shall become part of the record in said cause.

52. § 15. A supplemental list of all persons who shall have been registered by order of said board, or by order of such county court, and a supplemental list of all persons erased from such registry by order of

said board of commissioners or of said county court, of sufficient quantity to accommodate each precinct, shall be printed by such board, and thereupon on the day of election, said board shall cause to be posted up at each precinct where such election is to be held, the original printed registry and the supplemental lists aforesaid, and shall also cause a copy thereof to be delivered to each judge and clerk, and to all other persons of the ward, village or town demanding the same.

53. § 16. If the first general registration under this law shall be made for an election held prior to a presidential election, then the next new and general registration shall be for the general election held the same time with the presidential election, and a new general registration shall be made and had every four years thereafter for the general election held at the same time with the presidential election. Every general registration shall be made in the same manner and in conformity with the directions above given for the first registration. At every general registration every person desiring registration must appear in person and make application, under oath, as in the first instance. At every subsequent general registration after the first, the board of registry shall be entitled to the previous registry from the board of election commissioners, for the purpose of comparison and assistance in identification, and if any one shall apply for registration who appears upon such prior registry as disqualified for any reason, his name shall be entered upon such registration, but he shall be marked disqualified, unless such grounds of disqualification have been removed. The same forms and blanks, and methods and proceedings shall be had before and by the board of registry, and by the canvassers, and by and before the judges of election and election clerks, and by the board of election commissioners and county court in every subsequent general registration, as is directed herein for the first registration and election following same.

INTERMEDIATE REGISTRATION.

54. § 17. At every election held in such city, village or incorporated town, between the general registrations above provided for, (except in case of a special election in or for such city, village or town, or in some part of said city, village or town, and except at any judicial election held between such general registrations, at which election no other officers than judicial officers are to be voted for,) the last general registration shall be used, but the same shall be revised by the board of registry of each precinct where such election is to be held; and for that purpose the board of registry shall meet on Tuesday, three weeks preceding such election, and shall hold a session from eight o'clock A. M. to nine o'clock P. M. on that day, and names may be added on the registers in the same way, upon sworn application, as in case of a general registration, and all the same forms and requirements are to be observed. If it shall appear that such applicant had, before that time, been upon the registry in any other precinct in such city, village or town, his name shall not be added to the registry where application is made, until he produces a certificate of removal given him by the board of registry in such other precinct, which certificate shall be, in substance, as follows :

not note such name for erasure, unless demanded by one of said judges. All suspected persons shall be arranged under the following headings :

“Disqualified voters,” under which shall be placed the names of suspected criminals or other persons suspected to be disqualified.

Under the heading “Deceased voters,” shall be placed all who are known to be, or suspected of being dead.

Under the heading “Removed,” shall be placed all who are suspected of having removed from their last address.

The clerks of election shall make out such lists under the direction of such board.

56. § 19. At the end of such session such registers shall be made to agree, and where there is any difference a majority of said board shall decide the same, and then each of said judges shall sign each page of each register made, below the last name on each page, so that no name can be added thereto without discovery; and the usual certificate shall be added. Two of such registers shall be returned to said board of election commissioners by noon of the next day, and the one called the public register shall be hung up in the place of registration. The clerks, during that session, shall make a copy of all the names and addresses upon the registry for the purpose of their canvass on the next day, and they shall compare their copy with such registers and know they are correct.

57. § 20. Said clerks as canvassers shall, on Wednesday and Thursday following, if so much time is required, call at each address upon such registry, and in their canvassing books note the facts ascertained touching such persons. If the party indicated in the registry be dead, to note that fact; if he be removed, note such fact. If no trace can be found of him, note such fact. If he is suspected by either as being disqualified, to note it, and if marked in the list as dead and he be found still living at such address, note the fact and erase him from the “suspected list.” Such canvassers after such canvass shall add to their “suspected list” all names which are not already upon it, with the address as found in the register, and whom they, in their canvass, found to be dead, or to have removed, or who cannot be found, or whom he or they suspect not to be a qualified voter. Thereupon said canvassers, or one of them, shall sign a notice and send the same through the mail duly stamped to the address given of all persons who are upon the “suspected list,” requiring such persons to appear before the board of registry upon Tuesday following, giving the time of such session, and show cause why his name should not be erased from said registry. A similar notice shall also be served by one of said canvassers upon such party personally before the following Tuesday, and if he cannot be found at the place designated upon said registry, the same may be left at the place of residence designated, if there be such a place. Said notices sent through the mail must be mailed not later than Saturday of the week of such canvass. When demanded by said canvassers, a policeman shall be ordered to accompany them, as hereinbefore provided in case of general registration, and the persons or officers upon whom such demand is made, if the demand shall not be complied with, shall be subject to the same penalties as in case of refusal when making a canvass for said general registration.

58. § 21. The next meeting of such board of registry for revision shall take place on the evening of Tuesday, two weeks before such election, and a session shall then be held from six o'clock P. M. to ten o'clock P. M. At such meeting said canvassers, or one of them, shall file with said board an affidavit of the facts noted by him or them as aforesaid, giving the names and address of those not found who were upon such registers, and also the names and address of those actually served with such notice, or served by leaving such notice at the designated place of residence, stating in which manner service was made, and also stating the names and address of all those to whom such notice was mailed, and when mailed. No new names shall be added at such meeting.

59. § 22. At such meeting all of said registers shall again be produced, and said board shall hear every person that appears before them, to whom such notice, to show cause why his name should not be erased from such registers, was sent, in the same manner provided for in case of the first registration, and if a majority of said board shall decide that such person is not a qualified voter, his name shall be erased from such register. Evidence on either side may be heard, and all witnesses or parties shall be sworn. If qualified voters so noted as dead or removed are not dead and have not removed, their names shall stand, but if any persons, upon such registers, who have been so notified, do not appear at such session, the said board shall, during the last hour of such session, cause all such names to be erased and marked as dead, or removed, or disqualified, as the case may be. The fact of such erasures should be noted on the register as nearly as can be ascertained. Under all circumstances, the name of the party so notified to appear to show cause, shall be erased if he does not appear, whether the cause of erasure can be ascertained or not. Non-appearance, when so notified, shall be evidence of disqualification.

60. § 23. The three registers shall then be compared and be made to agree where there is any difference, and all three shall be signed at the bottom of each page by all of said judges immediately under the last name on that page, so that no new name could be added without discovery. Such revision of the registry by said board of registry, shall then be considered closed, and no other names can be added by said board, and a certificate of the number of qualified voters shall then be attached, and one of said registers designated, as the public register, shall then be hung up at the place of registration for public inspection at all times prior to the election; and the other two books of registry shall, by noon of the next day, be returned to the said board of election commissioners.

61. § 24. Said board of election commissioners shall immediately, upon the return of said registers, cause the registry of each precinct to be copied and arranged according to street numbers, as in case of the first registration, and shall cause a suitable number of each precinct to be printed for distribution; and shall cause a copy thereof to be posted, and copies given to the judges and clerks, as provided in case of first registration; and also to furnish printed supplemental lists, as before directed as to the first registration.

62. § 25. Any person whose application to register was made at the proper time and was refused, and any person whose name was

erased from the registry at the last session of the said board of registry, shall have the right, within two days after the said last day's session, to file a written application with said election commissioners to have his name inserted in such registry as a qualified voter. And any voter of a ward, village or town may file before said board of election commissioners his application to have any name erased from said register, and thereupon the same proceedings shall be had with reference to such applications in the same way as in the case of the first registration under this act, and as above provided, except as to the length of time of the session of said board for the purpose of hearing applications, which session may be fixed by said board to suit its convenience, so as to give an opportunity for such applicants to be heard; said board of election commissioners shall cause such name to be added or erased from said registers in the same way as provided in the case of general registration. In case of denial of registration or of erasure by the said board of election commissioners, application for a review may be had and taken before the county court, as in case of the first registration under this act, and said county court shall sit on Monday and Tuesday of the week prior to the week in which such election takes place, and hear and dispose of such applications in the same way, and make orders with reference thereto in the same way, and in the same way grant appeals and sign certificates of evidence. The same forms and methods shall be used and adopted with reference to such applications for review, as in such first general registration; and said board of election commissioners shall enter in such registers, so in their possession, the names as allowed by themselves to be registered as qualified voters, and also those ordered by said county court to be entered as qualified voters, and thereupon said board shall stamp each register as above provided, and no person can vote at the next election whose name is not upon said register unerased. The day before such election, said two registers shall be returned to the judges of election for use on election day, one being given to the judge or judges of the opposite leading political parties.

63. § 26. On election day said judges shall take possession of said third, or public register and after such election, and on the next day, all three of said registers shall be returned to said board of election commissioners, and said third public register shall, immediately after such election, be corrected by said board of commissioners, so as to correspond with the other two registers, or in case it shall be mutilated, or in case any register of any precinct shall be lost, said board of commissioners shall cause a true copy to be made from the other register or registers, so that prior to the next meeting of the board of registry there shall be three registers for each precinct. This section is made applicable, and it shall be the duty of the judges of election to observe it, after each and every election.

64. § 27. At any special election occurring in a portion of such city, village or town only, or which is to fill a vacancy occurring in a single office, and at all judicial elections, at which no other than judicial officers are to be elected, there shall not be a previous revision of the registry. But at such special or judicial election any legal voter of a precinct shall be entitled to vote, in case he shall file with the judges of election an affidavit stating the time when he removed into such precinct

and the length of his legal residence in such precinct, county and State, and that he has removed into that precinct since the last registration of electors at the last election, and that he is a legal voter of such precinct, supported by an affidavit of a registered voter and householder of the precinct that he knows such person, and that his statements as to his time of residence, as aforesaid, are correct, and that such person is a legal voter in such precinct. But it shall be the duty of such judges of election to examine him on oath as to his qualifications, and, if they are of the opinion that he is not a legal voter, or did not remove into such precinct since the last general or intermediate registration, they shall not accept of his vote. The books of registry shall be used at such elections, and no one can vote unless upon such registry, except under the circumstances and through the method aforesaid. All affidavits shall be returned to the office of such election commissioners by the judges of election after every registration and after every election.

65. § 28. The registers in the office of the election commissioners shall, at all times, be open to public inspection without charge.

66. § 29. Said judges of election of any precinct shall, on the day preceding any election, call at the office of said commissioners, and receive two registers of such precinct, one being received by the representative of one leading political party, and the other by the representative of the other leading political party. The ballot box of such precinct shall be delivered to one of said judges with the key, and it shall contain the poll books and all the blanks and stationery required for such election.

67. § 30. If any person shall wilfully remove, mutilate or destroy the public register, hanging up at the place of registry, he shall be guilty of a misdemeanor, and, upon conviction, shall be imprisoned in the county jail not less than three months nor more than twelve months.

68. § 31. Any vacancy upon such board of registry, on the day of registration, shall be filled by the judge or judges present, always selecting a person of the same political party as the party absent, and the same oath shall be administered by one of the judges present to such temporary judge, as provided for regular judges. Whenever any regular judge shall return or be present, such temporary incumbent shall vacate his office.

ARTICLE IV.—ELECTIONS.

69. SECTION 1. The election polls shall be opened at six o'clock in the morning, and continued open until four o'clock in the afternoon, of the same day, at which time the polls shall be closed, and if any judge or clerk shall be behind time for fifteen minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five minutes at any time, until the ballots are all cast and counted and returns made, except one at a time of such judges or clerks may absent himself for sufficient time to cast his vote in the precinct where he belongs. And when absent for any cause, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return.

70. § 2. If any judge or clerk shall not be present after the expiration of fifteen minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk, always selecting a person of the same political party as the party absent. And one of the judges shall administer to such substitute the oath as required of the judge or clerk originally appointed, and blank forms shall be sent out by the commissioners for such purpose. Which oath shall be preserved and returned to the commissioners, and such appointee shall be considered an officer of the county court, and subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present, such substitute shall cease to act. Any judge or clerk who shall wilfully absent himself from the polls on election day, without good cause, shall be guilty of a misdemeanor, and be subject to a fine or penalty of five hundred dollars. And if such judge or clerk shall wilfully detain any register or poll book, and not cause it to be produced at the polling place, at the opening of the polls, or for fifteen minutes thereafter, he shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned not less than three months nor more than one year in the county jail, or be fined not less than two hundred dollars nor more than one thousand dollars.

71. § 3. Before voting begins, the ballot box shall be empty and shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, and, on conviction, shall be fined a thousand dollars, if such ballot box shall not be kept constantly in public view during the progress of the election; unless it shall be shown by such judge that he protested against such obstruction of the view of the ballot box, and was overruled by the majority of the judges. If any barricade or other obstruction of any kind shall be, prior to or during such election, interposed, so that all who desire cannot constantly see such ballot box, it shall be the duty of such judges to remove such obstruction on request or on their own motion, and if such obstruction shall not be removed on request, it shall be the duty of any sheriff, constable or police officer to remove the same on request. And such judges shall be guilty of a misdemeanor and liable to a penalty of a thousand dollars, on conviction, for not removing the same on demand, and shall be imprisoned in the county jail not less than six months nor more than two years. Any judge or justice of the peace shall have jurisdiction, on complaint, to issue a warrant to any constable, or the sheriff of the county, to remove such obstruction as a nuisance; and in executing such warrant he may call any person to his assistance, and no other officer of the law or private individual shall interpose or interfere with such removal; and if he does he shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned in the county jail not less than sixty nor more than ninety days.

72. § 4. Each of the clerks of election shall keep a poll book which contains a column headed "Number;" another headed "Residence," and another "Names of Voters." The name of such elector voting shall be entered upon each of the poll books by the clerks, in reg-

ular succession, under the proper headings, and the number of such voter placed opposite the name in the column headed "Number."

73. § 5. Each voter may write his name upon the back of his ballot with ink or in pencil.

74. § 6. One of said judges of said election shall receive the ballot from the voter, and shall announce the residence and name of such voter in a loud voice. And the other two judges shall use and handle the two registers delivered to the judges by said commissioners, each using one. And when the name is found by both upon the registers, and the residence, as given by such voter, corresponds with the residence on such registry, and he is marked as a qualified voter therein, and not erased, then such judge shall receive such ballot unless such voter is challenged, and shall fold the same if it be not folded, and shall mark the number of such vote thereon, which shall correspond with the number, as then and there entered by said poll clerks upon the poll books. Said judge shall then put said vote into the ballot box in the presence of the voter and of the judges and clerks of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon in the same line of the name of the voter, mark "voted" or the letter "V." If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of said judges shall administer to him an oath to answer questions; and if he shall take said oath he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in such precinct, county and State, that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. Also supported by an affidavit by a registered voter who is a householder residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct, county and State for the length of time as stated by such person; which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, numbered and entered as other votes. But such clerks and the judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to said judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received.

75. § 7. The vote of no one shall be received by said judges whose name does not appear upon said registers as a qualified voter.

76. § 8. At every election each of the political parties shall have the right to designate and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position immediately adjoining the judges of election, inside the polling or registration booth, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the judges of election and the police. And authority, signed by the recognized chairman, or presiding officer of the chief managing committee of a party in any such city, village or incorporated town, shall be sufficient evidence of the right of such challenger to be present inside the room where the ballot box is kept. But in case any challenger cannot or does not produce the authority of such chairman, it shall be the duty of said judges of election to recognize a challenger that shall be vouched for and presented to them by the persons present belonging to such political party, or who shall be vouched for by the judge representing such party. The chairman of the managing committee of each political party for such city, village or town may remove any challenger appointed by him. The challenger, so appointed and admitted to the room where such ballot box is kept, shall have the right and privilege of remaining during the canvass of the votes, and until the returns are duly signed and made. Each political party shall also have the right to a challenger, placed conveniently outside of the polling booth, but not in the way of the voters. In addition to such challenger, each of the political parties casting votes at such poll, at the close of the polls, shall have the right to the admission of two persons of their political faith into the room where such ballots are to be canvassed, to watch such canvass, which watchers may be selected by the captain of the ward or precinct, or other persons managing the political interests for such party in such ward or precinct, and, in the absence of such selection, it shall be duty of the judges of such election to admit into such room two persons of each political party so voting at such election, and who shall be vouched for by the judge or judges representing such political party, to be present during the canvass of such votes and the making of such returns. That such persons shall be of good character, and sober, and shall in no wise interfere with such canvass. The police shall in no manner interfere with the entrance of such watchers into such room, but they shall keep order, and in case of any disorderly conduct on the part of any bystanders or watchers, it shall be the duty of the police to exclude such persons from such room. It shall also be the duty of such judges of election to admit one or more policemen to be present in such room at the time of such canvass.

77. § 9. Said judges of election shall have authority to keep the peace and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots; and it shall be the duty of all officers of the law present to obey the order of such judges of election, and an officer making an arrest by direction of any judge, shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest.

78. § 10. It shall be the duty of the board of election commissioners, at any judicial election, at which no other officers are to be elected than a judge or judges, to appoint two competent and discreet persons

residing in any ward, village or town, to act as official ticket holders for each precinct on the day of election, one from each of the leading political parties of the State, and who shall wear a badge indicating that they are such official ticket holders. Such commissioners shall furnish them with a box conveniently arranged to contain such tickets or ballots. And it shall be the duty of both such official ticket holders to keep on hand, if furnished to them, tickets of each candidate at such election in such precinct, and to furnish the ticket asked for by any person, irrespective of party. It shall be the duty of such official ticket holders to preserve and protect such tickets, and not to destroy the same, and to prevent their needless destruction. Such official ticket holders shall be present at such polls from the opening to the close. Any such official ticket holder neglecting to perform his duty or who shall desert his place, or who shall corruptly use his position, or who shall, in any way, interfere in such election, or who shall canvass for voters for either party or for any person, shall be guilty of a misdemeanor under this act, and shall forfeit his fee or salary for such service, and, on conviction, shall be imprisoned in the county jail not less than thirty nor more than sixty days. Such ticket holder shall be protected by the police, and a majority of said judges of election at such precinct may, for misconduct, remove any such official ticket holder and appoint another in his place of the same political party, and such removal shall be enforced by any police officer.

79. § 11. As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately, and at the place of the poll, proceed to canvass the votes so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the judges and clerks, shall have been made out and signed by them. The judges of election shall have the right to station one or more police officers, or officers of the peace, at such entrance to the room where such canvass is begun, or about to take place, to exclude disorderly persons, and to keep the peace. The challengers present, and the watchers of such canvass, shall be allowed to be present, and so near that they can see that the judges and clerks of said election are faithfully performing their duties. Each candidate for an office to be filled at such election, by certificate in writing, signed by him, may designate one person for each election precinct in which he is a candidate, to be present at such canvass of the ballots, and such persons shall be admitted to a position in said room as a watcher of such canvass. And the judges of election shall permit him to be present, and be so near to them that he can see that such canvass and the statements required by them of the votes are correctly made, and no judge of election or police or other officer shall allow such person to be molested or removed during the canvass of such ballots, nor until such statements have been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct.

80. § 12. The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot that is marked, and upon which there is no mark. And if the ballot and the poll lists

still do not agree after such rejection, they shall reject as many of the ballots upon which no number is marked as may be necessary to make the ballots agree in number with the names entered on each of the poll lists. And if, after rejecting all of the ballots upon which there is no number marked, the number of ballots in the box still exceeds the number of names entered on each of the poll lists, the ballots shall be replaced in the box, and the box closed and well shaken, and again opened; and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. And the ballots or poll lists agreeing, or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles, or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or an erasure, or in any manner shall be different from the others of such file. One of said judges shall then take one file of the kind of ballots which contain the same names, and count them by tens, carefully examining each name on each of said ballots. Such judge shall then pass the ten ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, who shall then pass them to the third judge who shall also count them in the same manner. The third judge shall then call the names of the persons named in the ten ballots, and the offices for which they are designated, and the poll clerks shall tally ten votes for each of such persons. When said judges shall have gone through such file of ballots, containing the same names, by tens in that way, and when the poll clerks shall have tallied all the votes by tens for each of such persons, they shall then take up the next file of ballots containing the same names, and shall count them by tens in the same way; and shall call the names of the persons named in said ballots and the offices for which they are designated; and the tally clerks shall tally the votes by tens for each of such persons in the same manner as in the first instance. When the counting of each file of ballots, which contain the same names, shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed. And when they agree upon the number, one of them shall announce it in a loud voice to the judges. The said judges shall then canvass the other kinds of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the name of the person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by one of the judges sitting between the two other judges, which judge shall call each name to the poll clerks, and the office for which it is designated; and the other judges looking at the ballot at the same time, and the poll clerks making tally of the same. When all the ballots have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce, in a loud voice, to the judges, the number of votes received by each candidate on each of the kinds of ballots containing

his name, the number received by him on the split and scratched tickets, and the total number of votes received by him.

81. § 13. Each batch of ten ballots counted by the judges of election shall, as soon as counted, read and tallied, be strung upon a strong string, thread or twine, in the order in which they have been read; and each batch shall be thus disposed of before the commencement of the count as to the next batch.

82. § 14. Whenever any proposition is submitted to a vote of the people, and is printed or written upon the same ticket, with the names of candidates for an office, the names, together with such proposition, shall be canvassed in the following manner: All the ballots shall be first separated into three piles. The first pile containing all the ballots in favor of such proposition; the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile, and see that the separation has been properly made. Then the first pile shall be counted by tens, and the result announced to the clerk, who shall tally the same by tens. And so the second pile shall be counted, announced and tallied, and likewise the third pile, if necessary. Whereupon the clerks shall announce to the judges the number of votes for and the number of votes against such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied.

83. § 15. If the tally sheets and returns should contain no heading for any proposition submitted, it shall be the duty of the clerks to write into such tally sheets and returns the headings necessary in order to keep a correct tally, and to make a correct and accurate return, and it shall be the legal duty of the clerks and judges of election to make a true count and correct return of all votes upon any such proposition, and any wilful failure or neglect of any judge or clerk to do so shall constitute a felony, and, on conviction, such judge or clerk shall be sent to the penitentiary for not less than three years nor more than five years.

84. § 16. When the canvass of the ballots shall have been completed, and the poll clerks shall have announced to the judges the total number of votes received by each candidate, each of the judges of election in turn shall then proclaim, in a loud voice, the total number of votes received by each of the persons voted for in such precinct, and the office for which he is designated; and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

85. § 17. The said judges of election shall make quadruple statements of the result of the canvass, one of which shall be written, or partly written and partly printed, in each of the poll books used at such election. Each of the statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, city and county, in relation to which such statements shall be made; and the time of opening and closing of the polls of such election precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which

statements shall be written, or partly written and partly printed, in words at length; and in case a proposition of any kind has been submitted to a vote at such election, such statements shall also show the whole number of votes cast for or against such proposition, written out or partly written and partly printed in words at length. And at the end thereof a certificate that such statement is correct in all respects. Which certificate, and each sheet of paper forming part of the statement, shall be subscribed by the said judges and election clerks. If any judge or election clerk shall decline to sign such return, he shall state his reasons therefor in writing, and a copy thereof signed by himself shall be enclosed with each return. Each of the statements, except the one contained in each of the poll books, shall be enclosed in an envelope, which shall then be securely sealed with sealing wax or other adhesive material; and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. One of the envelopes shall be directed to the county clerk, and one to the comptroller of the city, or to the officer of such city whose duties correspond with those of comptroller. Each set of tallies shall also be signed by the election clerks and the judges of the election. And each shall be enclosed in an envelope, securely sealed and signed in like manner; and one of the envelopes shall be directed on the outside to the election commissioners, and the other to the city, village or town clerk. On the outside of every envelope shall be endorsed whether it contains the statement of the votes cast or the tallies, and for what precinct and ward, village or town.

86. § 18. Before enclosing in an envelope the statements or returns aforesaid, and after signing the same, said judges shall securely paste or attach to each return one ballot of each kind found to have been given for the officers to be chosen at such election, and they shall state in words, at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, so that one of each kind of ballots, received at such election for the officers then to be chosen, shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the ballot box, it shall be pasted or attached to the statement to be delivered to the board of election commissioners, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the board of election commissioners, and the other statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being deficient, in whole or in part, to the statement to be delivered to the board of election commissioners.

87. § 19. The poll-books, which contain two of the several statements or returns, shall be placed in the ballot box, and the ballot box shall then be locked and the key removed, whereupon said judges of election shall all write their names upon a strip of paper of sufficient length for the following purpose: Said strip of paper, after the signing of their names thereon by said judges, shall then be pasted over the key-hole in said ballot box, and extending upward to the upper lid of the box, and carried for some distance over the top, and it shall be placed in such a way that the signatures of said judges shall extend across the place of the opening of the lid of the box, so that when the box is

opened it shall tear such paper and destroy the signatures written thereon, and so that when the key shall be inserted in the key-hole it will tear the paper so pasted over the key-hole. Such paper shall be fastened with sealing wax, or by some other adhesive material, which will not permit the removal of such slip of paper without defacing the same.

88. § 20. Thereupon one of the judges of election shall take charge of said ballot box and its contents so enclosed, and one of the judges, who shall represent the opposite political party from the one taking the ballot box, shall receive and hold the key thereto. The two judges, who do not have charge of the ballot box, shall each take one of the statements of the votes cast into his possession, sealed up in the envelopes as aforesaid; and each of the clerks shall take one of the tally sheets sealed up in the envelope as aforesaid. Thereupon, and before separating, the remaining ballots, not pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the meeting of said judges and clerks shall then be dissolved. Thereupon, and before twelve o'clock of the day after such election, the judge having possession of such ballot box shall deliver the same, with the contents aforesaid, to the board of election commissioners, with the seal unbroken, and shall receive a receipt therefor; and within the same period of time the judge, having possession of such key, shall deliver the same to said board of commissioners and receive a receipt therefor, and the two judges, not having possession of the ballot box, and the two clerks, shall each, before twelve o'clock of the next day after such election, deliver the statements and tallies so in their possession, respectively, to the respective officers to whom addressed, as aforesaid, and who, by this act, are entitled to receive the same, and, when delivered, each one shall take a receipt from the officer to whom delivered. And none of them shall receive pay for their services, as such judges or clerks, without the production of the receipts so given them by the officers aforesaid. It shall be the duty of the respective officers so designated, to whom such statements and tallies are ordered to be delivered, to receive the same, and to safely keep under lock and key until ordered to be surrendered as hereinafter provided.

89. § 21. The said board of election commissioners, upon the receipt of said ballot box, and the key thereto, shall note the condition of the seal or stamp on said box, and enter the fact touching the same upon a book to be kept by them, together with the name of the officer who returned such ballot box. They shall thereupon open said ballot box and remove the poll books containing the returns of the votes cast, and note upon the same memorandum book their condition, and shall put them in a secure place under lock and key, to which the public, in no event, shall have access.

ARTICLE V.—GENERAL CANVASS.

90. SECTION 1. Within seven days after the close of such election, the county judge, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all the returns left respectively with the election commissioners, the county clerk and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz: All votes for Governor and Lieutenant-Governor on

one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for clerks of the Supreme Court on another sheet; all votes for clerk of the Appellate Court on another sheet; all votes for judges of the Circuit Court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for members of the State Board of Equalization on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet; all votes for town officers on another sheet, and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

91. § 2. It shall be the duty of such board of canvassers to canvass, add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town, and the county court shall thereupon enter of record such abstract and result, and a certified copy of such record shall thereupon be filed with the county clerk of said county. And such abstracts or results shall be treated, by said county clerk, in all respects, as if made by the canvassing board, now provided by law, and he shall transmit the same to the Secretary of State, or other proper officer, as required by law. And such abstracts or results, so entered, and declared by such county court, and a certified copy thereof, shall be treated everywhere within the State, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the general law of the State.

92. § 3. The county clerk shall make out a certificate of election to each person having the highest number of votes for the several county and town offices, and deliver such certificate of election to the person entitled to it, on his application.

93. § 4. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes, as declared by the order of said court, for the several city or town offices within such city, including aldermen, and deliver such certificate of election to the person entitled to it, on his application.

94. § 5. In the canvass of such votes by the canvassing board, provided in said act, said board shall declare who is elected to any city or town office. In the case of a tie in the election to any city office or to any office voted for only within the territory of such city, it shall be determined by lot, in such a manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person, in whose favor it shall result, shall be declared elected by the order entered in said county court as aforesaid.

95. § 6. If, upon opening the various returns so made by the board of canvassers as aforesaid, there shall be anything to indicate that a change has been made in such returns since signing the same by the judges or clerks, or of any fraud in any respect touching such returns, it shall then be the duty of said canvassing board to have all the tallies opened and examined. If there shall then be any doubt as to the genuineness of such returns for any precinct, and as to the actual

vote as originally returned, and the truth respecting the same remains uncertain, it shall be the duty of such canvassers to examine any person or persons, who were present at the time of the proclamation so made by the judges of election, in such precinct, about which any doubt arises, and the board shall be permitted to place such parties or witnesses on oath, and examine them touching the same, and it shall be their duty to call such parties who were present at the time of such proclamation to come before them, and a subpoena may be issued by the county court, under the direction of said board, compelling any such witnesses to come before said board and give their evidence touching the matter in controversy; and thereupon it shall be the duty of said board to declare the result of the vote in any such precinct, in regard to which any question arises, as it was proclaimed by the judges of election after the canvass by them in such precinct, which result, when so declared, shall be binding and conclusive.

96. § 7. The county judge shall be the presiding officer of such canvassing board, and a majority of such canvassing board shall have the right to declare the result, and the result when so declared the said county judge shall cause to be entered of record in his court as aforesaid, which shall be conclusive as to the votes cast at such election in all the precincts of such city.

ARTICLE VI.—OFFENSES.

97. SECTION 1. If at any general registration of voters, or at any meeting of the judges of election, held for such purpose, or for revision thereof, as provided in this act, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person;

Or if any person shall knowingly or fraudulently register or offer, or attempt to make application to register, in, or under the name of, any other person, or in, or under any false, assumed or fictitious name, or in, or under any name not his own;

Or shall knowingly or fraudulently register in two election precincts;

Or, having registered in one precinct, shall fraudulently attempt or offer to register in another;

Or shall fraudulently register or attempt, or offer to register in any election precinct, not having a lawful right to register therein;

Or shall knowingly or wilfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, wilfully or fraudulently by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter, in any election precinct, to be erased or stricken from any registry of the voters of such district, made in pursuance of this act or otherwise, as in this act provided;

Or by force, threat, menace, intimidation, bribery, reward or offer or promise thereof, or other unlawful means, prevent, hinder or delay any person having a lawful right to register or be registered, from duly exercising such right;

Or shall knowingly, wilfully or fraudulently compel or induce, or attempt, or offer to compel or induce, by such means, or any unlawful

means, any judge of election or other officer of registration in any election precinct to register or admit to registration any person not lawfully entitled to registration in such precinct ;

Or to register any false, assumed or fictitious name, or any name of any person except as provided in this act ;

Or shall knowingly or wilfully or fraudulently interfere with, hinder or delay any judge of election, or other officer of registration, in the discharge of his duties, or counsel, advise or induce, or attempt to induce, any such judge or other officer to refuse or neglect to comply with, or to perform his duties, or to violate any law prescribed for regulating the same ;

Or shall aid, counsel, procure or advise any voter, person, judge of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done ;

Every such person, upon conviction thereof, shall be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

98. § 2. If, at any election hereafter held in any such city, village or incorporated town, any person shall falsely personate any elector or other person, and vote or attempt, or offer to vote, in or upon the name of such elector or other person ;

Or shall vote, or attempt to vote in, or upon the name of any other person, whether living or dead, or in, or upon any false, assumed or fictitious name, or in, or upon any name not his own ;

Or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law ;

Or shall vote, or attempt, or offer to vote in any election precinct without having a lawful right to vote therein ;

Or vote more than once, or vote in more than one election district ;

Or, having once voted, shall vote or attempt or offer to vote again ;

Or shall knowingly, wilfully or fraudulently do any unlawful act to secure a right or an opportunity to vote for himself or for any other person ;

Or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any elector in giving his vote ;

Or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the right of suffrage ;

Or, by any such means, induce or attempt to induce any such voter to exercise any such right ;

Or shall, by any such means, or otherwise, compel or induce or attempt to compel or induce any judge of election or other officer of election, in any election precinct, to receive the vote of any person not legally qualified or entitled to vote at the said election, in such district ;

Or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any judge of election, poll clerk, or other officer of election in the discharge of his duties ;

Or by any of such means, or other unlawful means, knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any judge of election, poll clerk, or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or to make any false certificate, document, report, return or other false evidence in relation thereto ;

Or to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein ;

Or to refuse to receive the vote of any person entitled to vote therein ;

Or shall aid, counsel, advise, procure or assist any voter, person, or judge of election, or other officer of election, to do any act by law forbidden, or in this act constituted an offense ;

Or to omit to do any act by law directed to be done ;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than five years.

99. § 3. If any election clerk, or poll clerk, or any judge of election, performing the duties of poll clerk, or other person performing such duties, shall wilfully keep a false poll list ;

Or shall knowingly insert in his poll list any false statement, or any name or statement, or any check, alteration or mark, except as in this act provided ;

He shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

100. § 4. Every judge of election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election ;

Or shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law ;

Or shall wilfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person ;

He shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than two years.

101. § 5. Every judge of election, member of any board of canvassers, messenger, poll clerk or other officer authorized to take part in, or perform any duty in relation to any canvass or official statement of the votes cast at any election in any precinct, or in any city, village or incorporated town, who shall wilfully make any false canvass of such votes ;

Or shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false ;

Or who shall wilfully deface, destroy or conceal any statement, tally or certificate entrusted to his care or custody ;

Shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than five nor more than ten years.

102. § 6. If any person, other than a judge of election, shall, at any such election, knowingly and wilfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes ;

Or if any such judge of election shall knowingly and wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have commenced ;

Or shall knowingly, wilfully or fraudulently put any ballot or other paper having the semblance thereof, into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this act ;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed ;

Or shall remove any ballot or semblance thereof, from, or add any ballot or semblance thereof, to the ballots taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed ;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

103. § 7. If any such judge of election, poll clerk, or other officer of registration, revision, election or canvass, of whom any duty is required in this act, or by the general election laws of this State, so far as the same are consistent with the provisions of this act, shall be guilty of any wilful neglect of such duty ;

Or of any corrupt or fraudulent conduct or practice in the execution of the same ;

He shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

104. § 8. Every judge of election, poll clerk, or other officer or person, having the custody of any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper, document or vote of any description, in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof ;

Or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act ;

Or who permits any other person so to do ;

Shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than five nor more than ten years.

105. § 9. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than five nor more than ten years. And such offense shall be deemed to have been committed whether such person has or had any custody or control, rightful or otherwise, over, or is charged with any duty in relation to said records, register, ballots or other documents.

106. § 10. Any person who shall be convicted of wilfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by, or upon any examination provided for in this act, shall be adjudged guilty of a wilful and corrupt perjury, and shall be punished according to the laws of the State.

107. § 11. Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged as guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

108. § 12. If any person shall fraudulently change or alter the ballot of an elector, or substitute one ballot for another;

Or fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote;

Or otherwise defraud him of his vote;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall, if a judge of election, poll clerk or other officer of election, be punished with imprisonment in the penitentiary for not less than two nor more than five years.

And if not such judge, poll clerk, or other officer of election, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

109. § 13. If any person shall have been convicted of bribery, felony or other infamous crime, under the laws of any State, and who has never received the pardon for such offense from the officer entitled to grant such pardon, shall thereafter vote, or offer to vote, at any election in such city or incorporated town;

He shall, upon conviction thereof, be adjudged guilty of a felony, and, for each and every such offense, shall be punished by imprisonment in the penitentiary for not less than two nor more than five years.

110. § 14. If any person shall wilfully disobey any lawful command of any judge of election, or of any board of registry, given in the execution of his or their duty as such, at any election or registration, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year; or by a fine of not less than two hundred and fifty (250) nor more than one thousand (1,000) dollars, or by both such fine and imprisonment. Any misdemeanor under this act, for which no penalty is specifically provided, shall be punished as provided in this section.

111. § 15. If at any general registration of voters or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly violence, or threats of violence, whereby any such registration, revision, election or canvass shall be impeded or hindered;

Or whereby the lawful proceedings of any judge of election, or board of registration, or poll clerk, or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, are interfered with;

Every such person shall, upon conviction thereof, be adjudged guilty of the [a] misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year; or by a fine of not less than two hundred and fifty (250) dollars nor more than one thousand (1,000) dollars; or by both such fine and imprisonment.

112. § 16. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, poll clerk, challenger, or person designated, as provided in this act to be present at the canvass of any ballots, in the performance of any duty required of him, or which he may by law be authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully, shall, on the day of registration, revision of registration, or of election, hinder or prevent any judge of election, poll clerk, challenger, or person designated, as provided in this act, to be present at the canvass of ballots, in his free attendance and presence, at the place of registration or revision of registration, or of election, in the election precinct in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of registration, revision of registration, or of election;

Or to and from any room where such registration, revision of registration, or election, or canvass of votes, or making of any return or certificates thereof, may be had;

Or shall molest, interfere with, remove or eject from any such place of registration or poll of election, or of canvassing ballots cast thereat, or of making of returns or certificates thereof, any such judge of election, poll clerk, challenger, or person designated as provided in this act to watch the canvass of any ballots, except as otherwise provided in this act, or shall unlawfully threaten or attempt or offer so to do;

Every such person shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than six months nor more than one year;

Or shall be fined not less than five hundred (500) nor more than two thousand (2,000) dollars, or both.

113. § 17. If any person, upon the day of such election, or before the canvass of votes is completed, shall conceal or wilfully break or destroy any ballot box, used or intended to be used at such election;

Or shall wilfully or fraudulently conceal, secrete or remove any such box from the custody of judges of election;

Or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot box at such election, which has not been counted and canvassed;

Or poll list used at such election;

Or any report, return, certificate, or other evidence in this act required, as provided for;

[He] shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offense, be punished by imprisonment in a State penitentiary for not less than two nor more than five years.

114. § 18. If at any election precinct, at any registration of voters or revision thereof, or at any election hereafter held in such city, any judge of election or poll clerk shall knowingly or wilfully admit any person to registration, or make any entry upon any register or poll book;

Or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the judges of election in said election precinct are present and concur;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty nor more than sixty days; or by a fine of not less than one hundred (100) nor more than one thousand (1,000) dollars; or by both such fine and imprisonment.

115. § 19. If any judge of election, in any election precinct, shall, without urgent necessity, absent himself from the place of registration, or the polls in said district, upon any day of election, whereby less than a majority of all the judges in such election district shall be present during such hours of registration, election or canvass of ballots;

He shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than sixty days nor more than six months; or shall be fined not less than five hundred (500) nor more than one thousand (1,000) dollars, or both.

116. § 20. It shall be unlawful for any judge of election, poll clerk, challenger, or person designated, as provided in this act, to be present at the canvass of any ballots in any precinct, during the election or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place;

Or for them, or any person or persons within the polling place, to electioneer, distribute tickets or ballots, or engage in any political discussion.

Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days. Or by a fine of not less than one hundred (100) nor more than five hundred (500) dollars, or both.

117. § 21. Whoever, during the hours of election in any election precinct in such city;

Or during the hours of registration, revision of registration, or canvass of votes, or of making return thereof, shall bring, take, order or send into; or shall attempt to bring, take, or send into any place of registration, or revision of registration or of election, any distilled or spirituous liquors whatever; or shall, at any such time and place, drink or partake of such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished according to law.

118. § 22. Irregularities or defects in the mode of noticing, convening, holding or conducting an election authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this act.

119. § 23 Every act which, by the provisions of this act or the general election laws, is made a crime when committed with reference to the election of a candidate, is equally criminal when committed with a reference to the determination of the question submitted to electors, to be decided by votes cast at an election.

The word "election," as used in this act, shall be construed to designate elections had within any city, village or incorporated town adopting this act, for the purpose of enabling electors to choose some public officer or officers under the laws of this State or the United States;

Or to pass upon any amendment, law or other public act or proposition submitted to vote by law.

The word "householder," as used in this act, shall mean the chief or head of a family, who resides with the family as a family, and who supports and provides for such family as an independent family.

120. § 24. In case of misdemeanors committed, where a matter of fine shall be imposed instead of imprisonment, such party shall be discharged from imprisonment only on condition of payment of the fine;

And, unless paid, his imprisonment shall continue until such fine shall be cancelled by an allowance of three (3) dollars per day for each day of imprisonment.

121. § 25. All forfeitures, provided for in this act, shall be recovered in the name of the board of election commissioners, and shall be paid, when collected, into the county treasury.

122. § 26. It shall be the duty of such election commissioners to aid in the prosecution of all crimes and offenses against this act;

And they shall keep a book in which shall be entered all complaints against persons claimed to be guilty of the violation of this law;

And when, in the judgment of such election commissioners, such offense has probably been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provisions of this act, and cause the parties to be punished accordingly.

ARTICLE VII.—COMPENSATION.

123. SECTION 1. Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county. And for the purpose of fixing their fees and compensation the several counties of this State are divided into three classes, as they are now classified by law, as to fees and salaries.

In counties of the first class said election commissioners shall each receive a salary of \$500, and said chief clerk a salary of \$400 per annum.

In counties of the second class such election commissioners shall each receive a salary of \$700, and such chief clerk a salary of \$600 per annum.

In counties of the third class, to-wit: in Cook county, such election commissioners shall each receive a salary of \$1,500, and such chief clerk a salary of \$2,000 per annum.

All expenses, incurred by said board of election commissioners, shall be paid by such city. Such salaries and expenditures are to be audited by the county judge, and such salaries shall be paid by the county treasurer upon the warrant of such county judge, out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer, upon the warrant of such county judge, out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenses, as the case may be.

124. § 2. All judges and clerks of election and official ticket holders, under this act, shall be allowed and paid at the rate of \$3 per day.

125. § 3. Each judge of election who has performed all the duties and services required of him by this act, at the general registration and at the election following, shall be credited with four full days' services and no more, but at any election prior to which there is only an additional registration and revision, being a registration between the general registrations, he shall be credited with three full days' service and no more, in case he performs all the duties required of him by this act.

At the elections held under this act, where there is no additional registration or revision of registration, each judge or clerk of election shall only be credited with one day's service each.

When any judge or clerk does not perform all the services required by this act, then such board of election commissioners will audit his time, and shall allow him *pro rata* compensation.

Each clerk of election, if he has performed all the services required of him by this act, at the general registration and at the election following, shall be credited with five days' service, and no more, but at any election prior to which there was only an additional registration and revision,

being a registration between the general registrations, he shall be credited with four full days' service and no more, in case he performs all the duties required of him by this act.

126. § 4. At all city elections, general or special, though other than city officers may be elected at the same time with such city officers, and at all special elections in any part of such city, at which a city officer is elected, such city shall pay such judges and clerks of election for their services under this act.

127. § 5. At all general county and State elections, which include officers elected through the whole county, though other than State and county officers are also elected, and at all exclusively judicial elections, and at all special elections for a county or State officer, or member of congress or member of the legislature, such county shall pay such judges and clerks of election and official ticket holders for their services under this act.

128. § 6. Said board of election commissioners shall audit all the claims of judges and clerks of election, and official ticket holders, and shall draw a warrant therefor upon such city or county treasury, as the case may be.

ARTICLE VIII.—MISCELLANEOUS PROVISIONS.

129. SECTION 1. Whenever this act is adopted by any village or incorporated town all its provisions shall be applicable and operative, except as hereinafter modified.

130. § 2. Whenever any village or incorporated town, which lies within any county in which a city exists, which may adopt this act, then in such case the commissioners of election appointed, or which may be appointed for said city, shall also be *ex-officio* commissioners of election for such village or incorporated town, and shall have and exercise the same powers as if specially appointed for such village or town.

131. § 3. The quadruple returns of the judges and clerks of election of such village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as now required by law, who shall receipt therefor, and all such returns shall be canvassed by the canvassing board of such village or town, as established by law, with the same powers of investigation and examination by such board as is authorized by this act to the canvassing board of any such city.

132. § 4. The returns of the judges and clerks of election of such village or incorporated towns, mentioned in the second section of this article, in case of all other elections therein, shall be made to the same officers, as required by this act, of returns of elections held in a city, and such returns shall be canvassed and the result declared by the same canvassing board.

133. § 5. All oaths in writing, provided for in this act, must have a jurat, or certificate of the officer taking the same, attached and signed by him, and said election commissioners, and said judges of election, are hereby empowered to administer all oaths and affirmations, required in the administration of the affairs of their several offices.

COUNTY BOARDS, NEGLECT OF DUTY.

Amends the general election law by adding Section 93½; neglect of duty by supervisor, county commissioner, or member of county board, under the election laws; penalties.

AN ACT to amend an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, and in force July 1, 1872, be, and the same is, hereby amended by adding a new section thereto to be known as section number ninety-three and one-half, and to read as follows:

"Section 93½. If any supervisor, county commissioner or member of any county board shall wilfully refuse, neglect or fail to do any act or perform any duty required of him by the election laws of this State, he shall be deemed guilty of a misdemeanor, and, upon conviction, fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court."

APPROVED June 22, 1885.

PRIMARY.

§ 1. Qualifications of voters at primary elections. | § 2. Penalties for violation of this act.

AN ACT to prevent and punish illegal voting at primary elections.

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 to vote at any primary election, or at any election called to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting, or offering to vote, would be a qualified elector in the district embraced within the call of said primary election, if the same was a general or special election, held under and in conformity with the general election laws of this State.

§ 2. Any person violating the provisions of this act, shall, on conviction thereof, be fined in any sum not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than three nor more than six months, or both, in the discretion of the court.

APPROVED June 29, 1885.

PRIMARY.

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| <p>§ 1. Elections held under this act.</p> <p>§ 2. Adoption of this act.</p> <p>§ 3. Action taken by committees and how declared.</p> <p>§ 4. Notice of election; judges of election; qualification of voters.</p> <p>§ 5. Qualification of judges; vacancies, how filled; clerks; violation of this act; penalties.</p> <p>§ 6. Qualification of voters; challenge; vote rejected for cause; affidavit of voter; penalties.</p> <p>§ 7. Offenses under this act; penalties.</p> <p>§ 8. Poll list kept by clerks.</p> <p>§ 9. List of persons challenged.</p> <p>§ 10. Form of poll list and tally sheet.</p> <p>§ 11. Oaths; by whom administered.</p> <p>§ 12. Ballot box; count of ballots.</p> | <p>§ 13. Proclamation by judges of opening polls.</p> <p>§ 14. Proclamation by judges of closing polls.</p> <p>§ 15. Canvass of votes; declaration of result.</p> <p>§ 16. How canvass shall be made; rejection of surplus ballots.</p> <p>§ 17. Poll lists signed by judges.</p> <p>§ 18. Counting the ballots.</p> <p>§ 19. Tally sheets.</p> <p>§ 20. Result of ballot; names of candidates.</p> <p>§ 21. Return of poll lists and canvass; destruction of ballots and lists.</p> <p>§ 22. Certificates of election.</p> <p>§ 23. Penalties for violation of this act.</p> |
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AN ACT to regulate primary elections of voluntary political associations, and to punish frauds therein.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all elections hereafter to be holden by any volunteer political association or party, for any delegates, or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act, whenever any committee or body, authorized by the rules or customs of such political association, shall elect to accept and act under such provisions.

§ 2. Whenever it shall be the desire of any such committee or body, that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body.

§ 3. The resolution must declare:

1. The time and place of holding the election, and the hours between which the polls are to be kept open; and the polls shall, in all cases, be kept open from 12 o'clock noon, to 7 o'clock P. M., of the day on which the election is held.

2. The names of three reputable persons to act as judges.

3. The object of the election.

4. That such election will be held under the provisions of the primary election law.

5. The qualifications required for voters, in addition to those prescribed by law.

§ 4. At least five days prior to any such election, a notice of such election shall be published in some newspaper or newspapers of general circulation, in the district, ward, precinct, township, city or county, in, and for which the election is called, and shall be posted in at least three public places in each polling precinct or district, for which such election is to be held. Such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, manner and conditions, together with the place or places of holding such election; also, the authority by which the call or notice is published, and

the three persons shall be named therein who are appointed for each polling place to act as judges of said election, and who shall supervise or preside at such election in the polling precinct or district for which they are respectively appointed, and such judges shall be legal voters of, and householders in, the township, precinct, ward or election district for which they are named. And said notice shall likewise declare the qualifications of the persons to vote at such election: *Provided*, that such prescribed qualifications shall not be inconsistent with those expressed in this act. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to, the provisions of this act, under the title of "Primary Election Law;" and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and deemed to be an election under this law.

§ 5. The persons named as judges of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges, in the absence, refusal or failure to act, of any of the judges named in such notice, shall first make oath or affirmation that they are legal voters of, and householders in, the precinct, ward, or election district for which they are appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice or call for the election; which oath may be administered by any one of the judges, or by any person authorized under the laws of this State to administer oaths. And if one, or all of the judges, appointed to serve at the election be absent or refuse or fail to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy that may exist; and the judges, before proceeding with the election, shall appoint two clerks to assist them in receiving and counting the votes cast, to each of whom shall be administered, by one of the judges, an oath similar to that taken by the judges of election, omitting the statement that affiant is a householder. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

§ 6. It shall be the duty of the judges of said election, to entertain objections made by any qualified elector under said published call or notice, to any vote which may be offered, on the ground that the person offering it is not entitled to vote under the terms of said call for said election, or that he is not a citizen of the United States, or a legal resident and voter, under the general election laws of the State, of the election precinct, ward, township or district for which the election is held; or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place, or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation, to the general effect that he will

truly testify to all matters relating to his qualifications, under said published call or notice, and under the general election laws of the State, to his residence, citizenship, receiving or being promised, directly or indirectly, any money, fee or reward for his vote, from any candidate or any other person, or whether he had voted at that or any other place on that day at such election, either in his own name or that of another, or under an assumed name. It shall then be the duty of the judges to interrogate the person, so objected to, as to all matters in particular upon which said objection was made, and generally as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote, and they shall also reject such vote unless such person shall file with them a written or printed, or partly written and partly printed statement, by him signed, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person, known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true; which said last statement must also be subscribed by the party making it. If such statements shall be filed, and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll lists, to be kept as hereinafter provided. Any violation of the provisions of this section by the judges or clerks of the election, or either of them, shall be deemed a misdemeanor, and, upon conviction, shall subject the party so offending to punishment by a fine or not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, wilfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of perjury, and, upon conviction thereof, be punished as prescribed by law for such offense.

§ 7. Whoever fraudulently votes more than once at any primary election, or offers to vote after having once voted at such election, or, knowing that he is not a qualified voter at such election, wilfully votes or offers to vote at such election; or

2. Wilfully aids or abets any one not qualified to vote at such primary election, in voting or attempting to vote at such election, or

3. By offering a reward or bribe, or by treating or giving to him any spirituous, malt, or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election, or

4. Furnishes a voter with a ticket or ballot, informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intention, or

5. Fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended, or

6. Endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at any such election, for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means, or

7. By bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at such election, or

8. Gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such election, or shall interfere with or disturb, in any manner, any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment in the discretion of the court.

§ 8. Each clerk must keep a list of persons voting, and the name and residence of each person who votes must be entered thereon and numbered in the order of voting, and each ballot as received by the judge shall be numbered consecutively.

§ 9. The judges must cause one of the clerks to keep a list showing:

First—The names and residences of all persons challenged.

Second—The grounds of such challenge.

Third—The determination of the board upon the challenge.

§ 10. The following is substantially the form of the poll lists and tally lists to be kept by the clerks of election:

POLL LIST

Of the primary election held in the..... precinct of the.....ward of.....in the county of.....on the.....day ofin the year.....

A B, C D and E F, judges, and G H and J K, clerks, of said..... election, were respectively sworn (or affirmed), as the law directs, previous to their entering on the duties of their respective offices.

Numbers and name of electors voting:

No.	Name and Residence.	No.	Name and Residence.
1	A B.	3	E F.
2	C D.	4	G H.

We hereby certify that the number of electors voting at this election is.....

A B, }
C D, } Judges of Election.
E F, }

Attest: G H, }
J K, } Clerks.

TALLY LIST.

Names of persons voted for, and for what position, and number of votes given for each candidate.

We hereby certify that A B hadvotes for.....and that C D had.....votes for.....; that E F had.....votes foretc.

A B, }
C D, } Judges of Election.
E F, }

G H, }
J K, } Clerks.

§ 11. Any one of the judges, or either clerk, may administer and certify oaths required to be administered during the progress of an election held under this act.

§ 12. Before receiving any ballots, the board must, in the presence of the persons assembled at the polling place, open and exhibit, and then close the ballot box; and thereafter it must not be removed from the polling place, nor the view of the bystanders, until all the ballots are counted, nor must it be opened until after the polls are finally closed.

§ 13. Before the judges receive any ballots they must cause it to be proclaimed aloud, at the place of election, that the polls are open.

§ 14. Fifteen minutes before the time when the polls are to be closed that fact must be proclaimed aloud at the place of election; and after the polls are closed no ballots must be received.

§ 15. As soon as the polls are finally closed, the judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed, and the result thereof is declared; and must also be conducted at the polling place where the election is held; where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by each one of the judges successively, in a loud voice, and such proclamation shall be *prima facie* evidence of the result.

§ 16. In conducting the canvass the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling list, they shall reject the ballots, if any be found, upon which no number is marked, or so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling list; but if the number of ballots, after rejecting all the unnumbered ballots, still exceeds the number of names entered on the polling lists, they shall be replaced in the box and one of the judges shall publicly draw out and destroy so many ballots, unopened and without examining them, as shall be equal to such excess.

§ 17. The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges of election and attested by the clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges and the attestation of the clerks, substantially in the form prescribed in section ten.

§ 18. After the lists are thus signed the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud, and inspected by the other two judges.

§ 19. Each clerk must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

§ 20. As soon as all the votes are counted there must be attached to the tally lists, lists containing the names of persons voted for and for

what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges, and attested by the clerks, substantially in the form in section ten given.

§ 21. After counting the votes, proclaiming the result, and signing the lists as above provided, the judges must publicly destroy the ballots and cause the statements provided for in section six, and one copy of the lists, to be delivered to the secretary signing the notice of election, and one of the judges must retain the other lists for twenty days after the election, and such statements and lists returned to the said secretary shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the other books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted, in which such lists or statements may be useful as evidence, said county clerk may then destroy the same.

§ 22. The board of election must issue certificates of election to all persons who are chosen to fill any position by the vote of their election district.

§ 23. If any person shall be guilty of any violation of this act, for which no punishment is herein especially provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months; or punished by both such fine and imprisonment, in the discretion of the court.

APPROVED June 22, 1885.

PRECINCTS.

- § 1. Amends Sec. 29 of general election law by defining the authority of county boards; townships constitute a precinct.
1. Amends Sec. 30 by providing that in July, 1885, county boards shall establish precincts containing not over 450 votes; division of precincts thereafter to conform; location of polling places.
2. Amends Sec. 31 by prescribing qualification of judges.
3. Amends Sec. 32 by requiring judges in counties not under Tp. Org. to be appointed in July annually; no more than two to be of the same political party.
4. Amends Sec. 33 by appointing certain town officers judges of election in towns not divided into precincts; in towns divided, county board shall appoint judges in July annually; town officers shall be

- judges in the district where they reside; vacancies, how filled; no more than two of the same political party shall be appointed judges in same district.
5. Amends Sec. 37 by providing that no more than two clerks shall be of the same political party in each precinct.
6. Amends Sec. 38 by changing the form of oath of judges and clerks, as to residence in precinct.
7. Amends Sec. 57 by changing the rule for rejecting ballots in excess of the number of names on poll books; provides that the canvass shall be made in the same room in which election is held, and no papers to be removed therefrom until the returns are sealed.
8. Amends Sec. 62 by how, and to whom, returns shall be made by judges of election.

AN ACT to amend section twenty-nine, section thirty, as amended June, 18, 1883, in force July 1, 1883; section thirty-one, section thirty-two, as amended June 18, 1883, in force July 1, 1883; section thirty-three, section thirty-seven, section thirty-eight, section fifty-seven and section sixty-two of "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 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 section twenty-nine (29), section thirty (30), as amended June 18, 1883, in force July 1, 1883; section thirty-one (31), section thirty-two (32), as amended June 18, 1883, in force July 1, 1883; section thirty-three (33), section thirty-seven (37), section thirty-eight (38), section fifty-seven (57) and section sixty-two (62), of "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, and in force July 1, 1872, be and are hereby severally amended so as to read as follows:

"Section 29. In counties not under township organization the election precincts shall remain as now established until changed by the board of county commissioners, but said county board may, from time to time, change the boundaries of election precincts and establish new ones. In counties under township organization each town shall constitute an election precinct.

"Section 30. The county board in each county shall, at its regular (or at a special) meeting, in the month of July, 1885, respectively, divide its election precincts, which contain more than four hundred and fifty voters, into election districts so that each district shall contain, as near as may be practicable, four hundred voters, and not more, in any case, than four hundred and fifty voters. Said districts shall be composed of contiguous territory and in as compact a form as can be for the convenience of the electors voting therein. The several county boards, in establishing said districts, shall describe them by metes and bounds and number them. And so often thereafter as it shall appear, by the number of votes cast at the general election held in November of any year, that any election district, or undivided election precinct, contains more than four hundred and fifty voters, the county board of the county in which such district or precinct may be, shall, at its regular (or at a special) meeting in the month of July next after such November election, redivide or readjust the election districts, or divide such election precincts, so that no district, or undivided election precinct, shall contain more than the number of voters above specified. If said division or readjustment is not made at such July meeting, it may be made at an adjourned or special meeting of said county board, to be held in the month of August next thereafter. The county board in every case shall fix and establish the places for holding elections in its respective county, and all general and special elections shall be held at the places so fixed. The said polling places shall, in all cases, be upon the ground floor, in the front room, the entrance to which is from a highway or public street which is at least forty feet wide, and as near the center of the voting population of the district as is practicable and for the convenience of the greatest number of electors to vote thereat, and in no case shall an election be held in any room used or occupied as a saloon, dramshop, billiard hall, bowling alley or as a place of resort for idlers and disreputable persons, or any room

connecting therewith by open doors or hallways. No person shall be permitted to vote at any election except in the district in which he resides.

“Section 31. That every person elected or chosen judge of elections shall be of fair character, approved integrity, well informed, who can read, write and speak the English language, and has resided in the election district, in which he is to serve, for one year next preceding the election, and is entitled to vote therein at such election.

“Section 32. In counties not under township organization, the county board shall, at its regular (or at a special) meeting in the month of July in each year, appoint in each election precinct or district, as the case may require (where judges have not been elected therein), three capable and discreet electors to be judges of elections, and who shall possess the qualifications required by this act for such judges. They shall hold their office for one year from their appointment and until their successors are duly appointed or elected. The said county board may, at any time, fill vacancies in said office. No more than two persons of the same political party shall be appointed judges of the same election district or undivided precinct.

“Section 33. In counties under township organization, when a town is not divided into election districts, the supervisor, assessor and collector thereof shall be judges of elections in such town. When the township is divided into several election districts the county board shall, at its regular (or at a special) meeting in the month of July in each year, appoint in each election district (when judges have not been elected therein) three capable and discreet electors to be judges of elections, and who shall possess the qualifications required by this act for such judges. They shall hold their office one year from their appointment, and until their successors are duly appointed or elected. The town supervisor, assessor and collector shall be appointed as such judges in the districts in which they respectively reside. The said county board may fill vacancies in said office at any time. No more than two persons of the same political party shall be appointed judges of the same election district, except when it shall happen that the said supervisor, assessor and collector all reside in the same district.”

“Section 37. The judges of election shall choose three persons having similar qualifications with themselves, to act as clerks of election, who may continue to act as such during the pleasure of the judges. But no more than two persons, of the same political party, shall be so chosen as such clerks of election for the same election district or precinct.

“Section 38. Previous to any vote being taken, the judges and clerks of the election shall severally subscribe and take an oath or affirmation, in the following form, to-wit: I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be,) according to the best of my ability, and that I have resided in this election district for one year next preceding this election, and am entitled to vote at this election.”

“Section 57. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number

of ballots in the box. If two or more ballots are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any be found upon which no number is marked; if the number of ballots still exceeds the number of names entered on each of the poll lists, said ballots shall be replaced in the box, and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess; and the number of the ballots agreeing with the poll lists, or being made to agree, the board shall then proceed to count and estimate and publish the votes; and when the judges of election shall open and read the tickets, each clerk shall carefully and correctly mark down upon the tally lists the votes each candidate has received, in a separate column prepared for that purpose, with the name of such candidate at the head of such column, and the office designated by the votes such candidate shall fill. The votes shall be canvassed in the room or place where the election is held, and the judges shall not allow the ballot box, or any of the ballots, or either of the poll lists, or either of the tally papers, to be removed or carried away from such room or place, until the canvass of the votes is completed, and the returns carefully enveloped and sealed up as provided by law."

"Section 62. One of the lists of voters with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up and put into the hands of one of the judges of election, who shall, within two days thereafter, deliver the same to the county clerk, or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the Secretary of State; and, by another of the judges of election, deposited in the postoffice, within twelve hours after the close of the polls, which poll book and tally list shall be filed and kept by the Secretary of State for one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges, without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization they shall be retained by one of the judges of election and safely kept by said town clerk and judge, for the use and inspection of the voters of such district, until the next general election. Before said returns are sealed up, as aforesaid, the judges shall compare said tally papers, footings and certificates, and see that they are correct and duplicates of each other, and certify to the correctness of the same."

APPROVED June 22, 1885.

FERTILIZERS.

TO PREVENT FRAUD.*

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| <p>§ 1. Packages shall be marked with certificate.</p> <p>§ 2. Certificate filed in office of State Board of Agriculture.</p> <p>§ 3. License fees.</p> <p>§ 4. Analyses of fertilizers sold in this State.</p> <p>§ 5. Penalties for violating this act.</p> | <p>§ 6. Suits, how brought; report of fines.</p> <p>§ 7. Report of analyses, fines and license fees.</p> <p>§ 8. Samples selected from fertilizers on sale, for analysis.</p> <p>§ 9. Suits, how brought.</p> |
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AN ACT to prevent fraud in the manufacture and sale of commercial fertilizers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person or company who shall offer, sell, or expose for sale, in this State, any commercial fertilizer, the price of which exceeds ten dollars a ton, shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate, stating the number of net pounds in the package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer, and the place of manufacture, and a chemical analysis, stating the percentage of nitrogen or its equivalent in ammonia, in an available form, of potash, soluble in water, and of phosphoric acid, in an available form (soluble or reverted), as well as the total phosphoric acid.

§ 2. Before any commercial fertilizer is sold, or offered for sale, the manufacturer, importer or party who causes it to be sold, or offered for sale, within the State of Illinois, shall file in the office of the Illinois State Board of Agriculture, a certified copy of the certificate referred to in section one of this act, and shall deposit with the secretary of said board of agriculture, a sealed glass jar, containing not less than one pound of the fertilizer, accompanied with an affidavit that it is a fair average sample.

§ 3. The manufacturer, importer or agent of any commercial fertilizer, exceeding ten dollars per ton in price, shall pay, annually, on or before the first day of May, a license fee of twenty dollars for the privilege of selling or offering for sale within the State, said fee to be paid to the treasurer of the Illinois State Board of Agriculture: *Provided*, that whenever the manufacturer or importer shall have paid the license fee herein required, for any person acting as agent for such manufacturer or importer, such agent shall not be required to pay the fee named in this section.

§ 4. All analyses of commercial fertilizers, sold within the State, shall be made under the direction of the Illinois State Board of Agriculture, and paid for out of the funds arising from license fees, as provided for in section three. At least one analysis of each fertilizer sold shall be made annually.

§ 5. Any person or party, who shall offer, or expose for sale, any commercial fertilizer, without complying with the provisions of sections

one, two and three, of this act, or shall permit an analysis to be attached to any package of such fertilizer, stating that it contains a larger percentage of any one or more of the constituents, named in section one of this act, than it really does contain, shall be fined not less than two hundred dollars for the first offense, and not less than five hundred dollars for every subsequent offense; and the offender, in all cases, shall also be liable for damages sustained by the purchaser of such fertilizer: *Provided, however,* that a deficiency of one per cent. of the nitrogen, potash or phosphoric acid claimed to be contained, shall not be considered as evidence of fraudulent intent.

§ 6. Suit may be brought for the recovery of fines or damages, under the provisions of this act, in the county where the fertilizer was offered for sale, or where it was manufactured, and all fines, so recovered, shall be paid into the treasury of the State Board of Agriculture by the court collecting the same. The treasurer of the State Board of Agriculture, after the payment of the expenses for analysis, and the publication of the annual report relating to the analysis, use and results obtained from fertilizers, shall pay into the treasury of the State any surplus remaining in his hands, on account of license fees and fines received through the provisions of this act.

§ 7. The Illinois State Board of Agriculture shall publish, annually, a correct report of all analyses made and certificates filed, together with a statement of moneys received on account of license fees and fines, and expended for analyses and publication of the report relating to fertilizers.

§ 8. The officers and members of the Illinois State Board of Agriculture, or any person authorized by said board, are hereby empowered to select from any package of commercial fertilizers, exposed for sale in any county in Illinois, a quantity not exceeding two pounds, which quantity shall be for analysis to compare with sample deposited with the secretary of said board of agriculture, as provided for in section two of this act, and with the printed certificate found on the given package found on sale.

§ 9. All suits for the recovery of fines, under the provisions of this act, shall be brought by the Attorney-General of the State, in the name of the People of the State of Illinois.

APPROVED June 29, 1885.

FEES AND SALARIES.

JURORS.

§ 1. Amends section 44 by increasing jurors' fees to \$2 per day.

AN ACT to amend section forty-four of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section forty-four of an act entitled

“An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,” approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be amended so as to read as follows, viz :

“Section 44. There shall be allowed and paid to grand and petit jurors for their services in attending courts of record, including the county court, when sitting for or doing probate business, each the sum of two dollars per day of necessary attendance at such courts as such jurors, and also five cents per mile each way for necessary travel in going to and returning from the same, to be paid out of the county treasury, except that in cases for the trial of insane persons before the courts jurors shall only receive, for their services as jurors for such trials, the sum of one dollar per day each. The clerk of the court shall furnish to each of the jurors aforesaid, without fee, whenever he shall be discharged from further service by the court, a certificate of the number of days’ attendance at the term, or of the number of days’ attendance at the trial of an insane person, as the case may be, and upon presentation thereof to the county treasurer, he shall pay to such juror the sum as above provided for his said service. The jurors in courts of record, including county courts when sitting for and doing probate business, in counties of the third class, shall receive only for their services the sum of two dollars per day, and five 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 June 27, 1885.

STATE'S ATTORNEYS.

§ 1. Amends section 9 by requiring reports to be made in counties of the third class semi-annually.

AN ACT to amend section nine of an act entitled “An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,” approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section nine of an act entitled “An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,” approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows, to wit:

“Section 9. It shall be the duty of each State’s attorney of this State to make report in writing to the circuit court of their respective counties, on the first day of every term thereof, of all fees, fines and forfeitures by him collected, which report shall be verified by the affidavit of the party making it, and shall be filed by the clerk and recorded

in a book by him to be kept for that purpose. Any State's attorney failing or refusing to make such report shall be suspended by the court, until such report be made, and it shall be the duty of the court making such suspension to appoint some suitable person to fill the vacancy caused thereby; and any State's attorney failing to make such report for two successive terms shall be removed from office by the court, and the vacancy caused thereby shall be filled as is now or may be hereafter provided by law: *Provided*, that in counties of the third class it shall be the duty of each State's attorney to make said report only on the first day of the June and December terms of said court."

APPROVED June 26, 1885.

FINES AND PENALTIES.

PAYMENT TO HUMANE SOCIETIES.

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| <p>§ 1. Directs that all fines collected under the laws of the State for cruelty to animals or children be paid into the treasury of such humane society.</p> | <p>§ 2. Directs that all fines collected under ordinances of cities, towns and villages be paid into the treasury of societies organized in such cities, towns or villages.</p> |
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AN ACT to provide for the payment of fines, paid in money, upon all prosecutions for cruelty to animals or children, to the support of societies for the prevention of cruelty to animals and children or humane societies.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all the fines, paid in money, imposed through the agency of any humane society (or society for the prevention of cruelty to animals and children) under the laws of the State of Illinois, shall, when collected, be paid into the treasury of such society, to be applied towards its support.

§ 2. That all the fines paid in money imposed through the agency of any humane society (or society for the prevention of cruelty to animals and children) under the laws or ordinances of any city, town or village within the State of Illinois, may, when collected, be paid into the treasury of such society: *Provided*, such society named in this act shall be incorporated under and by virtue of the laws of the State of Illinois.

APPROVED June 23, 1885.

FIRE ESCAPES.

FOR BUILDINGS.

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| § 1. Buildings, other than dwellings, four or more stories high must be supplied within six months. | § 3. Notice by corporate authorities; inquiry by grand juries; notice. |
| § 2. Buildings hereafter erected. | § 4. Penalties for neglect.
§ 5. Fines paid to school fund. |

AN ACT relating to fire escapes for buildings.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That within six (6) months next after the passage of this act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire-escapes attached to the outer walls thereof and extending from or suitably near the ground to the uppermost story thereof, and provided with platforms of such form and dimensions and in such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story, easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization, and the board of county commissioners in counties not under township organization, except in villages, towns and cities organized under any general or special law of this State, such approval shall be had by the corporate authorities of such villages, towns and cities: *Provided, however,* that all buildings, more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire-escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story, shall be provided with such numbers of said ladder or stair fire-escapes as the board of supervisors or commissioners or corporate authorities aforesaid may direct.

§ 2. All buildings of the numbers of stories and used for the purposes set forth in section one (1) of this act, which shall be hereafter erected within this State, shall, upon or before their completion, each be provided with fire escapes of the kind and number, and in the manner set forth in said section one (1) of this act.

§ 3. After the expiration of six (6) months next after the passage of this act, the boards of supervisors and commissioners, and in villages, towns and cities, the corporate authorities thereof, as aforesaid, may, at any time, direct the sheriff of their respective counties to serve a written notice, in behalf of the People of the State of Illinois, upon the owner or owners, trustees, lessee, or occupant of any building within their county, not provided with fire-escapes in accordance with the requirements of this act, commanding such owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building, such fire-escape or escapes, within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may, also, during any term, visit, or hear testimony relating to

any building or buildings within their respective counties, for the purpose of ascertaining whether it or they are provided with fire-escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook county, and to the criminal court of Cook county, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire-escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustees, lessee, or occupant of such building or buildings.

§ 4. Any such owner or owners, trustees, lessee, or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire-escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five (25) or more than two hundred (200) dollars, and to a further fine of fifty (50) dollars for each additional week of neglect to comply with such notice.

§ 5. All the money or moneys, collected as fines under and by virtue of this act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

APPROVED June 29, 1885.

FISH AND GAME.

FISH.

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| § 1. Prohibits seining except between the 1st of September and 1st of March. | § 8. How suits may be brought. |
| § 2. Nets, seines and dams across streams prohibited; taking fish except by hook and line within one half mile of dam prohibited. | § 9. Complaints upon streams between counties. |
| § 3. Fish ways over dams. | § 10. Warrants issued by justices. |
| § 4. Taking fish by acids or explosive compounds prohibited. | § 11. Hearing before justices. |
| § 5. Brook trout. | § 12. Judgment and execution. |
| § 6. Penalties for violation of this act. | § 13. Commitment for non-payment of fine. |
| § 7. Penalties for trespass. | § 14. Appeals. |
| | § 15. Duty of officers to make complaints. |
| | § 16. Acts repealed. |

AN ACT to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of this State, and to appoint a board of fish commissioners and to prescribe their duties, and to provide for the enforcement of the provisions of this act.

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 to catch or kill any fish with any seine or any other device used

as a seine, in, or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water courses, wholly within or running through the State of Illinois, nor shall the meshes of any set net, weir, basket or trap, or any device used for catching fish in such waters not above prohibited, except for catching minnows for-bait, be less than two inches square: *Provided, however,* that seining shall be allowed between the first day of September and the first day of March of the following year, with seines whose meshes shall not be less than two inches square.

§ 2. That no person shall place, cause to be placed or erected, any seine, net, weir, fish dam or other obstruction in, or across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water courses wholly within this State, or in that part of such stream or water course wholly within this State, in such manner as shall obstruct the free passage of fish up or down or through such water courses, and that it shall be unlawful for any person to catch or take fish, except minnows for bait, with any device other than a hook and line or spear, within one-half mile of any dam constructed across any of the rivers or creeks of this State.

§ 3. That it shall be the duty of any person or persons who now own or hereafter may erect any dam or other obstruction across any of the rivers, creeks, streams, bayous, or other water courses within this State, to place therein suitable fish ways in order that the free passage of fish up and down through such waters may not be obstructed. A failure to perform this duty for thirty days after the passage of this act shall be deemed a violation of this section, and a failure to perform such duty for each 15 days thereafter, shall constitute a separate offense.

§ 4. That it shall be unlawful for any person or persons, at any time, to catch or kill any fish in any of the rivers, creeks, ponds, lakes, sloughs, bayous, or other water courses within the jurisdiction of this State, by the use of lime, acid, medicinal or chemical compound or explosive.

§ 5. It shall be unlawful for any person or persons to take, by any device or means whatsoever, brook trout from any of the streams, lakes or other water courses within this State, between the fifteenth day of July and the first day of April following, in each year, and at no time with any device whatever except a hook and line.

§ 6. Any person or persons violating any of the provisions of the preceding sections of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than two hundred dollars (\$200) and costs of suit.

§ 7. Any person or persons who shall, for the purposes of fishing, without the consent of the owner, trespass upon the lands of another, containing any fish pond or lake, whether natural or artificial, when and where the waters of such pond or lake are not directly connected with any of the water courses of this State, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than ten nor more than one hundred dollars, and costs of suit, for the first offense, and not less than thirty nor more than two hundred dollars for the second offense, and the same for each subsequent offense as for the second offense.

§ 8. To enforce the provisions of this act all suits brought under the same shall be in the name of the People of the State of Illinois, and shall be brought on the complaint of any person or persons showing by affidavit that some section of this act has been violated, giving the names of the person or persons violating if known, if not known, such affidavit shall state by some person or persons whose name or names are unknown, and such complaint shall be made before any justice of the peace of the county in which such violation has been made.

§ 9. Where such violation is alleged to have been committed upon that portion of a stream or water course which may be the dividing line between two counties, then the complaint may be made to any justice of the peace of either of such counties.

§ 10. If the justice, before whom such complaint shall be made, shall be satisfied that there is reasonable cause to justify the making of such complaint, he shall issue his warrant directed to the sheriff or constable of such county, commanding him forthwith to arrest and bring before him, or, in his absence, before some other justice of the peace within such county, the person or persons alleged to have been guilty of violating any of the sections of this act.

§ 11. Whenever any person or persons shall be brought before any justice of the peace, in the manner provided for in this act, it shall be the duty of such justice to hear and determine the complaint. The person or persons so charged may demand a jury at any time before the commencement of the trial, and the case shall be tried as in cases before justices in civil cases, and judgment shall be for acquittal or conviction of the defendant or defendants in the case. In case a jury is called, the form of the verdict shall be, if for conviction, "we, the jury, find the defendant guilty and assess the fine atdollars;" and if for acquittal, "we, the jury, find the defendant not guilty." The justice shall pronounce judgment in accordance with the verdict.

§ 12. Whenever any judgment of conviction shall be rendered against any defendant or defendants, as above provided, execution shall issue forthwith on such judgment, and the sheriff or constable, to whom the same shall be directed, shall pay one-half of all penalties collected on such execution in payment of such judgment, to the person or persons who shall have made the complaint, and the remaining one-half to the superintendent of schools of the county wherein such trial shall be had.

§ 13. Whenever any execution, issued as above provided, shall be returned "no property found," the justice issuing the same, or in case of his death or absence, any other justice having possession of the docket in which such judgment was entered, shall issue his warrant to the sheriff or any constable of such county, commanding him to take and deliver the defendant or defendants in the execution to the jailor of such county, who shall receive such defendant or defendants into his custody, and commit him or them to the common jail of such county, or work-house of such county whenever one exists, for a period of not less than ten nor more than sixty days, as the justice shall decide and direct in his warrant, but such defendant or defendants so arrested or committed shall be discharged at any time on payment of such fine and costs.

§ 14. Any defendant or defendants against whom such judgment of conviction shall be rendered, and, in case of acquittal, the party making

the complaint, or any person who will give the necessary bond, shall have the right of appeal, on the same terms as in civil cases before justices, but no proceedings herein provided for shall be stayed until such appeal shall be fully perfected.

§ 15. It shall be the duty of all sheriffs, deputy sheriffs and constables of this State to look after the violations of any of the sections of this act, to make complaints where such violations come to their knowledge, and they shall have power to arrest any person or persons they may find in the act of violating any of the provisions of this act, without a warrant, and keep him or them in custody until complaint can be made and proceedings had against him or them, as hereinbefore provided.

§ 16. That an act entitled "An act to prevent the destruction of fish in the State of Illinois, and to secure the unobstructed passage of fish in all the waters of this State, wherein they were once accustomed to be found," approved March 22, 1872; an act entitled "An act to secure the free passage of fish in all the waters of this State," approved March 25, 1874; an act entitled "An act to encourage the cultivation of fishes within the State of Illinois," approved and in force May 13, 1879, and an act entitled "An act to protect brook trout," approved May 29, 1879, are hereby repealed, but such repeal shall not disturb the status of the present board of fish commissioners.

APPROVED June 29, 1885.

GAME.

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| § 1. Game wardens; term of office; compensation for services. | § 5. Judgment and sale. |
| § 2. Duties of wardens. | § 6. Proceeds of sale. |
| § 3. Search warrants. | § 7. Report of wardens. |
| § 4. Hearing on warrant. | § 8. Liability of wardens for wrongful seizure. |

AN ACT to provide for an additional remedy for the protection of game, and for the protection of deer, wild fowl and birds, and for the appointment of game wardens and defining the powers and duties of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor of the State shall appoint three game wardens, one for each of the three largest cities in the State, whose term of office shall be for two years from the time of taking effect of this act or until their successor or successors are appointed; said game wardens shall receive no salary from the State for their services, but shall receive a portion of the fines and proceeds of sale as hereinafter provided.

§ 2. It shall be the duty of such game wardens to prosecute persons and corporations having in their possession game, deer, wild fowl and birds contrary to law, as hereinafter provided, and also to enforce the game laws of this State.

§ 3. If said game wardens or either of them has reason to believe or does believe that any person or corporation has in his or their possession, contrary to law, any game, deer, wild fowl or bird, it shall be the duty of such game wardens to go before any justice of the peace in the county and make affidavit of that fact; said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the county, commanding him to proceed at once and search for said game, deer, wild fowl or bird, and upon finding the same to seize and take possession of the same and keep it until further ordered by the justice; said constable shall also read said warrant to the owner or person in whose possession said game, deer, wild fowl or bird is found.

Said warrant shall be substantially as follows:

STATE OF ILLINOIS, }
 County, } ss.

To any Constable of said county—Greeting: You are hereby commanded to search (here describe place), and seize and take possession of and hold any game, deer, wild fowl or bird found there; and you (here name owner or person or corporation, in whose possession game is found) are hereby notified to appear before me at my office in (here locate office), on (here state time of trial), and show cause why the game, deer, wild fowl or birds, should not be sold and the proceeds thereof distributed as required by law.

(Date of warrant).

(Signature of Justice),
Justice of the Peace.

Which said warrant shall be returnable within not less than twelve nor more than twenty-four hours from the date thereof.

§ 4. At the time mentioned in said warrant said justice shall proceed to hear and determine whether said game, deer, wild fowl or bird, was in the possession of the person or corporation contrary to law; and if said justice finds that said game, deer, wild fowl or bird was in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order a sale of the game, deer, wild fowl or bird seized; but if said justice shall find that the possession of said game, deer, wild fowl or bird was not contrary to law, then the judgment of the court shall be that the same be returned to the person or corporation from whom the same was taken.

§ 5. In case of a judgment and order of sale as specified in section four, then said constable shall at once post two notices, one at the justice's office and one at the place of sale, specifying in each notice the time and place of sale, not less than five hours from the date of judgment, also a description of the game, deer, or wild fowl to be sold; said place of sale shall be upon the principal produce street or market of the city; said constable shall at the time and place mentioned in said notices sell said game, deer, wild [fowl] or bird at public auction to the highest bidder for cash, and at once pay the proceeds of such sale into the justice's court; said constable shall give to the purchaser a certificate of purchase, in which shall be a particular description of the game sold, together with date of sale.

§ 6. Said justice shall, as soon as the proceeds of sale are paid into his court, deduct the amount of his costs, together with the constable's costs, and distribute the balance as follows: One-half shall be paid to the game warden, which shall be kept by him for his services, and one-half paid into the county treasury for the benefit of the school fund.

§ 7. Said game wardens shall each make an annual report to the Governor, showing the number and kind of game, deer, wild fowl and birds,

seized, and what disposition was made of them, and the amount of the proceeds of sale.

§ 8. Game wardens shall not be liable for any damage or cost sustained by any person or corporation by reason of the wrongful seizure of game, deer, wild fowl or birds under this act: *Provided, however,* that the enforcement of this act shall in nowise prevent prosecutions of persons or corporations for violations of the game laws of this State.

APPROVED June 27, 1885.

FOOD.

CANNED, LABELING.

§ 1. Goods must be labeled after Jan'y, 1886

§ 3. Penalties for false labeling.

§ 2. "Soaked" goods marked.

AN ACT to protect the public from imposition in relation to canned or preserved food.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall hereafter be unlawful in this State for any packer or dealer in preserved or canned fruits and vegetables or other articles of food to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries, or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality together with the name and address of such firm, person or corporation that pack the same or dealer who sells the same. The firm, person or corporation labeling such goods shall be considered the packer or packers.

§ 2. That all soaked goods put up from products dried before canning, shall be plainly branded on the face of the label, in letters not less than one-half inch high and three-eighths inch wide, of solid and legible type, the word "soaked."

§ 3. Any person, firm or corporation, who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished with a fine of not less than fifty dollars (\$50) in the case of vendors, and in the case of manufacturers and those falsely or fraudulently stamping or labeling such cans or jars a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000); and it shall be the duty of any board of health in this State cognizant of any violation of this act to prosecute any person, firm or corporation, which it has reason to believe

has violated any of the provisions of this act, and after deducting the costs of trial and conviction to retain for the use of such board the balance of the fine or fines recovered.

APPROVED June 27, 1885.

GUARDIANS AND WARDS.

FINAL SETTLEMENTS.

§ 1. Amends act 1872, Sec. 16, by requiring guardians to file itemized accounts of assets on hand.

AN ACT to amend section 16 of "An act in regard to guardians and wards," approved April 10, 1872, 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 16 of "An act in regard to guardians and wards," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows :

"Section 16. On any accounting and final settlement of guardian, he shall exhibit and file his account as such guardian, setting forth specifically, in separate items, on what account expenditures were made by him, and all sums received and paid out since his last accounting, and of all money on hand, and an itemized account of all notes, bonds, accounts, and evidences of indebtedness composing the personal estate of his ward, and said guardian shall produce and exhibit to the court the notes, bonds, accounts, and evidences of indebtedness, so itemized, and held by him, and it is hereby made the duty of the court to inspect the assets so exhibited. Which account shall be accompanied by proper vouchers and [be] signed by him and verified by his affidavit."

APPROVED June 27, 1885.

HORSE THIEF ASSOCIATIONS.

INCORPORATION.

§ 1. Organization.	§ 3. Powers of the corporation.
§ 2. Articles of association; limitation; recorded in the recorder's office; evidence.	§ 4. Constitution and by-laws.
	§ 5. Police powers.

AN ACT to authorize the formation of companies for the detection and apprehension of horse thieves and other felons.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of citizens of this

State, not less than one hundred, who are freeholders, residing in the contiguous townships or precincts, are hereby authorized to form themselves into a company for the purpose of detecting and apprehending horse thieves and other felons, as hereinafter provided.

§ 2. Persons desirous of forming any such company, shall each subscribe to articles of association, in which shall be set forth the name of the said company, the residence of each member, the number of members and the length of time for which such company shall be organized, which shall not exceed ten years. Said articles of association shall be filed and recorded in the office of the recorder of deeds of the county in which the majority of the members of such company may reside, and a certified copy of such record shall be received as evidence, in any court of the State, of the existence of such company, and of the membership of any person belonging thereto.

§ 3. Whenever said articles of association shall be filed, as above provided, the said company, under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State, and shall have succession during any time not exceeding ten years, as provided in the second section of this act; may have and use a common seal and alter the same at pleasure.

§ 4. Said company shall have the power to adopt a constitution and by-laws for their government, and enforce obedience to the same; which constitution and by-laws shall be consistent with the constitution and laws of this State and the United States.

§ 5. Such company shall have power to call to their aid the peace officers of this State, in accordance with law, in the pursuit and apprehension of felons and reclaiming stolen property; and each and every one of the members of such company, when engaged in arresting offenders against the criminal laws of this State, shall be entitled to all the rights and privileges of constables.

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 7th day of July, A. D. 1885.

HENRY D. DEMENT,
Secretary of State.

INSURANCE.

TORNADOES, ETC.

§ 1. Authorizes companies organized under the laws of this State to insure against wind- and hail-storms and tornadoes.

AN ACT authorizing fire insurance companies to insure against loss or damage by lightning, wind-storms, hail-storms, tornadoes, and cyclones.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all insurance companies heretofore organized under any law or laws of the State of Illinois, having power*

to make insurance against loss by fire, are hereby authorized to insure houses, buildings, growing crops, live stock, and other property against loss or damage by lightning, wind-storms, hail-storms, tornadoes and cyclones, or either or all of them: *Provided*, the same shall be clearly expressed in the policies.

APPROVED June 30, 1885.

JURORS.

SPECIAL PANEL.

§ 1. Amends Sec. 8, act 1874, by providing for special panels in the discretion of the court.

AN ACT to amend section eight (8) of an act entitled "*An act concerning jurors and to repeal certain acts therein named,*" approved and in force February 11, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight (8) of an act entitled "*An act concerning jurors and to repeal certain acts therein named,*" approved and in force February 11, 1874, be and the same is hereby amended so as to read as follows, to-wit:

"Section 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 such 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 such court, a like number for each additional judge requiring a jury, unless such court shall otherwise order: *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: *Provided, also*, that whenever there shall be pending for trial in any of said courts any criminal cause wherein the defendant is charged with a felony, and the judge holding said court shall be convinced from the circumstances of the case that a jury cannot be obtained from the regular panel to try said cause, said judge may in his discretion, prior to the day fixed for the trial of said cause, direct the clerk to draw (in the same manner as the regular panel is drawn) not exceeding one hundred names as a special panel from which a jury may be selected to try said cause."

APPROVED June 26, 1885.

MEDICINE AND SURGERY.

DEAD BODIES FOR DISSECTION.

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| <p>§ 1. Dead bodies requiring burial at the public expense, to be delivered by superintendents of State and county institutions, county officers and undertakers, to the medical profession, for the advancement of medical science.</p> <p>§ 2. Proper use of such bodies; traffic prohibited.</p> | <p>§ 3. Penalties for refusing to deliver such dead bodies.</p> <p>§ 4. Burial or cremation of such bodies after use.</p> <p>§ 5. Repeals the act of 1874.</p> |
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AN ACT to promote the science of medicine and surgery in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That superintendents of penitentiaries, houses of correction and bridewells, wardens of hospitals, insane asylums and poor houses, coroners, sheriffs, jailors, city and county undertakers, and all other State, county, town and city officers in whose custody the body of any deceased person required to be buried at public expense shall be, shall give permission to any physician or surgeon (a licentiate of the State Board of Health), or to any medical college or school, public or private, of any city, town or county, upon his or their request therefor, to receive and remove free of charge or expense, after having given proper notice to relatives or guardians of the deceased, the bodies of such deceased persons to be buried at public expense, to be by him or them used within the State, for advancement of medical science, preference being given to medical colleges or schools, public or private; said bodies to be distributed to and among the same, equitably; the number assigned to each, being in proportion to the students of each college or school: *Provided, however,* that if any person claiming to be, and satisfying the proper authorities that he is of kindred of the deceased, shall ask to have the body for burial, it shall be surrendered for interment: *And, provided, further,* that any medical college or school, public or private, or any officers of the same, that shall receive the bodies of deceased persons for the purposes of scientific study, under the provisions of this act, shall furnish the same to students of medicine and surgery, who may be under their instruction, at a price not exceeding the sum of five dollars for each and every such deceased body so furnished.

§ 2. Any physician or surgeon (a licentiate of the Illinois State Board of Health), or any medical college or school, public or private, before receiving any dead body or bodies, shall give to the proper authority, surrendering the same to him or them, a sufficient bond that said body or bodies shall be used only for the promotion of medical science within this State; and whoever shall use said body or bodies for any other purpose, or shall remove the same beyond the limits of this State, and whosoever shall sell or buy any such body or bodies or shall traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in a sum of not less than one hundred dollars and be imprisoned in the county jail for a term of not less than thirty days nor more than one year; the fine accruing from such conviction, to be paid into the school fund of the county where the offense shall have been committed.

§ 3. Any officer refusing to deliver the remains or body of any deceased person when demanded in accordance with the provisions of this act, shall pay a penalty of not less than fifty dollars, nor more than one hundred dollars for the first offense, and for the second offense, a penalty of not less than one hundred dollars, nor more than five hundred dollars, and for a third offense, or any offense thereafter, the penalty of not less than five hundred dollars, or be imprisoned in the county jail not less than six nor more than twelve months, or both, at the discretion of the court; such penalties to be sued for by the health department, as the case may be.

§ 4. It shall be the duty of preceptors, professors and teachers, and all officers of medical colleges or schools, public or private, who shall receive any dead body or bodies, in pursuance of the provisions of this act, decently to bury in some public cemetery, or to cremate the same in a furnace properly constructed for that purpose, the remains of all bodies, after they shall have answered the purposes of study aforesaid, and for any neglect or violation of the provisions of this act, the party or parties so neglecting shall, on conviction, forfeit or pay a penalty of not less than fifty dollars, nor more than one hundred dollars, or be imprisoned in the county jail not less than six nor more than twelve months, or both, at the discretion of the court; such penalties to be sued for by school officers, or any person interested therein, for the benefit of the school fund of the county in which the offense shall have been committed.

§ 5. An act entitled "An act to promote the science of medicine and surgery in the State of Illinois," approved February 16, 1874, in force July 1, 1874, is hereby repealed.

APPROVED June 26, 1885.

MILITARY CODE.

NATIONAL GUARD.

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| <p>§ 1. Amends certain sections of the act of 1879, as follows:</p> <p>ART. 1. § 3. By reducing the Illinois National Guard to 4,000 men and officers, and reducing the term of enlistment to 3 years.</p> <p>§ 4. Adds one Assistant Adjutant General with the rank of Colonel, to the staff of the Commander-in-Chief; increases the pay of the Adjutant General to \$3,000 per annum.</p> <p>§ 5. Designates the staff and rank of brigade officers.</p> <p>§ 6. Designates the number of companies which shall constitute a regiment and battalion of infantry, and their officers.</p> <p>§ 8. Non-commissioned officers of a company of cavalry or artillery.</p> <p>ART. 2. § 2. Meetings for the election of officers to be ordered by the Commander-in-Chief.</p> | <p>§ 5. Term of enlistment; how discharged.</p> <p>ART. 4. § 1. Orders for drills.</p> <p>§ 2. Annual camp duty.</p> <p>ART. 5. § 2. Inspections ordered by the Commander-in-Chief.</p> <p>ART. 6. § 1. Rifle practice.</p> <p>§ 3. Pay of inspector of rifle practice and expenses of department.</p> <p>ART. 7. § 1. Courts martial.</p> <p>ART. 8. § 1. Pay of officers and men, when called into active service.</p> <p>§ 2. Pay of officers and men when ordered into camp.</p> <p>ART. 10. § 1. Appropriations.</p> <p>§ 2. Repeals certain sections of the act of 1879.</p> <p>§ 3. Repeals all acts and parts of acts in conflict with this act.</p> |
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AN ACT to amend sections 3, 4, 5, 6 and 8 of article 1, and sections 2 and 5 of article 2, and sections 1 and 2 of article 4, and section 2 of article 5, and sections 1, 2 and 3 of article 6, and section 1 of article 7, and sections 1 and 2 of article 8, and section 1 of article 10, and changing the numbers of sections 5, 7 and 9 of article 7, and section 3, article 10, and to repeal sections 1, 2, 3, 4, 6 and 8 of article 7, and section 2 of article 10, of an act entitled "An act to provide for the organization of the State militia, and entitled the military code of Illinois," approved May 28, 1879, and making an appropriation to pay the expenses of the Illinois National Guard.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three, four, five, six and eight of article one, and sections two and five of article two, and sections one and two of article four, and section two of article five, and sections one, two and three of article six, and section one of article seven, and sections one and two of article eight and section one of article ten, of "An act to provide for the organization of the State militia, and entitled the military code of the State of Illinois," approved May 28, 1879, be, and are hereby amended so as to read as follows, to wit:

"ARTICLE I.

"Sec. 3. The active militia shall be designated as the 'Illinois National Guard,' which shall consist of not more than four thousand officers and enlisted men, to be divided into not more than three (3) brigades, each to be commanded by a Brigadier-General, and shall be recruited by volunteer enlistments. The Commander-in-Chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for three years, and made by signing enlistment papers prescribed by the Adjutant General, and taking the following oath or affirmation, which may be administered by the enlisting officer, to wit: 'You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and that you will support the constitution thereof; that you will serve the State of Illinois faithfully, in its military service, for the term of three years, unless sooner discharged, or you cease to be a citizen thereof; that you will obey the orders of the Commander-in-Chief, and such officers as may be placed over you, and the laws governing the military forces of Illinois, so help you God.' This oath may be administered by any commissioned officer, or, in his absence, by any officer authorized by law to administer oaths.

"Sec. 4. The staff of the Commander-in-Chief shall consist of an Adjutant General with the rank of Brigadier-General, who shall be, *ex-officio*, chief of the staff, Commissary General and Quartermaster General, an Inspector General, a Surgeon General, a Judge Advocate General and Inspector of Rifle Practice, each with rank of Colonel; one Aid from each Congressional district, each with rank of Colonel; and one Assistant Adjutant General with rank of Colonel: *Provided*, that no employé of the State or a county, while drawing his salary as such, shall receive any pay by reason of any service in the militia of the State. The Adjutant General shall issue and transmit all orders of the Commander-in-Chief, with reference to the militia or military organizations of the State, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of

all such matters as pertain to the organization of the State militia and the Illinois National Guard, and perform the duties of an Adjutant, Commissary and Quartermaster General. He shall have charge of the State Arsenal and grounds, and shall receive and issue all ordnance and ordnance stores, and camp and garrison equipage on the order of the Commander-in-Chief. He may appoint, with the approval of the Governor, an Ordnance Sergeant, at a salary of not more than eight hundred dollars per annum, who shall, under the direction of the Adjutant General, aid and assist him in the discharge of his duties. The Adjutant General shall receive for his services the sum of three thousand dollars per annum. He shall have charge of and carefully preserve the colors, flags, guidons and military trophies of war belonging to the State, and shall not allow the same to be loaned out or removed from their proper place of deposit. He shall furnish, at the expense of the State, all proper blank books, blanks and forms, and such military instruction books as shall be approved by the Commander-in-Chief. He shall also, on or before the first day of October next preceding the regular session of the General Assembly, make out a full and detailed account of all the transactions of his office, with the expenses of the same for the preceding two years, and such other matters as shall be required by the Governor; and shall also report such other times as the Governor may require. He shall reside at the State capital and shall hold his office during the pleasure of the Governor.

“Sec. 5. The generals of brigades shall be appointed by the Governor, and shall hold their offices until removed by court martial or resignation. On recommendation of the general of brigades, the Governor may appoint and commission the brigade staff as follows: Assistant Adjutant General, with rank of Lieutenant Colonel; Judge Advocate, with rank of Lieutenant Colonel; Assistant Inspector General, with rank of Lieutenant Colonel; Inspector of Rifle Practice, with rank of Lieutenant Colonel; Surgeon, with rank of Major; Quartermaster with rank of Captain; Commissary of Subsistence, with rank of Captain, and two (2) Aids de Camp, each with rank of First Lieutenant.

“Sec. 6. A regiment of infantry shall consist of not less than eight (8) and not more than twelve (12) companies. A battalion shall consist of not less than two and not more than four companies. Each battalion shall be entitled to a Major, and two battalions, in addition, to a Lieutenant Colonel. The officers of a regiment shall consist of one Colonel, one Lieutenant Colonel, and one Major for each battalion; these officers to be elected by the line officers of the regiment. The regimental staff shall consist of a Surgeon, with the rank of Major; Assistant Surgeon, with the rank of Captain; Inspector of Rifle Practice, with the rank of Captain; Chaplain, with the rank of Captain; Adjutant, with the rank of Captain; Quartermaster, with the rank of First Lieutenant, who may be appointed and commissioned by the Governor on recommendation of the regimental commander. The staff of an independent battalion shall consist of the same officers, except Surgeon, and may be appointed and commissioned on the recommendation of the battalion commander. The commander of a regiment or battalion shall appoint, by warrant, a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward, Color Sergeant, Ordnance Sergeant, Drum Major and two principal musicians, who shall constitute a non-commissioned staff. All field officers shall hold their offices for five years. The

commissions of all staff officers shall expire when the officer nominating them, or his successor, shall make new nominations to their respective office, and such nominations shall be confirmed by the Commander-in-Chief. A battalion of cavalry shall consist of not more than four and not less than two companies, of not less than fifty enlisted men in each company; and such battalion shall be entitled to a Major, and if over four companies should, at any time, be deemed necessary by the Governor, it shall be called a regiment and be entitled, also, to a Lieutenant Colonel, with the same staff officers as a battalion of infantry, with the addition of a Commissary, with the rank as First Lieutenant. The non-commissioned staff of a battalion of cavalry shall consist of a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward, Color Sergeant, Chief Bugler, Farrier Sergeant and Saddler Sergeant, who shall be appointed in the same manner as provided for a battalion of infantry."

"Sec. 8. A company of cavalry or artillery shall have, in addition to these non-commissioned officers, a Commissary Sergeant, a Quartermaster Sergeant, Farrier, Saddler, Blacksmith and Bugler: *Provided*, that a company of artillery, having more than two guns, shall be entitled to an additional Second Lieutenant."

ARTICLE II.

"Sec. 2. All meetings for the election of officers shall be ordered by the Commander-in-Chief. The orders therefor shall be addressed to an officer of his command to preside at such meeting, who shall, at least one week previous thereto, send a notice thereof, by mail, to each person entitled to vote thereat. The voting shall be by ballot, and a majority of all votes cast shall be necessary to elect, and the result thereof shall be forthwith returned by the officer presiding, through the regimental or battalion commander, to the Adjutant General. If there shall be a failure to elect any officer at two meetings ordered therefor, the Commander-in-Chief may fill the vacancy by direct appointment. If the officer designated to preside at such meeting shall not appear thereat, the senior officer shall preside."

"Sec. 5. Every officer, non-commissioned officer, musician and private, of the Illinois National Guard, shall be held to duty for the full term of three (3) years, unless regularly discharged by order of the Commander-in-Chief, or for expiration of term of service."

ARTICLE IV.

"Sec. 1. The commanding officer of each regiment, battalion, company, troop or battery, may order weekly evening drills.

"Sec. 2. The Commander-in-Chief shall order a tour of camp duty of not less than six nor more than eight days annually."

ARTICLE V.

"Sec. 2. The Inspector General shall critically inspect, whenever directed by the Commander-in-Chief, every branch connected with the military service, including armories, arsenals and military storehouses; and he shall report to general headquarters the improvement in discipline and tactical instruction of the Illinois National Guard."

ARTICLE VI.

"Sec. 1. The General Inspector of Rifle Practice shall have charge of rifle practice throughout the State; shall direct the manner in which the same shall be conducted.

"Sec. 2. The brigade, regimental and battalion inspectors of rifle practice shall perform such duties as may, from time to time, be prescribed by the General Inspector of Rifle Practice.

"Sec. 3. Such inspectors of rifle practice shall be paid as hereinafter prescribed, the same as for camp duty, subject to the approval of the Commander-in-Chief. The expense of procuring and maintaining proper rifle ranges, procuring ammunition, the necessary printing, and all other things deemed proper for the promotion of rifle practice by the Illinois National Guard, shall be paid for from the military fund on bills of particulars approved by the Commander-in-Chief."

ARTICLE VII.

"Sec. 1. Courts martial for the trial of officers and enlisted men for offenses against the Military Code, breaches of discipline or any infringements of the rules or customs of the service, will be ordered by the Commander-in-Chief whenever, and in such manner and form as may be deemed expedient or necessary, and all proceedings of courts martial must be forwarded to, and receive his approval before the sentences can go into effect."

ARTICLE VIII.

"Sec. 1. All officers and enlisted men of the Illinois National Guard shall receive, when in actual service for the suppression of riot and the enforcement of the laws, and when on duty under orders from the Commander-in-Chief, when it is so specified in said orders, the same pay provided by law for officers and enlisted men of the United States army of like grade, for each day's service actually so performed; said payments to be made on rolls prescribed by the Adjutant General.

"Sec. 2. The officers and enlisted men of the Illinois National Guard shall receive one dollar (\$1) for each day's service, with transportation and necessary subsistence, at any encampment authorized by law, and in going to and returning from the same, and while under any orders of the Commander-in-Chief, or other proper authority, for the purposes and in the manner herein provided: *Provided*, nothing in this act shall be construed as to allow pay to officers or men for more than seven days during any one year, except during a time of riot, insurrection or invasion, or while on duty under orders from the Commander-in-Chief."

ARTICLE X.

"Sec. 1. That there be and is hereby appropriated, to pay the expenses of the Illinois National Guard, for the years ending July 1, 1886, and July 1, 1887, the sum of eighty thousand dollars (\$80,000) per annum, and the further sum of eighty-five thousand dollars (\$85,000) for uniforms, equipments, permanent camp and rifle range. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant

on the State treasury for the amounts above set forth, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor."

§ 2. That sections five (5), seven (7) and nine (9), of article seven (7), of said act, be numbered sections two (2), three (3) and four (4), of said article, respectively; and that section three (3) of article ten (10), of said act, be numbered section two (2), of said article; and that sections one, two, three, four, six and eight, of article seven, and section two of article ten, of said act, be, and the same are, hereby repealed.

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

APPROVED June 26, 1885.

MINES AND MINING.

HEALTH AND SAFETY OF MINERS.

§ 1. Amends the act of 1879 as amended 1883, as follows:

§ 3. By providing for ladders or stairways and landing places or hoisting apparatus for escape, in case of danger.

§ 4. By providing additional ventilation.

§ 11. By increasing term of inspectors from "one" to "two" years.

§ 12. By making term of examiners "two" years and changes the date of annual meeting, and provides for acquiring right of way.

AN ACT to amend sections three, four, eleven and twelve of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended by acts approved June 18, 1883, and June 21, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three, four, eleven and twelve of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended by acts approved June 18, 1883, and June 21, 1883, in force July 1, 1883, be amended so as to read as follows:

"Section 3. In all coal mines that are or have been in operation prior to the first day of July, in the year of our Lord 1879, and which are worked by or through a shaft, slope or drift, if there is not already an escapement shaft to each and every said coal mine, or communication between each and every coal mine, and some other contiguous mine, then there shall be an escapement shaft or other communication, such as shall be approved by the mine inspector, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine. Such escapement shaft or other communication with a

contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine, which shall be at least three and one-half feet high and at least five feet wide, and in no instance shall the height of said roadway be less than the thickness of the vein or stratum of coal through which it is driven; and the time to be allowed for such construction shall be one year when such mine is under one hundred (100) feet in depth; two years when such mine is over one hundred (100) feet in depth and under three hundred (300) feet, and three years when it is over three hundred (300) feet and under four hundred (400) feet, and four years when it is over four hundred (400) feet in depth, and five years for all mines over five hundred (500) feet, from the first day of July, A. D. 1879; and in all cases where the working force of one mine has been driven up to or into the workings of another mine, the respective owners of such mines, while operating the same, shall keep open a roadway, at least five feet high and five feet wide, thereby forming a communication, as contemplated in this act; and for a failure to do so shall be subject to the penalty provided for in section 10 of this act, for each and every day such roadway is unnecessarily closed; each and every such escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines, such distance to be left to the discretion of the mine inspector or person acting in that capacity, and shall be equipped with stairways or ladders having landing places or platforms at least every twenty feet from the bottom to the top, or in lieu thereof such hoisting apparatus as will enable the employes in the mine to make safe and speedy exit in case of danger. In all coal mines that shall go into operation for the first time after the first day of January, A. D. 1880, and in all cases where such mine or mines shall hereafter be put in operation in this State, the owner thereof, or the lessee or occupant of the same, shall construct such an escapement shaft as is now required by law in this State, at the rate of two hundred feet per annum until such escapement shaft shall have been fully completed: *And, provided, further,* that nothing in this section shall be construed to extend the time heretofore allowed by law for constructing escapement shafts in mines going into operation for the first time before said first day of January, A. D. 1880.

“Section 4. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain in every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet for each man and six hundred cubic feet for each animal per minute, measured at the foot of the down-cast, and the same to be increased at the discretion of the inspector, according to the character and extent of the workings, or the amount of powder used in blasting; and said volume of air shall be forced and circulated to the face of every working place throughout the mine, so that said mine shall be free from standing powder smoke, and gases of every kind. In all mines where fire-damp is generated, every working place, where the same is known or thought to exist, shall be examined every morning with a safety lamp, by a competent person, before any other persons are allowed to enter, and wherever the inspector shall find men working without sufficient air, or under any unsafe condition, he may remove the same to other parts of the mine or from the mine

altogether. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the up-cast with incombustible material for a sufficient distance up from said furnace: *Provided*, it shall not be lawful to use a furnace for ventilating purposes, or for any other purpose, that shall emit smoke into any compartment constructed in, or adjoining any coal-hoisting shaft or slope, where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. That it shall be unlawful, where there is but one means of ingress and egress provided at a coal shaft or slope, to construct and use a ventilating furnace that shall emit smoke into a shaft, as an up-cast, where the shaft or slope used as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air to persons employed therein."

"Section 11. This State shall be divided into five inspection districts, as follows, viz: The first district shall be composed of the counties of Boone, McHenry, Lake, DeKalb, Kane, DuPage, Cook, LaSalle, Kendall, Grundy, Will, Livingston, Kankakee and Iroquois. Second district, the counties of JoDaviess, Stephenson, Winnebago, Carroll, Og'e, White-side, Lee, Rock Island, Henry, Bureau, Mercer, Stark, Putnam, Marshall, Henderson, Warren, Knox, Hancock, McDonough, Schuyler, Adams and Brown. The third district, the counties of Fulton, Peoria, Woodford, Tazewell, McLean, Ford, Mason, Cass, Menard, Logan, DeWitt, Piatt, Champaign and Vermilion. The fourth district, the counties of Pike, Scott, Morgan, Sangamon, Calhoun, Greene, Jersey, Madison, Bond, Macoupin, Montgomery, Christian, Fayette, Macon, Moultrie, Shelby, Effingham, Douglas, Coles, Cumberland, Jasper, Edgar, Clark, Crawford, Clay, Richland and Lawrence. The fifth district, the counties of St. Clair, Clinton, Washington, Marion, Jefferson, Wayne, Edwards, Wabash, Hamilton, White, Monroe, Randolph, Perry, Jackson, Franklin, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac. The Governor shall, upon the recommendation of a board of examiners, selected for that purpose, composed of two practical coal miners, two coal operators, and one mining engineer, to be appointed by the Bureau of Labor Statistics of this State, all of whom shall be sworn to a faithful discharge of their duties, appoint five properly qualified persons to fill the offices of inspectors of coal mines of this State (being one inspector for each district provided for in this act), whose commissions shall be for the term of two years, but they shall at all times be subject to removal from office for neglect of duty, or malfeasance in the discharge of duty, as hereinafter provided for; and the inspectors so appointed, shall have attained the age of thirty years, be citizens of this State, and have a knowledge of mining engineering sufficient to conduct the development of coal mines, and a practical knowledge of the methods of conducting mining for coal in the presence of explosive gases, and of the proper ventilation of coal mines. They shall have had a practical mining experience of ten years, and shall not be interested as owner, operator, stockholder, superintendent or mining engineer of any coal mine during their term of office, and shall be of good moral character and temperate habits, and shall not be guilty of any act tending to the injury of miners or operators of mines during their term of office. They

shall be provided by the State with the most approved modern instruments for carrying out the intention of this act. The inspectors, before assuming the duties of their several offices, shall take an oath of office as provided for by the constitution, and shall be required to enter into a bond to the State in the sum of five thousand dollars (\$5,000), with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this act. The said bond, with the approval of the Governor endorsed thereon, together with the oath of office, shall be deposited with the Secretary of State. The salaries of the inspectors, provided for by this act, shall be eighteen hundred dollars (\$1,800) per annum, each, and the Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury in their favor, quarterly, for the amount specified in this section for the salary of each inspector: *Provided*, that the county board of any county may appoint an assistant inspector for such county, who shall act under the direction of the district inspector in the performance of his duties and shall receive not less than three dollars (\$3), nor more than five dollars (\$5) per day for the time actually employed, to be paid out of the county treasury; and he may be removed by such county board at any time.

“Section 12. The inspectors provided for by this act shall devote their whole time and attention to the duties of their office, and make personal examination of every mine within their respective districts, and shall see that every necessary precaution is taken to insure the health and safety of the workmen employed in such mines, and that the provisions and requirements of the mining laws of this State are faithfully observed and obeyed and the penalties of the same enforced. They shall also make annual reports to the Bureau of Labor Statistics of their acts during the year in the discharge of their duties, with their recommendations as to legislation necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said Bureau all desired statistics of the mines and miners within their districts, to accompany said annual report; they shall also furnish such information as they may have obtained on this subject, when called for, to the State Geologist. Upon a petition signed by not less than three reputable coal operators, or ten coal miners, setting forth that any inspector of coal mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, it may be lawful for the Bureau of Labor Statistics of this State to issue a citation to the said inspector to appear at no less than fifteen days' notice, on a day fixed, before them, when the said Bureau shall proceed to inquire into and investigate the allegations of the petitioners; and if the said Bureau find that the said inspector is neglectful of his duty, or that he is, by reason of causes that existed before his appointment, or that have arisen since his appointment, incompetent to perform the duties of said office, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said Bureau shall declare the office of inspector of the said district vacant, and a properly qualified person shall be appointed to fill the office in compliance with the provisions of this act; and the cost of said investigation by the said Bureau shall be borne by the removed inspector; but if the allegations of the petitioners are not sustained by the final decision of the said

Bureau, the costs shall be paid by the petitioners. The board of examiners provided for in section eleven of this act shall be appointed by the Bureau of Labor Statistics, and shall hold their offices for two years. They shall meet annually at the State capital on the second Monday in September, and special meetings may be called at any time by the Bureau of Labor Statistics when the office of coal mine inspector becomes, from any cause, vacant. They shall receive as compensation the sum of three dollars (\$3) per day, each, for time actually employed in the duties of their office, and actual traveling expenses to be verified by affidavit: *Provided*, that in no case shall the per diem received by any member of said board exceed the sum of thirty dollars (\$30) per annum. The Auditor of Public Accounts is hereby authorized to draw his warrant in favor of each member of the board of examiners, at the close of their annual session, for the full amount due them for attending annual and special sessions and expenses, upon vouchers sworn to by them and approved by the secretary of the Bureau of Labor Statistics and the Governor: *And, provided, further*, that when two or more coal mines are so located as to allow the said mines to be connected by permanent entries between, and the land or mining rights lying between such mines is owned by any person or persons with whom the owner or owners of said mine or mines are unable to agree for the purchase of the right of way for the connecting entry or entries between such mines, and the right to maintain and use such entry as a connecting entry, such owner or owners of any such coal mine or mines, or either of them, may acquire such right or title in the manner that may be now or hereafter provided for by any law of eminent domain."

APPROVED June 30, 1885.

WEIGHING COAL AT MINES.

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| <p>1. Amends the act of act 1883 as follows:</p> <p>§ 2. Record of weights shall be kept; record open to inspection; affidavit of keeper of record.</p> <p>§ 3. Check weigher shall make affidavit; applies to all mines.</p> | <p>§ 4. Fixes penalties and exempts certain mines.</p> <p>§ 2. Void contracts unless this act is complied with.</p> |
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AN ACT to amend sections two, three and four of an act entitled "An act to provide for the weighing of coal at the mines," approved June 14, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two, three and four of an act entitled "An act to provide for the weighing of coal at the mines," approved June 14, 1883, in force July 1, 1883, be amended so as to read as follows:

"Section 2. All coal produced in this State shall be weighed on the scales as above provided, and a correct record kept of same in a well bound book furnished by the owner, agent or operator of such mine for

that purpose, by a competent person, at the expense of such owner, agent or operator, said record to be subject to the inspection (at all reasonable business hours) of the miner, operator, carrier, land owner, adjacent land owner, members of the Bureau of Labor Statistics, mine inspectors and all others interested. The party weighing the coal and keeping such record shall be required, before entering upon his duties, to make and subscribe to an affidavit before some magistrate, or other officer authorized to administer oaths under the statute, to accurately weigh and faithfully keep a true record of all coal hoisted from such shaft; such affidavit to be placed on file with the mine inspector of his county or district, and any one knowingly or wilfully disregarding such oath or affidavit shall be regarded as a perjurer and punished accordingly.

“Section 3. It shall be lawful for the miners employed in any coal mine or colliery in this State to furnish a check-weigher at their own expense, whose duty it shall be to balance said scales and see that the coal is properly weighed and keep a correct account of same, and for this purpose he shall have access at all times to the beam-box of said scale while such weighing is being performed. That the agent employed by persons mining coal to act as such check-weigher shall be a citizen of the State and county wherein the mine is situated, and shall, before entering upon his duties, make and subscribe to an affidavit, same as set forth in section 2 of this act, and shall be subject to the same penalty. He shall, on application to the owner, agent or operator of the mine producing the coal to be weighed, be furnished with a written permit that shall entitle him to enter and remain in the room or place where the accounting by him of the weights of coal is to be done, and the said permit shall not be transferable.

“Section 4. Any person, owner or agent operating a coal mine or colliery in this State, who shall fail to comply with the provisions of this act, or any person who shall obstruct or hinder the carrying out of its requirements, shall be fined for the first offense not less than fifty (50) dollars; for the second offense not less than two hundred (200) dollars, and for the third offense not less than five hundred (500) dollars, or be imprisoned in the county jail not less than six months: *Provided*, that the provisions of this act shall apply only to coal mines doing business on, and shipping coal by railroad or by water.”

§ 2. That all contracts for the mining of coal, in which the weighing of the coal as provided for in this act shall be dispensed with, shall be null and void.

APPROVED June 29, 1885.

MUNICIPAL BONDS.

REFUNDING SURPLUS.

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| <p>§ 1. Bonds paid and canceled; balances refunded.</p> <p>§ 2. Bonds declared void by the courts; balances refunded.</p> <p>§ 3. Balances refunded only upon authority of resolutions adopted by the proper authorities requesting the Auditor to issue warrants therefor.</p> | <p>§ 4. Mandamus proceedings against the Auditor in case of refusal to act.</p> <p>§ 5. Emergency.</p> |
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AN ACT making provision for the refunding of surplus funds that are now, or hereafter may be, in the State treasury to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations having bonds registered in the office of the Auditor of Public Accounts when such bonds have been paid and canceled, or when bonds purporting to have been issued by any county, township, city, town, school district, or other municipal corporation, and registered in the office of the Auditor aforesaid, shall be held void, or the law under which such bonds purport to have been issued shall be held void by the Supreme Court of this State or the Supreme Court of the United States.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever all the bonds of any county, township, city, town, school district, or other municipal corporation, that may have been registered in pursuance of law, in the office of the Auditor of Public Accounts, have been paid, and canceled upon the records of said Auditor, and there remains in the State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation, it shall be the duty of the Auditor of Public Accounts, on receipt of copy of resolution as provided for in section three of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay the same out of the proper fund.

§ 2. Whenever the Supreme Court of this State or the Supreme Court of the United States shall hold any bonds void purporting to be issued by any county, township, city, town, school district or other municipal corporation, registered in pursuance of law in the office of the Auditor of Public Accounts, or whenever the act under which such bonds purport to have been issued shall be held to be void by the Supreme Court of this State or the Supreme Court of the United States, and there remains in the State treasury a balance of funds to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation purporting to have issued said bonds, and there are no other valid bonds issued by such county, township, city, town, school district or other municipal corporation, registered in the office of the Auditor of Public Accounts, in pursuance of law, to which said balance of funds may be applied, it shall be the duty of the Auditor, on receipt of a certified copy of resolution provided for in section three of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized pay the same out of the proper fund.

§ 3. Before any warrant shall be drawn on the State Treasurer, as provided in sections one and two of this act, for any balance to the credit of the bond fund of any county, township, city, town, school district or other municipal corporation to which such balance is due, such county, township, city, town, school district or other municipal corporation shall, by its proper corporate authorities, pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon the State Treasurer for the amount of such balance, payable to the proper custodian of the funds of such county, township, city, town, school district, or other municipal corporation, which said resolution shall contain the name of such proper custodian, and a certified copy of the same shall be furnished said Auditor: *Provided*, that in towns under township organization the board of town auditors is hereby authorized to pass the resolution herein provided for, and the Auditor of Public Accounts, upon receipt of a certified copy of such resolution, may draw his warrant on the State Treasurer for such balance in favor of the proper custodian of such fund.

§ 4. In all cases where the Auditor of Public Accounts shall refuse to draw his warrant on the State Treasurer as provided in sections one and two of this act, the county, township, city, town, school district, or other municipal corporation, having funds to the credit of its bond fund in the State treasury, may, after serving said Auditor with a certified copy of resolution provided for in section three of this act, file its petition in any court of competent jurisdiction for *mandamus* to compel said Auditor to draw his warrant on the State Treasurer for such balance, and such proceedings may thereupon be had and taken on such petition as is now provided or may hereafter be provided to be had and taken in proceedings on petitions for *mandamus* under the laws of this State.

§ 5. Whereas, large sums of money are now idle in the State treasury, which ought to be paid back to the municipalities to whose credit the same stands, and there is at present no provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 10, 1885.

PARKS.

CONTROL OF BY COMMISSIONERS IN CITIES, TOWNS AND VILLAGES.

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| <p>§ 1. Commissioners may take control of parks in cities, towns and villages, under certain restrictions.</p> <p>§ 2. Defines the power of commissioners.</p> <p>§ 3. Reversion of parks to control of municipal authorities.</p> | } | <p>§ 4. Cities, towns and villages may vest authority to control parks under this act.</p> <p>§ 5. Emergency.</p> |
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AN ACT entitled "*An act to enable park commissioners having control of parks to take, regulate, control and improve parks now under the control of incorporated cities, villages or towns.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of public park commissioners shall have the power to take under its control, and to regulate, control and govern, in the same manner as it may govern other

parks or boulevards under its control, any public park now under the control or jurisdiction of any incorporated city, town or village: *Provided*, that the park so taken shall lie within the district or territory, the property of which shall be taxable for the maintenance of the parks or boulevards under the control of any such board of park commissioners: *And, provided, further*, that the consent of the authorities of any city, town or village having control of the park so to be taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on the park so to be taken, shall be first obtained.

§ 2. Such boards of park commissioners shall have the same power and control over the parks taken under this act as are, or may be, by law vested in them, of and concerning the parks, boulevards or drive-ways now under their control.

§ 3. In case any such parks so to be taken shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper authorities of such city, town or village, as the case may be, as aforesaid.

§ 4. Any city, town or village in this State shall have full power and authority to vest any such board of public park commissioners with the right to control, improve and maintain any such park within the district over which such board of park commissioners has jurisdiction, for the purposes of carrying out the provisions of this act, in accordance with its intent.

§ 5. Whereas, public policy requires that, so far as practicable, there should be, within the jurisdiction of such park boards, but a single authority over the parks lying within such districts respectively; therefore, an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage.

APPROVED April 11, 1885.

STREETS LEADING TO PARKS.

§ 1. Amends section 1, act 1879, by omitting the proviso that streets only shall be taken forming one continuous improvement. Amends section 2 by providing for future maintenance and repairs.

AN ACT to amend sections one (1) and two (2) of an act entitled "An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," approved and in force April 9, 1879.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1) and two (2) of an act entitled "An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf

to make and collect a special assessment or special tax on contiguous property," approved and in force April 9, 1879, be amended so as to read as follows, to wit:

"Section 1. That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or part thereof, leading to such park, and shall also have power to accept and add to any such park any street or part thereof which adjoins and runs parallel with any boundary line of the same: *Provided*, that the streets so selected and taken, so far as taken shall lie within the district or territory the property of which shall be taxable for the maintenance of such parks: *And, provided, further*, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained.

"Section 2. That such board of park commissioners or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve, maintain and repair such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved, for a sum of money not exceeding the estimated cost of such improvement or improvements and for the future maintenance and repair thereof, as shall be ordered and estimated by such board of park commissioners. And to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively relative to the levy, assessment and collection of taxes or assessment for corporate purposes, and such special taxes or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. per annum from the date of confirmation until paid; and the assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments, for or on account of such corporate bodies, or boards, as aforesaid, so far as the same are applicable."

APPROVED June 27, 1885.

TAXATION.

§ 1. Park commissioners may levy one mill tax in addition to taxes now authorized.

AN ACT to enable park commissioners to improve, govern and maintain the parks and boulevards under their control.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of park commissioners,

having a bonded indebtedness incurred by virtue of the laws of this State, which is unable, after paying the interest and yearly maturing bonds, to properly improve, govern and maintain the parks and boulevards under its control, with the amount of money now authorized by law to be raised and set apart for that purpose, shall, in addition to the amount of money now authorized to be raised by taxation on the property embraced in its park district, be allowed a sum not exceeding one mill on each dollar of taxable property embraced in such park district, according to valuation of the same as made for the purpose of State and county taxation by the last assessment. And the officers authorized by law to assess taxes for park purposes, respectively, shall, on receiving a certificate from such board of park commissioners that the amount mentioned in such certificate, not exceeding the amount aforesaid, is necessary for the proper improvement, government and maintenance of the park property under its control, assess the same upon the taxable property, embraced in said park district, the same as other park taxes are by law assessed, and the same shall be collected and paid over the same as other park taxes are now required by law to be collected and paid.

APPROVED June 26, 1885.

PENITENTIARIES.

JOLIET PENITENTIARY.

§ 1. Amends section 39, act 1871, by providing that fees in suits for prosecution shall be paid by the State. | § 2. Emergency.

AN ACT to amend section thirty-nine (39) of an act entitled "An act to provide for the management of the Illinois State Penitentiary at Joliet," approved June 16, 1871, in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirty-nine (39) of an act entitled "An act to provide for the management of the Illinois State Penitentiary at Joliet," approved June 16, 1871, in force July 1, 1871, be amended to read as follows:

"Section 39. The several courts of Will county having criminal jurisdiction, shall take cognizance of all crimes committed within said penitentiary by the convicts therein confined, and said courts shall try and punish all such convicts charged with such crimes in the same manner and subject to the same rules and limitations as are now established by law in relation to other persons charged with crimes in said county; but in case of conviction, the sentence of said convict shall not commence to run until the expiration of the sentence under which he is then held in confinement in said penitentiary: *Provided*, that in case such convict shall be sentenced to punishment by death, such sentence shall be executed at such time as the court shall fix, without regard to the sentence under which such convict may be held in the penitentiary: *Provided*,

further, that all fees and costs arising from the prosecution of convicts for crimes committed in the penitentiary, which the county is now required to pay in like cases, shall be paid by the State.

§ 2. Whereas an emergency exists, the bill shall take effect and be in force on and after its passage.

APPROVED June 29, 1885.

SOUTHERN PENITENTIARY.

§ 1. Adds section 15 to the act of 1877, concerning jurisdiction of crimes committed in the penitentiary.

AN ACT to amend an act entitled "*An act to locate, construct and carry on the Southern Illinois Penitentiary,*" approved May 24, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "*An act to locate, construct and carry on the Southern Illinois Penitentiary,*" approved May 24, 1877, in force July 1, 1877, be amended by the addition of a section, to be numbered section 15, said section to read as follows:

"Section 15. The several courts of Randolph county, having criminal jurisdiction, shall take cognizance of all crimes committed within the Southern Illinois Penitentiary by the convicts therein confined, and said courts shall try and punish all such convicts charged with such crimes, in the same manner and subject to the same rules and limitations as are now established by law in relation to other persons charged with crimes in said county, but, in case of conviction, the sentence of said convict shall not commence to run until the expiration of the sentence under which he is then held in confinement in said penitentiary: *Provided*, that in case such convict shall be sentenced to punishment by death, such sentence shall be executed at such time as the court shall fix, without regard to the sentence under which such convict may be held in said penitentiary: *Provided, further*, that all fees and costs arising from the prosecution of convicts for crimes committed in said penitentiary, which the county is now required to pay in like cases, shall be paid by the State."

APPROVED June 29, 1885.

PRACTICE.

FEE BILL IN APPELLATE COURT.

§ 1. Amends section 83, act 1872, by authorizing the clerk of the Appellate Court to issue fee bills, in cases taken to Supreme Court and by that court reversed and remanded.

AN ACT to amend section eighty-three (83) 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-three (83) of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, be amended so as to read as follows:*

"Section 83. When any cause or proceeding either at law or in chancery is remanded by the Supreme Court or Appellate Court, as the case may be, for a new trial or hearing by the court in which such cause was originally tried, the Supreme Court, or Appellate Court, as the case may be, shall issue its mandate reversing and remanding such cause directly to such trial court; and upon a transcript of the order of the Supreme Court, or Appellate Court, as the case may be, remanding the same, being filed in the court in which such cause was originally tried, and not less than ten days notice thereof being given to the adverse party or his attorney, the cause or proceeding shall be reinstated therein. In case of non-resident parties, or parties who cannot be found, so that personal notice cannot be served upon them, the notice may be given as in cases in chancery or as may be directed by the court. In case of reversal and remandment by the Supreme Court of any cause removed thereto from the Appellate Court, upon the filing in such Appellate Court of a certificate of such reversal and remandment, the clerk of the Appellate Court shall have the right to issue a fee bill for all such costs as accrued in said Appellate Court and did not abide the final action in the Supreme Court."

APPROVED June 27, 1885.

RAILROADS.

CONSOLIDATION.

§ 1. Extension of lines beyond the limits of this State.

§ 2. May borrow money, issue bonds, mortgage property, increase capital stock; restrictions under this act; Illinois Central charter.

AN ACT to increase the powers of railroad corporations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all railroad companies now organized, or hereafter to be organized, under the laws of this State, which*

now are, or hereafter may be, in possession of and operating in connection with or extension of their own railway lines, any other railroad or railroads in this State, or in any other State or States, or owning and operating a railroad which connects at the boundary line of this State with a railroad in another State, are hereby authorized and empowered to purchase and hold in fee simple or otherwise, and to use and enjoy, the railway property, corporate rights and franchises of the company or companies owning such other road or roads, upon such terms and conditions as may be agreed upon between the directors and approved by the stockholders, owning not less than two-thirds in amount of the capital stock of the respective corporations becoming parties to such purchase and sale; such approval may be given at any annual or special meeting, upon sixty days' notice being given to all shareholders, of the question to be acted on, by publication in some newspaper published in the county where the principal business office of the corporation is situated: *Provided*, that notice of any special meeting called to act upon such question, shall be given to each shareholder whose postoffice address is known, by depositing in the postoffice, at least thirty days before the time appointed for such meeting, a notice properly addressed and stamped, signed by the secretary of the company, stating the time, place and object of such meeting: *And, provided, further*, that no railroad corporation shall be permitted to purchase any railroad which is a parallel or competing line with any line owned or operated by such corporation.

§ 2. Any railroad company now organized or hereafter to be organized under the laws of this State, shall have power from time to time to borrow such sums of money as may be necessary for the funding of its indebtedness, paying for constructing, completing, improving or maintaining its lines of railroad, and to issue bonds therefor, and to mortgage its corporate property, rights, powers, privileges and franchises, including the right to be a corporation, to secure the payment of any debt contracted for such purposes; and to increase its capital stock to any amount required for the purposes aforesaid, not exceeding the cost of the roads and works owned or constructed and equipped by it, such increase of capital stock to be made in such manner and in accordance with and subject to such regulations, preferences, privileges and conditions as the company at any general or special meeting of its shareholders, held at the time such creation of new shares may be authorized, shall think fit: *Provided*, that no stock or bonds shall be issued, except for money, labor or property actually received and applied to the purposes for which such corporation was created; nor shall the capital stock be increased for any purpose except upon giving sixty days' public notice in the manner provided in the first section of this act: *And, provided, further*, that nothing contained in this act shall be held or construed to alter, modify, release or impair the rights of this State as now reserved to it in any railroad charter heretofore granted, or to affect in any way the rights or obligations of any railroad company derived from, or imposed by such charter: *And, provided, further*, that nothing herein contained shall be so construed as to authorize or permit the Illinois Central Railroad Company to sell the railway constructed under its charter, approved February 10th, 1851, or to mortgage the same, except subject to the rights of the State under its contract with said company, contained in its said charter, or to dissolve its corporate existence, or to relieve itself or its corporate

property from its obligations to this State, under the provisions of said charter; nor shall anything herein contained be so construed, as to, in any manner, relieve or discharge any railroad company, organized under the laws of this State, from the duties or obligations imposed by virtue of any statute now in force or hereafter enacted: *And, provided, further,* that nothing in this act shall be so construed as to authorize any corporation, other than those organized in and under the laws of this State, to purchase or otherwise become the owner, owners, lessee or lessees of any railroad within this State.

APPROVED June 30, 1885.

STOPS AT CROSSINGS AND BRIDGES.

§ 1. Amends section 12 of the act of 1874 by requiring trains approaching crossings or draw-bridges to come to a full stop within 800 feet therefrom. Amends section 13 by providing penalties for violation of the law, and fixing the time when suits shall be brought; defines the scope of this act.

AN ACT to amend sections twelve (12) and thirteen (13) of an act entitled "An act in relation to fencing and operating railroads," approved March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections twelve (12) and thirteen (13) of an act entitled "An act in relation to fencing and operating railroads," approved March 31, 1874, be amended so as to read as follows:

"Section 12. All trains running on any railroad in this State, when approaching a crossing with another railroad upon the same level, or when approaching a swing- or draw-bridge, in use as such, shall be brought to a full stop before reaching the same, and within eight hundred (800) feet therefrom, and the engineer or other person in charge of the engine attached to the train shall positively ascertain that the way is clear and that the train can safely resume its course before proceeding to pass the bridge or crossing.

"Section 13. Every engineer or other person having charge of such engine, violating the provisions of the preceding section, shall be liable to a penalty of two hundred dollars for each offense, to be recovered in an action of debt in the name of the People of the State of Illinois, and the corporation on whose road such offense is committed shall be liable to a penalty of not exceeding two hundred dollars, to be recovered in like manner, the amount so recovered to be paid into the treasury of the county in which the offense occurs, but no recovery shall be had in any case for any offense committed more than sixty days prior to the commencement of the action. The provisions of this and of the preceding section shall extend to and govern all cases of neglect or failure to stop the train as required by law before passing any bridge or railroad crossing, whether occurring before or after the said provisions shall take effect, and no act or part of an act inconsistent with such operation and effect being given to this law shall in any way apply hereto."

APPROVED June 19, 1885.

PUBLICATION OF SCHEDULES OF RATES.

§ 1. Amends section 8, act 1871, by abolishing the provision requiring schedules to be published in a newspaper in the city of Springfield.

AN ACT to amend section 8 of an act entitled "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 discrimination and extortion in the rates to be charged by the different railroads in this State, for the transportation of freights on said roads," approved April 7, 1871, approved May 2, 1873, in force July 1, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight (8), of the above named act, be and the same is hereby amended, to read as follows:

"Section 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 freights and cars of each of said railroads; and said schedule shall, in all suits brought against 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, as often as circumstances may require, change and revise said schedules. When any schedule shall have been made or revised, as aforesaid, it shall be the duty of said commissioners to have the same printed by the State printer, under the contract governing the State printing, and said commissioners shall furnish two copies of such printed schedule to the president, general superintendent or receiver of each railroad company or corporation doing business in this State. All such schedules heretofore or hereafter made 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 schedule desired to be used as evidence, with a certificate of the Railroad and Warehouse Commissioners that the same is a true copy of a schedule prepared by them for the railroad company or corporation therein named."

APPROVED June 30, 1885.

REVENUE.

GENERAL LEVY FOR STATE PURPOSES.

§ 1. Revenue fund 1885, \$2,000,000; school fund \$1,000,000; revenue fund 1886, \$1,500,000; school fund \$1,000,000.

§ 2. Computation of rates per cent; rates certified to county clerks.

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 assessed taxable property of this State, the following sums for the purposes hereinafter set forth: For general State purposes, to be designated "Revenue Fund," the sum of two million dollars (\$2,000,000) upon the assessed value of property for the year 1885, and the sum of one million five hundred thousand dollars (\$1,500,000) upon the assessed value of property for the year 1886. There shall also be raised, by levying a tax by valuation upon the assessed taxable property for the years A. D. 1885 and 1886, in this State, for State school purposes, to be designated "State School Fund," the following sums, to-wit: The sum of one million dollars (\$1,000,000) for the year 1885, upon the assessed taxable property for the year 1885, and the sum of one million dollars (\$1,000,000) for the year 1886, upon the assessed taxable property for the year 1886, in lieu of the two-mill tax.

§ 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 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; and all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED June 27, 1885.

LISTING LANDS AND LOTS.

§ 1. Amends section 66, by providing for listing for drainage assessments.

§ 2. Amends section 77 by providing for special assessments upon lands not listed by the assessor.

AN ACT to amend section sixty-six (66), as heretofore amended, and section seventy-seven (77), of an act entitled "An act for the assessment of property, and for 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 section sixty-six (66), as heretofore amended, of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, be and the same is hereby amended so as to read as follows:

“Section 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, or is situated and assessed in any drainage district, for drainage purposes, the portion thereof in each town or district shall be listed separately; and the lands in any drainage district shall be listed, corresponding, as near as may be, to the respective sub-divisions and descriptions in the latest assessment roll of such drainage district. 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.”

§ 2. That section seventy-seven (77) of an act to which this act is an amendment, be and the same is hereby amended so as to read as follows:

“Section 77. If the assessor finds that any real estate subject to taxation, or special assessment, has not been returned to him by the clerk, or if returned, has not been described in the sub-divisions, or manner required by section sixty-six of this act, he shall correct the return of the clerk; and shall list and assess such property in the manner required by law.”

§ 3. Whereas an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 26, 1885.

TAX DEEDS.

§ 1. Amends section 224, act of 1872, as amended in 1879, by adding the proviso at the end of the section.

AN ACT to amend section 224 of “An act concerning revenue,” approved March 30, 1872, in force July 1, 1872, as amended by act approved May 31, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 224 of an act entitled “An act concerning revenue,” approved March 30, 1872, in force July 1, 1872, as amended by act approved May 31, 1879, in force July 1, 1879, be and the same is hereby amended so as to read as follows:

“Section 224. Deeds executed by the county c’erk, as aforesaid, shall be *prima facie* evidence, in all controversies and suits, in relation to the right of the purchaser, his heirs or assigns, to the real estate thereby conveyed, of the following facts :

First—That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law.

Second—That the taxes or special assessments were not paid at any time before sale.

Third—That the real estate conveyed had not been redeemed from the sale at the date of the deed.

Fourth—That the real estate was advertised for sale in the manner and for the length of time required by law.

Fifth—That the real estate was sold for taxes or special assessments, as stated in the deed.

Sixth—That the grantee in the deed was the purchaser or assignee of the purchaser.

Seventh—That the sale was conducted in the manner required by law.

And any judgment for the sale of real estate for delinquent taxes, rendered after the passage of this act, except as otherwise provided in this section, shall estop all parties from raising any objections thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment or decree, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered; and as to all such questions, the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax or special assessments have been paid, or the real estate was not liable to the tax or assessment: *Provided*, that any judgment or decree of court, setting aside any tax deed procured under this act, shall provide that the claimant shall pay to the party holding such tax deed all taxes and legal costs, together with all penalties, as provided by law, as it shall appear the holder of such deed, or his assignors, shall have properly paid or be entitled to in procuring such deed, before such claimant shall have the benefits of such judgment or decree.”

This bill having remained with the Governor ten days after the adjournment of the General Assembly, and he having failed to approve it, or to file it with his objections in my office before the expiration of said ten days, it has thereby become a law.

Witness my hand this 7th day of July, A. D. 1885.

HENRY D. DEMENT,
Secretary of State.

ROADS, HIGHWAYS AND BRIDGES.

ROAD LABOR IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

§ 1. Amends section 80, act of 1883, by authorizing a vote to abolish the labor system in the same manner in which it was adopted.

AN ACT to amend section eighty of an act entitled "An act in regard to roads, highways and bridges, [in counties] under township organization, and to repeal parts of act therein named," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly :* That section eighty (80) of an act in relation to roads, highways and bridges, in counties under township organization, in force July 1, 1883, be amended to read as follows:

"Section 80. On petition of not less than twenty-five (25) legal voters of any town in this State, in counties where township organization has been, or may be hereafter, adopted, asking to have the proposition to pay in labor the district labor and property road tax, submitted to the legal voters of said town, and filed with the town clerk, not less than fifteen days before the last Tuesday in August, when it is desired to vote thereon at a special town meeting, to be held on the last Tuesday in August, or not less than fifteen days before the annual town meeting, the town clerk shall thereupon call a special town meeting on the last Tuesday in August, or state in the notice of the annual town meeting, as the case may be, that legal voters of such town may vote, by ballot, for or against the payment in labor [of the district labor] and property road tax; and if a majority of all the ballots cast are for the payment in labor of the district labor and property tax, then all the following sections of this act shall be in force in such town; otherwise they shall not be in force in any town in this State: *Provided*, the vote which may be taken under this section shall not affect the last section of this act, but the same shall remain in force: *Provided, further*, any town having adopted the labor system may abolish the same by petition and vote in the same manner as provided for its adoption in this section."

APPROVED June 30, 1885.

ROAD LABOR IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 1. Amends section 35 by providing for making contracts; commutation of labor.

AN ACT to amend section 35 of an act entitled "An act in regard to gateways, roads and bridges, in counties not under township organization," approved and in force April 18, 1873, as amended by act approved April 15, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 35 of an act entitled "An

act in regard to gateways, roads and bridges, in counties not under township organization," approved and in force April 18, 1873, as amended by an act approved April 15, 1875, in force July 1, 1875, be further amended to read as follows :

"Section 35. The county court, county board 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, within 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 shall be collected by the collector, as other county revenue, and paid into the treasury in like manner ; and the county board shall appropriate the same on the roads and bridges within the road district from which such tax may be collected, or so much of it as the supervisors of such districts shall deem necessary to keep the roads and bridges of such road district in good repair ; and all overplus, if there be any, shall be paid into the county treasury, to be expended on roads and bridges within said county, as the county board 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 30 of this act ; and in all such counties as may elect to work under the tax system in whole for road purposes, as aforesaid, it shall be lawful for the county board to let out all the work necessary to keep the roads and bridges of their respective counties in good repair in all, or a part of the road districts therein, as to the said county boards may seem proper and necessary ; and the contracts for such work shall be let to the lowest responsible bidder or bidders, under sealed proposals, to be advertised for by the county boards, for four weeks successively, in some newspaper printed in the county, or if there be no newspaper printed in the county, then in the nearest newspaper to said county ; in which advertisements shall be set forth the location of the road or roads to be worked, the number of miles, kind of work to be done, and the bridges, if any, to be built or repaired, and how constructed or repaired, and all other matters necessary to a correct judgment of the work to be done, the materials necessary for the same, and what it would be reasonably worth by the mile, or the whole distance ; and which contracts may extend to the repair and construction of said roads for not less than one nor more than three years. Said contracts, when agreed upon, shall be reduced to writing and signed by the party or parties contracting, and the said county board, and the party or parties contracting to do said work, shall give bond for the faithful performance of their contract, and said contracts, when agreed upon, shall be good and available in law and spread at large upon the records of the county court. The road tax levied and collected in said counties, as aforesaid, shall be set apart as a road and bridge fund for the payment of work and labor done and materials furnished under said contracts, for the construction and repair of all necessary roads and bridges in said counties : *Provided, however*, that the cost and expenses of all such work on roads and bridges, in any one year, shall not exceed the road tax levied in the county for that year : *And, provided, also*, that nothing herein contained shall be construed to repeal or in any manner affect section 34 of an act entitled "An act in regard to roads and

bridges in counties not under township organization," approved April 15, 1875, in force July 1, 1875: *Provided*, that parties obliged to work out their poll tax according to said section 34, shall be compelled to do so during the months of May and June of each year: *And, provided further*, that a'l persons residing in said counties, through whose lands said roads or any portion thereof may pass, may commute for their road tax in labor, upon so much of said roads as may be laid out through their premises, in lieu of said tax, provided the same be kept proportionately in the same repair as other parts of said roads under contract: *Provided, also*, that the county board shall have the exclusive right to determine and adjust all commutation labor.

APPROVED June 26, 1885.

SCHOOLS.

BOYS' TRAINING.

§ 1. Amends sec. 3, act 1883, by more fully defining what shall constitute a "dependent boy," within the meaning of this act.

Amends sec. 5, by enabling the court to enter of record "consent" of parents or guardian.

Amends sec. 9, by adding the words: "For each dependent boy over 14 and under 18 years, \$6 per month," and prohibits commitment of any boy over 17 years of age.

Adds sec. 14—Courts committing boys may order their discharge; may make orders generally to ensure the benefits of this act, and may send writs to any county in State; appeals.

AN ACT to amend sections three (3), five (5) and nine (9) of "An act to provide for and aid training schools for boys," approved June 18, 1883, in force July 1, 1883, and to further amend said act by adding thereto a section to be numbered fourteen (14).

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3), five (5) and nine (9) of an act entitled "An act to provide for and aid training schools for boys," be and are hereby amended to read as follows; and that said act be and is hereby amended, by adding thereto the following section numbered fourteen (14):

"Section 3. Any responsible person, a resident of any county in this State, may petition the county court, or any court of record of said county, to inquire into the alleged dependency of any boy then within the county, and every boy who shall come within the following descriptions shall be considered a dependent boy, viz: Every boy who frequents any street, alley or other place for the purpose of begging or receiving alms; every boy who shall have no permanent place of abode, proper parental care or guardianship; every boy who shall not have sufficient means of subsistence, or who from other cause shall be a wanderer through streets and alleys, or other

public places; and every boy who shall live with, or frequent the company of, or consort with reputed thieves or other vicious persons. The petitioner shall also state the name of the father and mother of the boy, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the boy be living or to be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living, whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the boy, but shall also show either that the parents or parent or guardian are or is not fit persons or person to have the custody of such boy, or that if fit, the father, mother or guardian consents or consent to the boy being found dependent. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge of the court shall have the boy named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions the county court shall be considered always open."

"Section 5. If the court finds as in the preceding section, it shall further order of record that such boy has no guardian, or that his guardian or parents or parent is or are not fit person or persons to have the custody of such boy, or that the parent, parents or guardian consent, as the case may be, and the court shall thereupon appoint a guardian of the custody and tuition of such boy, and no bond shall be required of such guardian, and such guardian shall permit such boy to be placed under the care and in the custody of such training school for boys as herein provided."

"Section 9. For the clothing, tuition, maintenance and care of dependent boys, the county from which they are sent shall pay to the training school for boys to which they may be committed as follows: For each dependent boy under the age of ten years, eight (8) dollars per month; for each dependent boy over ten and under fourteen years of age, seven (7) dollars per month; for each dependent boy over fourteen and under eighteen years of age, six (6) dollars per month; for each crippled and disabled boy of any age, nine (9) dollars per month: *Provided*, that no boy shall be committed whose age shall be over seventeen years, and upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any training school for boys, on account of any dependent boy in the care thereof who shall have been by said school put out to a trade or employment or for adoption, after he shall have been and as long as he shall remain so put out: *Provided*, that no charge shall be made against any county for the support and maintenance of such boy or boys, unless the county from which said boy or boys shall come, shall first have contracted with said 'training school for boys' for the support and maintenance of said boy or boys."

"Section 14. The court committing any boy to a training school under the provisions of this act, shall have power, at any time after making such commitment, upon proper showing, to order the discharge of the boy or his restoration to his parents. And shall also have power generally to make all orders relative to boys committed by such court, in order to apply the benefits of this act to such boys; and for the purpose

of reclaiming such boys, the court may send its writ to any county in this State. Appeals as in other cases shall be allowed from all final orders made by such court under this act."

APPROVED June 23, 1885.

COUNTY SUPERINTENDENTS.

§ 1. Amends sec 13, act 1872, by requiring county boards to furnish county superintendents with an office, and supplies.

Amends sec. 20, by requiring county superintendents to visit schools in his county, and limiting the number of days charged for.

Amends sec. 71, by fixing salary and commissions.

AN ACT to amend sections thirteen (13), twenty (20) and seventy-one (71) of an act entitled "An act to establish and maintain a system of free schools," approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirteen (13), twenty (20) and seventy-one (71) of an act entitled "An act to establish and maintain a system of free schools," approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, in force July 1, 1879, be amended to read as follows:

"Section 13. The said superintendent shall be liable to removal by the county board for any palpable violation of law or omission of duty; and if a majority of said board shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond, the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of county superintendent shall become vacant by death, resignation or otherwise, the county board shall fill the same by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor. The county board shall provide for the county superintendent a suitable office with necessary furniture, and shall provide him with office supplies, as is done in the case of other county officers."

"Section 20. The county superintendent shall visit each school in the county, at least once a year; and in the performance of this duty he shall spend at least half the time given to his office, and more if practicable, in visiting ungraded schools. In counties having not more than one hundred (100) schools the county board may limit the time of the county superintendent: *Provided*, that in counties having not more than fifty (50) schools the limit of time shall not be made less than one hundred and fifty (150) days a year; in counties having from fifty-one (51) to seventy-five (75) schools, not less than two hundred (200) days a year,

and in counties having from seventy-six (76) to one hundred (100) schools, not less than two hundred and fifty (250) days a year. The county superintendent may, with the approval of the county board, employ such assistant or assistants as he needs for the full discharge of his duties; such assistants shall be persons of good attainments, versed in the principles and methods of education, familiar with public school work and competent to visit schools. In visiting schools he shall note the methods of instruction, the branches taught, the text books used, and the discipline, government and general condition of the schools. He shall give such directions in the science, art and method of teaching as he may deem expedient and necessary, and shall be the official adviser and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instruction of the State Superintendent. He shall encourage the formation and assist in the management of county teachers' institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of the common schools of his county. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the State Superintendent upon a written statement of facts, certified by the county superintendent. He shall, at least once each year, examine all books, accounts and vouchers of each township treasurer in his county; and if he find any irregularities in them, he shall at once report the same in writing to the board of trustees, whose duty it shall be to take, immediately, such action as the case demands. He shall also examine all notes, bonds and mortgages, and other evidences of indebtedness which the township treasurer holds officially; and if he find that the papers are not in proper form or that the securities are insufficient, he shall so state in writing to the board of trustees, whose duty it shall be to take at once such action as is necessary to save and protect the property of the districts and the township; and for a failure or refusal to take such action within twenty (20) days after such notice, the members of the board, each in his individual capacity, shall be liable to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), to be recovered before any justice of the peace on information in the name of the People of the State of Illinois, provided such insufficiency be proved, and when collected, to be paid to the county superintendent of the proper county, for the use of the schools; and the payment of this fine shall not relieve the board of trustees from their liability under the seventy-third (73) section of this act."

"Section 71. County superintendents elected hereafter shall receive, in full for all services rendered by them, commissions as follows: Three per cent. commissions upon the amount of sales of school lands, or of sales of land upon mortgage, or sales of real estate taken for debt, including all services therewith. Two per cent. commission upon all sums distributed, paid, or loaned out by them for the support of schools. For all other duties required by law to be performed by them, four dollars (\$4.00) a day for such number of days as shall be spent in the actual performance of their duties, not exceeding the number fixed by the county boards in counties in which the boards are given power to fix the number of days by section (20) of this act, and one dollar (\$1.00) a day for expenses for the number of days actually spent in school visitation. The assistants of the county superintendents shall receive such

compensation as may be fixed by the county boards. The county superintendents shall present, under oath or affirmation, their itemized bills for their per diem compensation and for the expenses allowed by this act when visiting schools, together with a report of all their acts and doings as such superintendent or assistant, including a list of such schools visited, with the dates of visitation, to the county board at their annual meeting in September, and as near quarterly thereafter as said board may have regular or special meetings, and after the bills have been audited by the county board, the county clerk shall certify to this upon the bills and transmit them to the Auditor of Public Accounts, who shall, upon receipt of them, remit in payment thereof to each superintendent his warrant upon the State Treasurer for the amount certified to be due him. And the Auditor, in making his warrant to any county for the amount due it from the State school fund, shall deduct from it the several amounts for which warrants have been issued to the county superintendent of said county since the next preceding apportionment of the State school fund."

APPROVED June 26, 1885.

ELECTING DIRECTORS AND BOARDS OF EDUCATION.

§ 1. Provides that elections now fixed under special charters may be held at the time fixed in the general school law.

AN ACT enabling school districts acting under special charters, to hold elections for the election of school directors, and members of boards of education, at the time provided for the election of school directors under the school laws of this State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, in all cases, where the time for the election of members of boards of directors and boards of education is fixed by virtue of any special charter, such election may be held at the time now provided, or which may hereafter be provided, for the election of school directors under the school laws of this State, and that such election may be held at such place in the school district as may be designated by the board of directors or board of education of such school district.

APPROVED June 29, 1885.

GIRLS' INDUSTRIAL.

- § 1. Amends section 3, act 1879, by more clearly defining the term "dependent" girl.
Amends section 5 by providing for "consent" of parent or guardian in giving judgment.
Amends section 9 by changing the item of expense to be paid for tuition, etc.

AN ACT to amend sections three (3), five (5) and nine (9) of an act entitled "An act to aid industrial schools for girls," approved May 28, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3), five (5), and nine (9), of an act entitled "An act to aid industrial schools for girls," be and is hereby amended to read as follows:

"Section 3. Any responsible person, who is a resident of any county in this State, may petition the county court, or any court of record of said county, to inquire into the alleged dependency of any female infant then within the county; and every female infant, who comes within any or either of the following descriptions, shall be considered a dependent girl, viz: Every female infant who begs or receives alms while actually selling or pretending to sell any article in public; or who frequents any street, alley or other place for the purpose of begging or receiving alms; every female infant who shall have no permanent place of abode; or who shall not have proper parental care or guardianship; or who shall not have sufficient means of subsistence; or who from any cause shall be a wanderer through streets and alleys or other public places; or who shall live with, or frequent the company of, or consort with, reputed thieves or other vicious persons; or who shall be found in a house of ill-fame, or in any prison or in a poor house. The petition shall also state the names, if known, of the father and mother of the infant, or the survivor; and if neither the father nor mother of the infant be living, or cannot be found in the county, or if their names cannot be ascertained, then the name of the guardian, if there be one. If there be a parent living whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the girl, but shall also show, either that the parents or parent or guardian are or is not fit persons or person to have the custody of such girl, or that if fit the father, mother or guardian consents to the girl being found dependent. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge of the court shall have the girl named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petition the court having jurisdiction shall be considered always open."

"Section 5. If the court finds as in the preceding section, it shall further order of record that such female infant has no guardian, or that her guardian or parents or parent is or are not fit to have the custody of such girl, or that the parents, parent or guardian consent to such finding, as the case may be; and the court may thereupon appoint the president or any one of the vice-presidents of such industrial school the lawful guardian of such infant, and no bond shall be required of such guardian, and such guardian shall permit such infant to be placed under the care and in the custody of such industrial school for girls, as hereinafter provided."

"Section 9. It shall be the duty of the judge having jurisdiction to see that every dependent girl committed by him to an industrial school for girls, shall, at the time she is conveyed to the school, be furnished with three chemises, three pairs of woolen stockings, one (1) pair of shoes, two woolen petticoats or skirts, three (3) good dresses, a cloak or shawl and a suitable bonnet. The expense of said clothing shall be paid out of the county treasury upon the certificate of such judge. But if the dependent girl have a parent or guardian, the court shall render judgment against him for the amount to be paid the county for such clothing, together with the cost of collection; and if such expenses and cost of collection are recovered, the money shall be paid into the county treasury. For the tuition, maintenance and care of dependent girls, the county from which they are sent shall pay to the industrial school for girls, to which they may be committed, for each dependent girl under eighteen (18) years of age, the sum of ten dollars (\$10) per month. And upon the proper officer rendering proper accounts therefor quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any industrial school for girls, on account of any dependent girl in the care thereof, who has been, by said school, put out to a trade or employment in the manner hereinafter provided."

APPROVED June 26, 1885.

LOANING FUNDS.

§ 1. Amends section 57, by providing for payment of interest "annually," instead of "half yearly in advance."

Amends section 58 to conform to section 57.

AN ACT to amend sections fifty-seven and fifty-eight of an act entitled "An act to establish and maintain a system of free schools," approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879, and further amended by an act approved May 31, 1881, and in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections fifty-seven and fifty-eight of an act entitled "An act to establish and maintain a system of free schools," approved April 1, 1872, and in force July 1, 1872, and amended by an act approved June 3, 1879, and in force July 1, 1879, and further amended by an act approved May 1, 1881, and in force July 1, 1881, be amended to read as follows:

"Section 57. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six (6) per cent., nor more than eight (8) per cent. per annum, payable annually, the rate of interest to be determined by a majority of township trustees at any regular or special meeting of their board. No loans shall be made for less than six (6) months, or more than five (5) years. For all sums not exceeding one hundred

(100) dollars loaned for not more than one (1) year, two (2) responsible sureties shall be given; for all sums over one hundred (100) dollars, and for all loans for more than one (1) year, security shall be given by mortgage on real estate unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor as provided in section forty-seven (47) of this act. Notes, bonds, mortgages and other securities taken for money or other property due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name, and in such name suits, actions and complaints and every description of legal proceedings may be had for the recovery of money, the breach of contracts and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however*, that notes, bonds, mortgages and other securities in which the name of the county superintendent or trustees of schools are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. Where there is a surplus of funds in the treasurer's hands belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of said district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for loaning township funds. The township treasurer shall, on or before the thirtieth day of September, annually, prepare and deliver to the county superintendent of his county a statement, verified by affidavit, showing the exact condition of the township funds. Said statement shall contain a description of the securities, bonds, mortgages and notes belonging to the township, giving names of securities, dates, amounts of loans, rate of interest, when due, and all data by which a full understanding of the condition of the funds may be obtained. The county superintendent shall preserve said statement for the use of the township.

“Section 58. Mortgages to secure the payment of money loaned under the provisions of this act may be in the following form, viz:

I, A. B., of the county of and State of, do hereby grant, convey and transfer to the board of trustees of township..... range...., in the county of and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to wit: (Here insert [description of] premises). Which real estate I declare to be in mortgage for the payment of dollars loaned to me and for the payment of all interest that may accrue thereon, to be computed at the rate of ... per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in years from the date hereof and to pay the interest on the same annually at the rate aforesaid. I further covenant that I have a good and valid title to said estate and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required in writing by said board of trustees, and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and we A. B., and C., wife of A. B., hereby release all right to the said premises which we may have by virtue of any homestead laws of this State; and in consideration of the premises, C., wife of A. B., doth hereby release to said board all her right and title of dower in the aforesaid premises for the purposes aforesaid.

In testimony whereof we have hereunto set our hands and seals this day of 18.....

A. B. [SEAL.]
C. B. [SEAL.]

Which mortgage shall be acknowledged and recorded as required by law for other conveyances of real estate, the mortgagor paying expenses of acknowledgment and recording."

APPROVED June 30, 1885.

RENTING LANDS.

§ 1. Amends section 1, act 1877, by extending the time for leasing from "two" to "five" years.

AN ACT to amend section one (1) of an act entitled "An act regulating the renting and sale of school lands," approved May 25, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act regulating the renting and sale of school lands," approved May 25, 1877, in force July 1, 1877, be and the same is hereby amended so as to read as follows:

"SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for the trustees of schools in townships in which section number sixteen (16), or any other lands in lieu thereof, remain unsold, or which has title to any other school lands whatsoever, to rent or lease the same for an annual rent, to be paid in money to the treasurer, by a written contract made by the president and secretary, under the directions of the board, with the lessee or lessees, which contract shall be filed with the records of the board, and a copy of the same transmitted to the county superintendent; and in case of any default in the payment of rent, the said board of trustees shall at once proceed to collect the same by distress or otherwise, as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this act shall be for a longer period than five years, except where such lands are leased for the purpose of having permanent improvements made thereon, as may be the case in cities and villages: *Provided*, that the provisions of this act shall not apply to cities having a population of over one hundred thousand (100,000) inhabitants."

APPROVED June 29, 1885.

SURPLUS FUNDS TO THE CREDIT OF TOWNSHIP BOND FUND.

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| § 1. Balance in hands of county collectors and treasurers after payment of bonds, to be paid to school township treasurers. | § 2. Distribution of surplus after being paid into hands of treasurer. |
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AN ACT making provision for the refunding of surplus funds that are now, or hereafter may be in the hands of county collectors of taxes, or county treasurers, or ex-collectors, or ex-treasurers, to the credit of the bond fund of school townships when such bonds have been paid and canceled.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever all the bonds of any school township have been paid and canceled upon the records of the school township treasurer, and there remains in the hands of the county collector of taxes, or any ex-county collector, or in the hands of the county treasurer, or ex-county treasurer, after said payment, any balance to the credit of the bond fund of such school township, it shall be the duty of, and such county collector or ex-county collector, county treasurer, or ex-county treasurer, is hereby authorized to pay to the school township treasurer the balance of such funds in his hands, and the said school township treasurer shall give his receipt for the same.

§ 2. At the first regular semi-annual meeting of the trustees of such township after the collection of such funds as mentioned in section one of this act, the said trustees shall distribute and apportion the same among the districts or fractions of districts of such township, and the school board or boards of incorporated cities or towns in such township, in proportion to the number of children under twenty-one (21) years of age in each. The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts, except such part of such fund as may be payable to the board or boards of education of incorporated cities or towns having a treasurer other than the township treasurer, which portion of such fund shall be paid by the township treasurer to the treasurer of such board of education.

APPROVED June 23, 1885.

 STEAM ENGINES.

ON PUBLIC HIGHWAYS.

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| § 1. Regulates the manner in which such engines shall be propelled upon the public highways and for the protection of persons and property. | § 3. Protection of bridges and culverts in crossing. |
| § 2. Prohibits the blowing of whistles on highways. | § 4. Penalties for violation of this act, |

AN ACT to protect persons and property from danger from steam engines on public highways.

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 persons

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

§ 2. It shall be unlawful for any person to blow the whistle of said engine, while on the public highway.

§ 3. It shall be unlawful for any person to drive a steam engine over any bridge or culvert, on any public highway in this State, without using four sound, strong planks, each to be not less than twelve feet long, one foot wide and two inches thick; two of said planks to be kept continuously under the wheels of said engine while crossing said bridge or culvert.

§ 4. Any owner of a steam engine, who by himself, agent or employé, violates the provisions of sections "one" or "two" of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction, and shall also be liable for all damages that may be sustained by persons or property by reason of his failing to comply with the provisions of this act; and for a violation of section three (3), of this act, the owner of said engine shall be liable for all damages resulting to said bridge or culvert by reason of his failure to comply with the requirements of said section, together with the costs of prosecution.

APPROVED June 26, 1885.

SURVEYORS—COUNTY.

RECORD OF SURVEYS.

§ 1. Amends section 7, of the act of 1874, by prescribing the penalty for refusal or neglect to record surveys.

AN ACT to amend section seven (7) of an act entitled "An act to revise the law in relation to county surveyors, and the custody of the United States field notes," approved March 2, 1874, in force July 1, 1874.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section seven (7) of an act

entitled "An act to revise the law in relation to county surveyors, and the custody of the United States field notes," approved March 2, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

"Section 7. Every county surveyor shall be furnished by the county with a well bound book, in which he shall carefully and legibly record and note down every survey made by him, giving the date of the survey, the name of the person whose land is surveyed, the metes and bounds of the land as near as practicable, and the date [data] on which the survey was made. Such record shall be the property of the county, and shall be kept in the office of the recorder of the county, and shall be subject to the inspection of any person who may think himself interested; and a certified copy thereof under the hand of the recorder or surveyor, or successor in office, shall be *prima facie* evidence of the facts therein stated. Every county surveyor who shall refuse or neglect to record any survey made by him, within sixty days after such survey is made as herein provided, shall forfeit and pay a penalty of one hundred dollars for each and every survey not thus recorded, to be recovered by any person who will sue for the same; one-half to the use of the person suing, and one-half for the use of the county in which the failure so to record occurred; or the surveyor, for every such refusal or neglect to record a survey within sixty days after the same is made, shall be fined not less than fifty nor more than one hundred dollars, to be recovered as other fines by complaint, information or indictment, and when collected to be paid into the county treasury of the county in which the refusal or neglect occurred, to become part of the current revenue of the county."

APPROVED June 4, 1885.

TOWNSHIP ORGANIZATION.

ELECTIONS.

§ 1. Amends section 7, as amended by the act of 1877, by authorizing boards of trustees of incorporated towns and villages, to do what city councils may do in towns whose corporate limits are co-extensive with such incorporated towns or villages.

AN ACT to amend an act approved and in force March 9, 1877, and which is entitled "An act to amend section seven of article seven of an act entitled 'An act to revise the law in relation to township organization,' approved and in force March 4, 1874."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the act approved and in force March 9, 1877, entitled "An act to amend section seven of article seven of an act entitled 'An act to revise the law in relation to township organization,' approved and in force March 4, 1874," be and the same is hereby amended so that the portion of said act, designated therein as section 7, shall be further so amended as to read as follows, to-wit :

“Section 7. The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. In incorporated towns, or incorporated villages whose limits are co-extensive with the limits of a town, or in any organized town where the number of voters at the last preceding general election exceeded three hundred, the county board may require one or more additional ballot boxes and places for the reception of votes to be provided, which places shall be selected with reference to the convenience of the electors of the town, and shall designate at which of said polling places the town clerk shall act as clerk of the election; and such polling place, when so designated, shall be the place for transacting the miscellaneous business of the town. And when several places are so provided, the electors present shall choose from their number one assistant moderator and one assistant clerk for each additional ballot box, to receive the votes therein, who shall take the same oath and be subject to the same penalties as the moderator and clerk, and shall be under the direction of the moderator. At the closing of the polls all the said ballot boxes shall be brought together at the polling place where the town clerk acts as clerk of the election, and the votes shall be canvassed at the same time and in the same manner, and return thereof made the same as if all the votes had been cast in the same ballot box. When there shall be more than one polling place designated in such towns, the general meeting for the transaction of business shall be held at the time hereafter mentioned, at the polling place where the town clerk acts as clerk of the election; or, if there be no town clerk, then at such place as shall be designated by the county clerk. And it shall be the duty of the town clerk, or, if there be no town clerk, it shall be the duty of the county clerk to post up in three of the most public places in the town, a notice of each of the places in the town where the county board have directed and required the election to be held: *Provided, however,* that in towns which lie wholly within the limits of an incorporated city, and in any town whose territorial limits are co-extensive with the territorial limits of any incorporated city, village or incorporated town, the common council of such city, or the board of trustees of such village or incorporated town, shall divide such towns into election precincts, and designate the voting places in each precinct; and any elector in such towns shall be entitled to vote for town officers only in the precinct in which he may reside. The common council of such city, or the board of trustees of such village or incorporated town, shall also appoint three judges of election for each of such precincts, who may be the same persons as are appointed as judges for an election for city or village officers held on the same day. Such judges of election may choose two clerks of election for each precinct, and such judges and clerks shall take the oath of office now prescribed by the general election law of the State. The ballots cast at such election for town officers shall be deposited in a separate ballot box, and shall be counted and canvassed by the judges of election separately from any other ballots that may be cast at any other election that may be held on the same day. Said judges of election shall cause to be kept a separate poll list, which shall contain the names of all persons voting at such election for town officers, together with their residence. And immediately upon closing the polls they shall canvass the votes polled, in the manner provided by the general election law of the State, and make a written statement or certificate of the number of votes cast at such election for each person voted

for, and the office for which such person received such votes; and shall, within forty-eight hours thereafter, cause such certificate and the poll list, together with the ballots cast at such election, to be separately sealed up and transmitted to the clerk of the town. The supervisor, together with the assessor and collector, shall, within five days thereafter, meet and canvass said returns, and declare the result of said election. The town meetings to be held in such towns for the transaction of town business, as now provided by law, shall be held at two o'clock in the afternoon of said day, at such voting place in such town as the common council of such city, or the board of trustees of such village or incorporated town, may designate, at which meeting a moderator shall be chosen to preside by the electors present, and the town clerk shall act as clerk of said meeting, and keep a record of the proceedings thereof."

APPROVED June 27, 1885.

NEW TOWNS.

§ 1. Amends section 26, act of 1874, by permitting towns to be formed of not less than ten miles square.

AN ACT to amend section twenty-six of "An act to revise the law in relation to township organization," approved and in force March 4, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-six (26) of "An act to revise the law in relation to township organization," be amended to read as follows :

"[Section 26.] The county board of each county shall have full and complete power and jurisdiction to alter the boundaries of towns, to change town lines, and to divide, enlarge, and to create new towns in their respective counties, to suit the convenience of the inhabitants residing therein, but no new town shall be created, under the provisions of this act, of less territory than ten square miles, nor unless there shall be at least fifty (50) legal voters residing in such new town, nor unless at least twenty (20) of the legal voters of such town shall petition for such alteration; nor shall any new town be made, or any town divided, or the boundaries of any town changed by the county board, without notice thereof having been given by posting up notices in not less than five (5) of the most public places of the town interested, or if several towns are interested, in each of them, at least sixty (60) days before the final action of the board, and also by publishing such notice at least three times in some newspaper published in the county wherein said towns are situated, if any shall be published therein: *Provided*, that no incorporated town shall be divided, except consent thereto is given by a majority of all the electors voting at a general annual election in said town—notice that the question of dividing said town will be submitted to the legal voters thereof, having been given by the county clerk at the same time and in the same manner as the notice of said general annual election."

APPROVED June 27, 1885.

UNITED STATES.

CEDING JURISDICTION TO LANDS.

§ 1. Cedes jurisdiction to lands in Spring- | § 2. Exempts such lands from taxation.
field.

AN ACT *in relation to the purchase of additional grounds by the United States, in the city of Springfield, and to cede jurisdiction over, and exempt the same from taxation.*

WHEREAS, the United States of America are about to purchase additional grounds for its public buildings, in the city of Springfield; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is ceded and granted to the United States of America, jurisdiction upon and over all such grounds so purchased by and conveyed to the United States.

§ 2. All such grounds from and after such purchase and conveyance shall be exempt from taxation under any law of this State, while the same remains the property of the United States.

APPROVED May 12, 1885.

UNIVERSITIES.

ILLINOIS INDUSTRIAL—CHANGE OF NAME.

§ 1. Changes the name of the Illinois Industrial University to the "University of Illinois."

AN ACT *to change the name of the Illinois Industrial University.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Illinois Industrial University, located at Urbana, in Champaign county, shall, after the passage of this act, be known as the University of Illinois, and under that name and title shall have, possess, be seized of, and exercise, all rights, privileges, franchises and estates which have hitherto belonged to, or may hereafter inure to the said Illinois Industrial University.

APPROVED June 19, 1885.

WAREHOUSES.

COMMITTEE OF APPEALS.

§ 1. Amends sec. 4, act of 1871, as amended, by providing that said committee of appeals shall take an oath and give bond as grain inspectors; salaries shall be fixed by the Board of Railroad and Warehouse Commissioners.

AN ACT to amend section four (4) of an act entitled "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, and in force July 1, 1871, and to establish a committee of appeals and prescribe their duties," approved April 15, 1873, and in force July 1, 1873; approved May 31, 1879, in force July 1, 1879.

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 entitled "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, and in force July 1, 1871, and to establish a committee of appeals and prescribe their duties," approved April 15, 1873, and in force July 1, 1873; approved May 31, 1879, in force July 1, 1879, be amended so as to read as follows:

"Section 4. The said committee of appeals shall, before entering upon the duties of their office, take an oath, as in case of other inspectors of grain, and shall execute a bond in the penal sum of five thousand dollars, with like conditions as is provided in the case of other inspectors of grain, which said bonds shall be subject to the approval of the Board of Railroad and Warehouse Commissioners: *It is further provided,* that the salaries of said committee of appeals shall be fixed by the Board of Railroad and Warehouse Commissioners, and be paid from the inspection fund, or by the party taking the appeal, under such rules as the commission shall prescribe; 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, upon the order of the commissioners: *Provided,* that no person shall be appointed to serve on the committee of appeals who is a purchaser of, or a receiver of grain, or other articles to be passed upon by said committee."

APPROVED June 26, 1885.

JOINT RESOLUTIONS.

SENATE.

ADJOURNMENT—SINE DIE.

Resolved by the Senate, the House of Representatives concurring herein, That when the two houses of the Thirty-fourth General Assembly adjourn on Friday, the 26th day of June, 1885, they stand adjourned without day.

ADJUTANT GENERAL'S REPORT—REPRINTING.

WHEREAS, the edition of the report of the Adjutant General of the State of Illinois, published in 1867, containing a roster of the officers and men of the volunteer soldiers who served in the Illinois Regiments during the war of the Rebellion, has been exhausted for a number of years, and the volumes are now out of print and inaccessible by purchase or otherwise; and

WHEREAS, the Department of Illinois, Grand Army of the Republic, an organization numbering over twenty thousand members, composed wholly of honorably discharged soldiers of the late war, at the annual encampment of the order, held at Peoria, in February last, adopted a resolution praying the General Assembly to have this report reprinted for the benefit of the old soldiers and their friends, at the expense of the State, and to make an appropriation for the proper preparation of said report for the press and the publication thereof; and

WHEREAS, it has been ascertained by inquiry of the custodian of the proper funds, that no increase in the regular appropriations heretofore made for binding and for paper and stationery will be necessary if the order for reprint be given; therefore

Resolved by the Senate, the House of Representatives concurring herein, That the Adjutant General of the State be, and he is hereby, authorized and directed to properly prepare and furnish to the public printer, with as little delay as possible, the copy for printing, using slips from the present printed volumes, and making such corrections as may be necessary, incorporating therein such information as he may have received or be able to obtain

from the War Department at Washington and from other sources of information, in order that the report so published shall present as true and correct history of each soldier's record as may be possible to procure; he shall also include the names of any individual soldier or bodies of troops called into the service of the State or National Government and not heretofore published, including sailors and marines; he shall also correct and complete the regimental histories contained in the present report from such data as he may be able to procure from official or other reliable sources. If in his judgment matter now in the report can be omitted without detriment in any way, or doing any injustice to any one, and the omission of which will in no way diminish the value of the report, such matter may be omitted.

Resolved, That upon notice from the Adjutant General that he is ready to furnish the copy as aforesaid, the Board of State Contracts shall order printed by the contractor for the State printing, and bound by the contractor for the State binding, five thousand copies of said report, in set of volumes, in the same style of printing and binding as the edition of 1867. The printing shall be done at the contract price for the class to which such printing belongs. The binding shall be done by the public binder in the manner before prescribed, but the price per volume shall not exceed 25 cents.

Resolved, That said report, when published, shall be distributed in the manner prescribed by law, as follows: Two copies to the Headquarters of the National Encampment of the Grand Army of the Republic of the United States, for the use of the Commander-in-Chief and Adjutant General respectively; two copies to each Department Headquarters, for the use of the Department Commander and Assistant Adjutant General respectively; one copy to each Post in the Department of Illinois Grand Army of the Republic, upon application of the Commander or Adjutant of the Post; one copy to each State officer required by law to reside at the capital; five copies to each member of the 34th General Assembly and one copy to each elective officer thereof; one copy to each library in the State; one copy to the office of each County Clerk in this State; one copy to the Adjutant General of the Army of the United States; one copy to the library of Congress; one copy to each of the offices of the Adjutants General of each State and Territory; ten copies to the State Library of this State; the remaining copies to be deposited in the office of the Adjutant General of Illinois for preservation and such judicious distribution as the demands of the future may develop.

AGRICULTURAL STATISTICS.

WHEREAS, it is important to secure the early publication of the information called for in an act entitled "An act to secure the collection and publication of agricultural and other statistics," approved and in force May 25, 1877; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the Secretary of the State Board of Agriculture shall cause an

abstract of the information called for in the above specified act, and such other statistical data as may be of special interest to the farmers of the State, to be presented to the Governor for publication, on the first day of January of each year, or as soon thereafter as practicable.

Resolved, That the Commissioners of State Contracts have a sufficient number of the reports provided for in the foregoing resolution printed, in lieu of any other publication of the same matter, and bound in third class binding; that each member of the General Assembly be supplied with ten copies (10 copies) thereof, and that one copy be sent to each of the following officers in the State: county judge, clerk, supervisor, town clerk, assessor, each agricultural and horticultural society and crop correspondent, and each college, seminary, or public library in the State, and that one (1) thousand copies be furnished the State Board of Agriculture for distribution.

Resolved, That it shall be the duty of each assessor or deputy assessor to forward direct to the Secretary of the State Board of Agriculture, on or before the first day of July of each year, a duplicate of the abstract of their respective towns returned to the county clerk and provided for in an act entitled "An act to secure the collection and publication of agricultural and other statistics," approved and in force May 25, 1877.

AMENDMENT TO THE CONSTITUTION.

Resolved by the Senate, the House of Representatives concurring herein, That there be submitted to the people of the State of Illinois for their ratification, or rejection, at the next general election for members of the General Assembly, the following additional amendment to the Constitution:

Resolved, That hereafter it shall be unlawful for the commissioners of any penitentiary, or other reformatory institution in the State of Illinois, to let by contract to any person, or persons, or corporations, the labor of any convict confined within said institution.

BAKEWELL CLAIM.

WHEREAS, the Thirty-third General Assembly of this State did adopt, June 18, 1883, a preamble and a resolution in the words and figures, to-wit:

"WHEREAS, in the year 1858, E. W. Bakewell and wife, of Normal, Illinois, did, upon certain conditions to be fulfilled by the Board of Education of the State of Illinois, make and execute a deed to said Board of Education for the forty acres of land off of the south side of so much of the north half of the northwest quarter of section twenty-eight, town twenty-four north, range two east, of the third principal

meridian, as lies west of the State road, which is an extension of Main street in Bloomington, north; said forty acres to include said State road; and,

WHEREAS, said conveyance was a conditional donation, dependent for its validity upon the performance of certain conditions, which conditions have never been fulfilled or complied with; and

WHEREAS, the said Board of Education has since been changed from a private corporation to a board of State officers, and possession and title to said land have been vested in the present State Board of Education, acting in behalf of the State, by reason of which change no proceedings in law or equity can be brought against them; and

WHEREAS, the statute of limitations bars the claim of said Bakewell before the Commission of Claims, leaving his only remedy or chance for justice in the hands of the General Assembly; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the State Board of Education, or its president, be and is hereby directed to execute a conveyance in fee simple of the above described forty acres of land to Julia A. Bakewell;" and,

WHEREAS, said State Board of Education and its president, at a regular meeting of the Board held at Normal, June 18, 1884, refused to execute said conveyance of said land as directed by the aforesaid resolution; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the title to said forty acres of land above described, be and the same is hereby declared vested in Julia A. Bakewell, and said vesture of title to relate back to the date of the passage of the aforesaid resolution.

HENNEPIN CANAL.

WHEREAS, the construction of the Hennepin Canal is now pending in Congress; therefore,

Resolved by the Senate, the House of Representatives concurring herein, That the General Assembly of the State of Illinois hereby again expresses its approval of this measure, and requests our Senators and Representatives to use their earnest efforts to secure its success.

Resolved, That the Secretary of State is requested to forward a copy of the foregoing to each Senator and Representative in Congress from Illinois.

LAKE SUPERIOR SHIP CANAL.

WHEREAS, the Senate of the United States did pass a resolution of the date of April 22d, A. D. 1884, instructing the Honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the

Lake Superior Ship Canal and the Portage Lake Improvement Company Canal, and also inquire upon what terms said canals might be purchased by the United States, and made free water-ways to the commerce of the great lakes; and

WHEREAS, the Honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity with said resolution; and

WHEREAS, the Honorable Secretary of War did report, on or about January 5th, A. D. 1885, that Col. Poe had made such examination, and, on whose report, did recommend that Congress take steps to purchase the same and make them free water-ways to the commerce of the lakes; and

WHEREAS, the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

WHEREAS, these water-ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

WHEREAS, the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water-way, and make a safe shelter at a point were the dangers of this lake are the greatest, and most serious disasters have occurred; therefore, be it

Resolved by the Senate of the State of Illinois, the House of Representatives concurring, That our Senators and Representatives in Congress are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to, and the ownership of the ship canals connecting the waters of Keweenaw Bay, by way of Portage Lake, with the waters of Lake Superior, in the upper peninsula of Michigan, in accordance with the report of the Honorable Secretary of War, presented to the United States Senate on or about January 5th, A. D. 1885, in reply to its resolution of April 22d, A. D. 1884, and making them free for the navigation and commerce of the great lakes.

Resolved, That the Honorable Secretary of State is hereby requested to forward a copy of the foregoing preamble and resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

COMMISSIONER OF AGRICULTURE OF THE UNITED STATES.

Resolved by the Senate, the House of Representatives concurring herein, That the Representatives and Senators in Congress from the State of Illinois be and they are hereby requested to use all honorable means to secure the appointment of Hon. DeWitt Smith, of Bates, Illinois, as United States Commissioner of Agriculture.

DRAINAGE LAWS—PRINTING IN PAMPHLET.

WHEREAS, the levee law and the farm-drainage acts have been vitally changed by the two laws on these subjects passed this session as House Bill No. 386, and Senate Bill No. 343, and parties interested should have the means of prompt information; therefore,

Resolved by the Senate, the House concurring, That the Secretary of State have printed two thousand copies of each of these acts, bound together, and that he distribute them to the parties applying for the same.

ELECTION LAWS—PRINTING IN PAMPHLET.

WHEREAS, at the present session of this General Assembly several laws have been enacted which materially and radically change and add to the existing laws; and whereas, for the proper and intelligent enforcement of, and compliance with, such laws, it is necessary that the people should be supplied with copies thereof to the end that they may at once be advised of such changes and additions to such laws; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the Secretary of State cause to be printed in pamphlet form, for general distribution, ten thousand copies of all election laws passed at this session, and that when so printed, said Secretary of State shall cause to be sent to the several county clerks of this State, such numbers of said pamphlets as said counties respectively are entitled to upon the basis of population; also, he shall send twenty copies to each member and officer of the present General Assembly.

GOVERNOR'S MESSAGE—PRINTING.

Resolved by the Senate, the House of Representatives concurring herein, That five thousand copies of the biennial message of ex-Governor John M. Hamilton, and the inaugural address of Governor Richard J. Oglesby, in one pamphlet, be printed for the use of the General Assembly.

HAINES' TOWNSHIP ORGANIZATION LAWS.

Resolved by the Senate, the House of Representatives concurring herein, That the Commissioners of State Contracts be and they are hereby authorized and directed to contract for and obtain such number of copies of a book commonly known as "Haines' Township Organization Laws," as shall be sufficient to supply seven copies to each organized township in this State, in counties under township organization, for

the use of the town officers thereof, and one copy for each justice of the peace in counties not under township organization, at the price of one dollar per copy; said book to contain the laws of Illinois on the subject embraced therein, in force July 1, 1885, the same to be of good paper, equal in quality to the best editions of said book heretofore published, and to be properly bound in a style satisfactory to said commissioners; said books to be distributed by the Secretary of State to the various counties in the State in the same manner as the session laws are distributed, and furnished to the organized townships and justices of the peace as hereinbefore contemplated; the amount of the cost thereof to be paid out of the appropriation for printing and binding, or any other appropriation made for that purpose: *Provided*, the amount shall not exceed ten thousand dollars (\$10,000.)

OKLAHOMA LANDS.

WHEREAS, there is a strife and a bitter feeling that is liable to result in a conflict of arms between the cattle-men and the people in that part of the Indian Nation, known as Oklahoma; the cattle-men now having the possession of that country, and having fenced the same into large tracts for grazing purposes on the one hand, and the people who are seeking it for settlement and homes on the other; and

WHEREAS, the Creeks and other Indians did, by the treaty of 1866, cede the Oklahoma country to the United States in trust; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That our Senators and Representatives in Congress be requested to use their influence for such legislation as will open that country to settlement under the Homestead laws of Congress; and that the Secretary of the State of Illinois be requested to have printed and mailed to each member in Congress, and each Senator from Illinois, a copy of this resolution.

HOUSE.

AGRICULTURAL EXPERIMENT STATIONS.

WHEREAS, the agricultural interests of our State, involving annual productions valued at over three hundred millions of dollars, demand the support of all means looking to the investigation of the laws of nature in their relation to agricultural production in its various branches; and,

WHEREAS, the experience of other States and countries has proven that this can be done through the establishment of well equipped agricultural experiment stations; and

WHEREAS, there exists within our borders a well equipped university under the direction of a corps of scientists, able and willing, with proper support, to prosecute such inquiry tending to the advancement of scientific and practical agriculture; and

WHEREAS, a bill now pending in the National Congress, providing for the establishment of agricultural experiment stations in connection with the colleges established under the provisions of an act approved July second, eighteen hundred and sixty-two (1862), and of the acts supplementary thereto, has been favorably reported to the National House of Representatives; and

WHEREAS, the provisions of the said act in no way conflict with the authority of the several States, and offer invaluable benefits to the agricultural interests of all the States; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That in order to secure the said benefits to the agriculturists of Illinois and stimulate and support the inquiries now in progress and projected under the care of the great University of the State, we hereby heartily approve the provisions of the said bill and earnestly urge upon our Representatives in Congress that they use every honorable means to effect its passage at the earliest possible date.

ANIMAL INDUSTRY LAW OF UNITED STATES.

WHEREAS, the Legislative Committee of the National Cattle Growers' Association of America have presented to Congress proposed amendments to the present Animal Industry Law, which amendments provide: First, for regulating expenditures under said law, and second, authorizing the President of the United States to quarantine certain States in which contagious pleuro-pneumonia among cattle now exists, and which said States have failed or refused to take the proper steps for suppressing said contagious disease; and

WHEREAS, the State of Illinois is peculiarly exposed to contagion by reason of the great traffic in cattle between the East and West, which passes through the Chicago Stock Yards; therefore, be it

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That we freely and heartily approve the objects sought to be attained by said amendments, and that we urge upon our Representatives and Senators in Congress the importance of such legislation, and request that they will vote for said amendments and will use all honorable means to secure their passage.

Resolved, That a copy of these resolutions be sent to each Representative and Senator in Congress from the State of Illinois.

ALIEN LAND OWNERS.

WHEREAS, it is the first duty of governments to adopt such policies as will best promote the growth of national power and insure prosperity to the nation and its citizens; and,

WHEREAS, one of the means necessary to secure these results permanently, is, that the lands of a nation should be owned and possessed by its citizens exclusively, that the income therefrom may be added to the aggregate wealth of the nation, and the comfort of its citizens; and

WHEREAS, large amounts of the lands of the nation are now owned and controlled by the citizens of foreign nations, who owe no allegiance to our government, the incomes from such lands increasing the wealth of citizens of other nations, and the aggregate wealth of such foreign nations resulting in an equal loss to our citizens and nation; and.

WHEREAS, the continuance of this evil will result in the introduction of foreign systems of landlordism, thereby oppressing the labor interests of our nation, and making the acquisition of homes by the poor more difficult, if not impossible; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That the ownership of lands within the limits of any State or Territory of the nation by aliens is an evil threatening the prosperity of the nation and vitally affecting the interests of the citizens, especially those who seek to secure homes on the public domain.

Resolved, That our Senators and Representatives in Congress be and are hereby instructed to endeavor to have submitted to the States for their action thereon an amendment to the National Constitution providing: That aliens shall not own, possess or control, either individually or as a member of any company or corporation, any land or real estate, within the limits of any State or Territory of the nation; and for the equitable extinguishment of all title now held by aliens who shall continue to be such after the expiration of ten years after the adoption of such amendment: Providing that the stock of any transportation or mining companies, where the amount of land owned and controlled by said company does not exceed the amount necessary for carrying on their legitimate business, shall be exempt from the provisions of such amendment.

Resolved, That the Secretary of State be instructed to transmit a certified copy of this preamble and resolution to each of our Senators and Representatives in Congress.

APPELLATE COURT—RENTING ROOMS.

Preamble and joint resolution providing for the appointment of a committee of five (5) to procure suitable rooms or apartments in the city of Chicago for the use of the judges of the Appellate Court of the First District of Illinois, in which to hold the sessions of their court.

WHEREAS, the judges of the Appellate Court of the First District of Illinois need suitable rooms or apartments in the city of Chicago, Cook county, in which to hold the sessions of their court, library, and clerk's office, for the use of said court; therefore

Resolved by the House of Representatives, the Senate concurring herein, That a committee of five (5) be appointed, three (3) by the Speaker on the part of the House, and two (2) by the President of the Senate, on the part of the Senate, whose duty it shall be to procure, for the uses of the

judges of the Appellate Court of the First District of Illinois, in the city of Chicago, suitable rooms or apartments in which to hold the sessions of their court, library and clerk's office for said Appellate Court, and to provide and furnish the same with all necessary furniture, carpets, et cetera, for the use, convenience and accommodation of the judges thereof, and the people of the district, in the transaction of the business of said court.

CANAL SCRIP—DISPOSITION OF.

WHEREAS, the vault room in the office of the Secretary of State is limited, and is being rapidly filled up with official files and records; and

WHEREAS, there is now stored in said vaults a large quantity of canceled State bank notes, Canal scrip and bonds utterly worthless, except, perhaps, as relics of the old Internal Improvement System and State financial ventures; therefore,

Resolved by the House, the Senate concurring herein, That there shall be appointed by the presiding officers, respectively, two members of the House and two members of the Senate, who, together with the Secretary of State, shall constitute a committee to examine said State papers and to make such disposition of them to relieve the space in the vaults, either by burning or otherwise, as the committee may deem best. The committee shall report its action to this General Assembly, which shall be made part of the record.

The Senate adopted the following recommendation, which was concurred in by the House:

That a committee of five members be appointed, two from the Senate and two from the House, and the Secretary of State, which committee shall be instructed to cancel all such documents referred to in such resolution as shall represent indebtedness, after which such documents shall be delivered to the "Chicago Historical Society, of the city of Chicago," or its representatives, taking the receipt of said society therefor, which receipt shall be filed in the office of the Secretary of State, and shall recite that such documents shall be subject to the order of the State of Illinois at any time.

ELECTION RETURNS—CANVASS.

Resolved by the House of Representatives, the Senate concurring herein, That the two houses meet in joint assembly in the hall of the House of Representatives, on Friday, the 30th day of January, 1885, at the hour of half past one o'clock P. M., for the purpose of canvassing the returns of election held on the 4th day of November, A. D. 1884, for State officers, as required by law.

GENERAL U. S. GRANT ON RETIRED LIST.

WHEREAS, the members of this General Assembly hail with supreme delight and satisfaction the just and noble action by the Congress of the United States, in the closing hours of the session, which did with such signal unanimity restore to and place upon the retired list of the Army, with the full rank and pay of General, that eminent citizen, splendid chieftain and distinguished patriot, Ulysses S. Grant; therefore,

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That the thanks and congratulations of this General Assembly are hereby tendered to the Senators and members of the 48th Congress and to President Arthur in according what the people of the United States and the civilized nations of the world will recognize and esteem as an eminently just and fitting tribute to the military genius and worth of the greatest captain of ancient or modern times.

VICTOR HUGO—DEATH.

WHEREAS, we have learned with sincere regret of the loss sustained by our sister Republic of France, in the death of her illustrious son, Victor Hugo, alike eminent as poet, novelist, orator and patriot; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That this General Assembly of the State of Illinois express sincere regret and deep sympathy with the people of France, in this their sad bereavement.

Resolved, That as a further token of respect and esteem for the memory of the deceased, this joint resolution be ordered spread upon the journal of each house and a copy thereof be forwarded to the President of the Republic of France.

LINCOLN MEMORIAL DAY.

WHEREAS, Abraham Lincoln, by his life and work, has earned the gratitude of all men, and made a name for himself which all true Americans delight to honor; and

WHEREAS, it is desired to, in an especial manner, fittingly observe the 15th of April, the 20th anniversary of the death of the lamented president; and

WHEREAS, the State of Illinois is desirous of assisting in those memorial services; therefore be it

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State be hereby authorized to procure suitable floral tributes, not to exceed in value \$250, to appropriately decorate Memorial Hall and the statue and portrait of Lincoln in the State House, and also to assist in the decoration at the Lincoln Monument at Oak Ridge Cemetery.

ROBERT E. LOGAN—DEATH.

WHEREAS, the General Assembly has learned with great regret of the very sudden death of the Hon. Robert E. Logan, a member of the House of Representatives; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That a joint committee consisting of two (2) Senators and three (3) Representatives, accompanied by the Doorkeeper of the House, be appointed to attend the funeral of the deceased.

PLEURO-PNEUMONIA BILLS.

Resolved by the House of Representatives, the Senate concurring herein, That a joint committee consisting of seven members, four to be appointed by the Speaker of the House, and three by the President of the Senate, be appointed to consider the Pleuro-pneumonia bills before the Senate and House.

REVENUE LAW—REVISION.

WHEREAS, there have been numerous petitions sent to this General Assembly from all parts of the State praying for the appointment of a commission to revise the "Revenue Law" of this State; and

WHEREAS, there have been introduced into the Senate and this House, joint resolutions in accordance with the prayer of said petitions, which petitions and resolutions are now under consideration by the Senate and House committees on "Revenue;" therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That the Revenue committees of the House and Senate be directed to consider said petitions and resolutions in joint session and make report thereon to each house of this General Assembly at as early a day as practicable.

REVENUE—COMMISSION TO REVISE LAW.

WHEREAS, the revenue laws of the State of Illinois have become wholly inadequate to guarantee equal and just taxation upon all the property of the State as required by the constitution, as the decrease of the assessed value of property year after year will show; and

WHEREAS, great complaints are coming from the people that real estate is bearing its undue proportion of taxation, while other property and great interests, largely enjoying the protection of State and municipal government, unjustly escape their share of the burdens of such government; and

WHEREAS, the many attempts during the sessions of the General Assembly to so amend and revise the revenue laws of the State as to secure a just assessment and collection of taxes, have signally failed; therefore, be it

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That the Governor is hereby authorized and directed to appoint a committee of twelve men, an equal number of which shall be of the two leading political parties of the State, with authority to propose and frame a revenue code, which in their opinion and best judgment shall be of practical execution, and shall be just to all classes of property and in keeping with our complicated system of business, commerce, and individual or corporate avocations, and report the same to the next General Assembly of the State of Illinois. That said committee shall meet on the first Wednesday of September, A. D. 1885, in the law library of the State Capitol at Springfield, and shall organize by electing one of their number chairman, and one competent person as stenographer clerk, and the adoption of such rules and modes of procedure as the committee shall determine.

That on or before the first day of March, A. D. 1886, said committee shall furnish to the Secretary of State a true copy of their report, which the Secretary shall at once cause to be printed and formulated in pursuance of the law in such case provided; one hundred (100) copies to be furnished each Senator and Representative of the Thirty-fourth General Assembly, to be by them circulated throughout their respective districts, and a sufficient number to each of the county clerks of the State to furnish one copy to each county officer and to each revenue officer within their respective counties, one copy to every newspaper in the State, and one hundred (100) copies to each member of said committee, and one copy to each member and officer of the Thirty-fifth General Assembly. Each member of said committee shall receive for his services and entire expenses, ten dollars (\$10) per day for every day employed, not to exceed ninety (90), and the said clerk shall receive six dollars (\$6) per day for every day employed by said committee.

The Auditor shall draw his warrants upon the Treasurer, upon the order of the chairman of said committee, for the payment of all moneys herein provided for, which shall be paid out of any money appropriated by law for such purposes.

Said commission shall have power to send for persons and papers and take such testimony as they may deem proper, and the Secretary of State shall furnish said committee with all necessary stationery.

J. HENRY SHAW—DEATH.

WHEREAS, it has come to the knowledge of this House that death has again invaded its ranks, and removed on yesterday from our midst one of its members, Hon. J. Henry Shaw; therefore, be it

Resolved by the House of Representatives, the Senate concurring therein, That a committee of five, consisting of three members of the House and

two from the Senate, be appointed to accompany the remains of the deceased to their last resting place.

Resolved, That the Doorkeeper of the House be authorized to accompany said committee.

STATE TREASURY—EXAMINATION.

WHEREAS, many appropriation bills are now being considered by this General Assembly, upon which members cannot act advisedly without further information; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That the finance committees of the House and Senate be and they are hereby instructed to ascertain and report as soon as practicable:

1. The amount of money in the State treasury, and the condition, as to security of the vaults and safes of the treasury.
 2. The unexpended balances of existing appropriations.
 3. An estimate of the probable amount of money required for all State purposes during the two years commencing July 1, 1885.
 4. The estimated amount of State revenue to come into the treasury before the end of the current fiscal year.
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EX-GOVERNOR JOHN WOOD—STATUE.

WHEREAS, a committee of the citizens of the city of Quincy offer to donate to the State a plaster cast statue of the late Governor John Wood; be it

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State be and is hereby authorized to accept the same, and to expend such sum, not to exceed two hundred and fifty dollars, as may be required to put it in perfect order, and place it upon a suitable pedestal in the hall of the capitol.

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE.

I, HENRY D. DEMENT, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Thirty-fourth General Assembly of the State of Illinois, are true and correct copies of said acts and resolutions filed in the office of the Secretary of State, with the exception of words or letters printed in brackets, thus [].

IN WITNESS WHEREOF, I have hereto set my hand and affixed the great seal of State, at the city of Springfield, this first day of August, A. D. 1885.

HENRY D. DEMENT,
Secretary of State.

[L. S.]

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