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EVENING NEWS.

Wednesday March 24, 1886

AN ACT

Pertaining to Highways.

SECTION 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That all roads, streets, alleys and bridges laid out or erected by the public, are highways.

SEC. 2. All roads, streets, alleys and bridges, laid out or erected by others than the public, and dedicated or abandoned to the use of the public, are highways. A highway shall be deemed and taken as dedicated and abandoned to the use of the public when it has been continuously and uninterruptedly used as a public thoroughfare for a period of ten years.

SEC. 3. All roads, streets, alleys and bridges which are now used by the public, and have been declared to be highways by the County Courts and municipal corporations within their respective jurisdictions; or which may be hereafter so declared, shall be deemed and taken to be public highways: *Provided*, That where roads or streets are laid out through improved lands and such lands are not protected by fences along the line of the roads or streets where such roads pass through, such roads or streets may, by the County Court of the county where they are laid out, be declared to be limited highways. A notice to that effect shall be posted at each end of such limited highways, and any person who shall wilfully drive any bands or herds of cattle, horses or sheep over such roads or streets other than during the time that the adjoining lands are thrown open to the public by the owners thereof for grazing purposes, shall be guilty of a misdemeanor.

SEC. 4. Roads, streets, alleys and bridges laid out and recorded by order of the County Courts, or municipal corporations within their respective jurisdictions, are public highways.

SEC. 5. Whenever any corporation owning a toll bridge, or a turnpike, plank or common wagon road is dissolved or discontinued, or has expired by limitation, the bridge or road becomes a highway.

SEC. 6. A road not worked or used for a period of five years, ceases to be a highway.

SEC. 7. By taking or accepting land for a highway, the public acquire only the right of way, and incidents necessary to enjoying and maintaining it. A transfer of land, bounded by a highway passes the title of the person whose estate is transferred, to the centre of the highway.

SEC. 8. The County Courts of the respective counties of this Territory shall, by proper regulations:

First—Divide, where not already done, their respective counties, into a suitable and convenient number of road districts, and appoint supervisors therefor biennially, or whenever vacancies occur from any cause, and remove them at pleasure.

Second—Cause to be surveyed, viewed, laid out, recorded, opened, maintained and worked, such public highways as are necessary for public convenience.

Third—Abolish or abandon such as are unnecessary for the use of the public.

Fourth—Contract for, purchase, or otherwise acquire, when necessary, the right of way for a public highway over private property; and for that purpose institute proceedings for the acquirement of said right of way, as provided in Part III, Title vii. of the code of civil procedure.

Fifth—Cause to be erected and maintained on such highways as they may designate, infectones or posts, and guide posts, properly inscribed.

Sixth—Designate the public highways to be maintained by them, within or extending through each incorporated city or town, which in no case shall be more than three in the same direction.

SEC. 9. The County Clerk must keep a book in which must be recorded all the orders of the County Court relative to each road district, including orders for laying out, opening and altering roads; a description of each road district, the names of its supervisors, fords, highways, contracts, and all other matters pertaining thereto.

SEC. 10. Supervisors of road districts shall receive notice of their appointment from the County Clerk, and within twenty days thereafter must qualify as such, by taking and subscribing an oath of office, and giving a bond to the county in such sum as may be determined by the County Court, such bond to be approved by the Probate Judge, and filed with the County Clerk. A certificate of the County Clerk under the seal of the County Court that the appointment has been made, the required bond filed, and the oath of office taken, shall constitute a commission, and will authorize the person named therein to discharge the duties of supervisor until superseded.

SEC. 11. Road supervisors must, unless otherwise ordered by the county court appointing them:

First—Take charge of the public highways within their respective districts.

Second—Keep them clear of obstructions and in good repair.

Third—Cause banks to be graded, bridges and causeways to be made where necessary and keep the same in repair, and renew them when necessary.

Fourth—Give not less than two days' notice to the inhabitants of their respective districts liable to do work on roads when, where, with what implements, and under whose direction to work. When teams may be required supervisors shall negotiate for the same at an equitable rate.

Fifth—Collect the annual poll tax, direct and superintend the expenditure of that portion of the tax paid in labor.

SEC. 12. If any person who is liable shall fail to pay the tax required by this act within ten days after the date of the notice required in subdivision four of the preceding section, said tax shall be deemed delinquent, and the road supervisor must proceed to collect the same, as an action of debt, and no property of such delinquent shall be exempt from execution on judgment so recovered. For all services road supervisors shall receive such compensation as the county court may determine.

SEC. 13. That two days' work of eight hours each, or in lieu thereof, three dollars lawful money, is an annual road poll tax, upon every man, not physically incapacitated to work, over twenty-one and under fifty years of age. Within corporated towns or cities, said poll tax may be collected under such regulations as may be by ordinance provided, and be used by said towns or cities for improving first the public highways designated by the county court running through such cities, and, second, improving any other streets or alleys, in such towns or cities. All poll tax except such as as is collected by incorporated towns or cities, shall be expended under the direction and, pursuant to the orders of the respective county courts, in making and improving highways. And all moneys collected in lieu of labor except such as may be collected by incorporated towns or cities, shall be paid into the county treasury and be expended under the direction of the county court, on public highways.

SEC. 14. The County Court shall furnish each of its road supervisors a suitable blank receipt-book with stubs, and the supervisor shall give a receipt from said book to each person who has paid his poll tax; the supervisor shall state on said receipt whether said poll tax was paid in cash or labor, and shall make a corresponding entry on the stub of said receipt, and said stubs shall be returned to the County Court with his annual report.

SEC. 15. Each supervisor must make to the County Court appointing him, on or before the first Monday in December of each year a written report containing:

First. The name of each person assessed for poll tax in his district.

Second. The name of each person who has paid his tax in labor, and the amount paid.

Third. The name of each person who has paid his tax in money, and the amount paid.

Fourth. The amount of tax collected by suit, and the name of the delinquent.

Fifth. The amount of uncollected tax, the name of each delinquent, and the cause why such tax remains uncollected in each instance.

Sixth. The amount, and kind of labor expended in his district, and the places where such labor was performed.

Seventh. A general description of the condition of the public highways in his district.

Eighth. An accurate account of the time he himself was employed, and the nature and items of service rendered.

The County Courts may at any time require special reports from road supervisors. A failure to make a report as herein required, subjects the supervisor to a penalty in any sum not exceeding one hundred dollars to be received in an action on his bond.

SEC. 16. Any owner or occupant of land may construct a sidewalk on the highway, along the line of his land, subject however, to the authority conferred by law on the County Court, and road supervisors. Any person using such sidewalk with horse, or team without permission of the owner of such sidewalk, is liable to such owner for all damages he may suffer thereby.

SEC. 17. Any owner or occupant of land, adjoining a public highway, may plant trees on the sides of such highways, contiguous to his land. Said trees must be set in regular lines, at such distance from the centre line of the highway as may be determined by an order of the County Court. Whoever injures any of said trees is liable to the owner for the damage which is thereby sustained.

SEC. 18. The County Courts of the several counties have power to grant a right of way over the public highways for railroads, canals, irrigation ditches, drainage ditches, water-pipes, telegraph and telephone lines, under such reasonable regulations as such court may establish: Provided, County Courts shall not grant rights of way for any of the purposes herein mentioned through any incorporated towns or cities. Where public highways designated by the County Court extend through any incorporated town, or city, or through any town or city hereafter incorporated, they shall conform to the direction and grade, and be subject to all the regulations of other streets in such town or city.

SEC. 19. Owners or users of canals, ditches or sects, which now are, or hereafter may be, constructed across any public highway, are required to restore such highway to as good and safe condition as it was before such canal, ditch or sect was constructed, by building a bridge, or such other suitable crossing as may be determined by the County Court or road supervisor. A failure to construct and keep in repair such bridge, or crossing, as, and when required by the County Court or road supervisor, is a misdemeanor.

SEC. 20. Any person who wilfully or carelessly obstructs, or injures any highway by flow or seepage of water, or who permits water under his control, to escape, in any manner, so as to injure any public highway, or who shall wilfully, or carelessly place or leave or cause to be placed or left, any log, timber, stone, wood, or other materials, or any machinery, wagon, or other vehicle upon any public highway, in such a way as to obstruct the free travel, or to endanger property, or persons passing upon such highway, is guilty of a misdemeanor.

SEC. 21. Any person who has erected, or maintains, or may hereafter erect, and maintain a fence or other structure along and upon any portion of a public highway, and who after being duly notified by the County Court to remove the same, shall neglect or refuse to do so within twenty days, or such further time not exceeding three months, as may be determined by such County Court, is guilty of a misdemeanor.

SEC. 22. Whoever removes or injures any mile-board, mile-stone or guide-post, or any inscriptions placed thereon, erected on any highway, is guilty of a misdemeanor.

SEC. 23. Any person who drives a herd of horses, mules, asses, cattle, sheep, goats or swine over a public highway, where such highway is constructed on a hillside, shall be liable for all damage done by such animals in destroying the banks or rolling rocks into or upon such highway.

SEC. 24. The County Courts may cause to be put up on bridges, in their respective counties, a notice that there is "a fine of five dollars for riding or driving on this bridge faster than a walk, and that not more than—horses, mules, asses or cattle, stating the number, or—sheep, goats or swine, stating the number, will be allowed upon this bridge at any one time, under a penalty of ten dollars for each offense." Whoever thereafter rides or drives faster than a walk on such bridge, is liable to a penalty of five dollars for each offense, and any person driving a herd of horses, cattle, sheep, goats or swine, who drives or allows upon such bridge, a greater number of animals than that designated upon the notice, is liable to a penalty of ten dollars for each offense.

SEC. 25. Whoever digs up, cuts down or otherwise injures or wilfully destroys any shade, ornamental or other tree, planted and standing on any highway, in conformity to the requirements of this act, is guilty of a misdemeanor.

SEC. 26. Whenever it is necessary for a fast travelling team to pass a slower one, it shall be the duty of the teamster of the slow travelling team to give the other a convenient opportunity so to do, if it can be done without endangering his own team; and whenever teams of any kind meet, each shall reasonably turn to the right, so as to give the other team half of the travelled road, whenever it can be done with safety. A failure so to do is a misdemeanor.

SEC. 27. Any person violating any of the provisions of this act, in addition to the penalties herein provided, shall be liable for all damages that may occrue to the party damaged by reason of such violation.

SEC. 28. All penalties and forfeitures under this act, and not otherwise provided for must be recovered by the supervisors of the respective road districts, and be applied on the public highways in the district in which they are collected.

SEC. 29. Sections 87 to 90, both inclusive, and sections 363 to 376, both inclusive of the Compiled Laws of Utah, and chapter XXIX, of the Session Laws of Utah, passed in 1880, are hereby repealed.

SEC. 30. This act takes effect on and after its passage.

Approved March 11, 1886.

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Factory,	Thomas Stalworthy.
Glendale,	Joel J. Cutler
Johnson,	W. D. Johnson, P. E.
* *Kanab,*	M. S. Robinson.
Lee's Ferry,	W. M. Johnson.
Moccasin,	Alvin Heaton
Mount Carmel,	H. B. M. Jolly
Orderville,	H. W. Esplin.
Paxroan,	T. W. Smith.
Ranch,	J. W. Seamon.
Upper Kanab,	R. S. Robinson.

LITTLE COLORADO STAKE,

Apache County, Arizona.

LOT SMITH, President.

John Bushman, T. W. Brooksbank, } Counsel'ors.

WARDS.	BISHOPS.
Mount Coppy,	A. L. Farnsworth.
St. Joseph,	J. M. Richards.
* *Sunset,*	E. W. Nelson.
Tonto Basin,	Eliel Allen.
Wilford,	J. H. James.

MARICOPA STAKE,

Maricopa County, Arizona.

A. F. MACDONALD, President.

H. G. Rogers, C. I. Robson, } Counselors.

WARDS.	BISHOPS.
Alma,	O. M. Stewart.
Lehi,	T. E. Jones.
* *Mesa,*	E. Pomeroy.
Papago,	O. S. Peterson.
Temple,	T. E. Jones

MILLARD STAKE,

Millard County, Utah.

J. N. HINCKLEY, President.

Daniel Thomson, J. V. Robison, } Counselors.

WARDS.	BISHOPS.
Deseret,	J. S. Black
* *Fillmore,*	Thos. C. Callister.
Holden,	D. R. Stevens.
Kanosh,	A. A. Kimball.
Leamington,	L. N. Christiansen.
Meadow Creek,	H. B. Bennett.
Oak Creek,	Peter Anderson.
Scipio,	Thomas Yates.

MORGAN STAKE,

Morgan County, Utah.

W. G. SMITH, President.

Richard Fry, Samuel Francis, } Counselors.

WARDS.	BISHOPS.
Croydon,	John Hopkins.
Enterprise,	J. K. Hall
Milton,	Eli Whitear.
* *Morgan, North,*	O. B. Anderson.
Morgan, South,	Charles Turner.
Peterson,	John Carrington.
Porterville, East,	J. R. Porter.
Porterville, West,	Samuel Carter.
Richville,	A. D. Dickson.

ONEIDA STAKE.

W. D. HENDRICKS, President.

S. P. Hale, G. C. Parkinson, } Counselors.

Oneida County, Idaho.

WARDS.	BISHOPS.
Cherry Creek,	J. D. Jones.
Clifton,	Harvey Dixon.
Fairview,	Hyrum Hyde.
Franklin,	I. I. Hatch.
Malad,	George Stoart.
Mink Creek,	Hannia Rasmussen.
Preston,	W. C. Parkinson.
Riverdale,	Peter Preece
Samaria,	Josah Evans
St. John,	F. P. Harrison.
Weston,	A. A. Allen

Bingham County, Idaho.

WARDS.	BISHOPS.
Chesterfield,	P. P. Willey.
Marsh Valley,	M. L. Grunwell.
Mormon,	J. R. Thatcher.
Mound Valley,	H. H. Williams.
* *Oxford,*	N. R. Lewis.

PANGUITCH STAKE,

J. W. CROSBY, Jr., President.

M. M. Steele, David Cameron, } Counselors.

Garfield County, Utah.

WARDS.	BISHOPS.
Cannonville,	Wm. J. Henderson.
Escalante,	O. S. Schow.
Hillsdale,	Seth Johnson.
Marion,	Culbert King.
* *Panguitch, First Ward,*	J. O. Davis.
Panguitch, Second Ward,	H. B. Church.

Piute County, Utah.

Kingston,	William King.

PAROWAN STAKE,

Iron County, Utah.

THOS. J. JONES, President.

Edward Dalton, Morgan Richards, Jr., } Counselors.

WARDS.	BISHOPS.
Cedar City,	Henry Lunt.
Kanarra,	Wm. F. Willis.
Paragoonah,	Wm. K. Jones.
* *Parowan, First Ward,*	Wm. C. Mitchell.
Parowan, Second Ward,	John E. Dalley.
Summit,	S. C. Hulet.

SALT LAKE STAKE,

Salt Lake County, Utah.

A. M. CANNON, President.

J. E. Taylor, G. W. Pentrose, } Counselors.

SALT LAKE CITY WARDS.

WARDS.	BISHOPS.
First Ward,	Joseph Warburton
Second Ward,	Samuel Peterson
Third Ward,	Jacob Weiler.
Fourth Ward,	Harrison Sperry.
Fifth Ward,	S. M. T. Seddon.
Sixth Ward,	W. H. Hickenlooper.
Seventh Ward,	Wm. Thorne.
Eighth Ward,	R. V. Sheets.
Ninth Ward,	R. A. Woolley.
Tenth Ward,	A. Saxton Spotts.
Eleventh Ward,	Alexander McRae.
Twelfth Ward,	H. B. Clawson.
Thirteenth Ward,	Milton Atwood.
Fourteenth Ward,	Thomas Taylor.
Fifteenth Ward,	Joseph Pollard.
Sixteenth Ward,	Frederick Kesler.
Seventeenth Ward,	John Tingey.
Eighteenth Ward,	O. F. Whitney
Nineteenth Ward,	Robert Davidson.
Twentieth Ward,	John Sharp.
Twenty-first Ward,	W. L. N. Allen

COUNTRY WARDS

Big Cottonwood,	D. B. Brown
Brighton,	Frederick Shoaff
East Mill Creek,	John Kell
Farmers,	A. W. Ivins
Granger,	Daniel Mecham
Granite,	S. J. Dagnels
Herriman,	James Crane
Mill Creek,	J. S.