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EVENING NEWS.

Tuesday, March 9, 1886

A BILL PERTAINING TO HIGHWAYS, C. F. NO. 8.

SENT TO THE GOVERNOR FOR HIS APPROVAL MARCH 1ST, 1886.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all roads, streets, 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 five 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 hereafter be so declared, shall be deemed and taken to be public highways.

SEC. 4. Roads, streets, and bridges laid out and recorded by order of the County Courts or Municipal Corporations, within their respective jurisdictions, are 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 highway; and any person who shall wilfully drive 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. 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 center 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 Subdivision Three (3) of the Code of Civil Procedure, 1884.

Fifth. Cause to be erected and maintained on such highways as they may designate, milestones 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 is 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 and altering roads; a description of each road district the names of its supervisors, roads, 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 Judge 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 from 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 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 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 incorporated 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 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 the public highways.

SEC. 14. The County Court shall furnish each of its Road Supervisors with 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 the 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 recovered 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 damage 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 courts may establish, provided, County Courts shall not grant rights of way for any of the purposes herein mentioned, through any incorporated town or city, 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 seets 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 carlessly 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 highways, 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 so to do 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 inscription properly 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 on to 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, or 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 that a walk on such bridge is liable to a penalty of five dollars for each offense, and persons driving a herd of horses, cattle, sheep, goats or swine, who drives or allows upon such bridge a greater number of animals that 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 or 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 traveling team to pass a slower one, it shall be the duty of the teamster of the slow traveling 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 the traveled 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 accrue 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 91 to 96, 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.

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Eagerton,	S. E. Johnson
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Navajo,	Ernest Teufleu
Nutrioso,	Benjamin Noble
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Show Low,	Hans Hansen
* *Snowflake,*	John Hunt
St. John,	D. K. Udall
Taylor,	J. H. Standifird
Woodruff,	J. C. Owens

Socorro County, New Mexico.

Pleasanton,	W. C. McLellan

EMERY STAKE,

Emery County, Utah.

C. G. LARSEN, President.

Orange Seely, Rasmus Justesen, } Counselors.

WARDS.	BISHOPS.
* *Castle Dale,*	Henning Olsen
Ferron,	Fred. Olsen
Huntington,	Charles Pulsipher
Moab,	R. H. Stewart
Molen,	L. S. Beach
Muddy,	Casper Christiansen
Orangeville,	Jasper Robertson
Price,	George Erastus

JUAB STAKE,

Juab County, Utah.

WM. PAXMAN, President.

Joel Grover, Charles Sperry, } Counselors

WARDS.	BISHOPS.
Eureka,	John Beck
Funk,	Elmer Taylor, P. E.
Levan,	Neils Lagaard.
Mona,	J. W. Hess
* *Nephi, First Ward,*	W. H. Warner
Nephi, Second Ward,	David Udall.

KANAB STAKE,

Kane County, Utah.

E. D. WOOLLEY, Jr., President.

W. D. Johnson, jr., Thomas Chamberlain, } Counselors.

WARDS.	BISHOPS.
Factory,	Thomas Stalworthy.
Glendale,	R. J. Cutler
Johnson,	W. B. Johnson, P. E.
* *Kanab,*	J. S. Robinson.
Lee's Ferry,	W. M. Johnson.
Moccasin,	Alvin Heaton.
Mount Carmel,	M. H. M. Jolly.
Orderville,	H. W. Esplin.
Pahreah,	Eli Whitney.
Rockville,	J. W. Smith.
Rockville,	J. W. Solomon.
Upper Kanab,	R. S. Robinson.

LITTLE COLORADO STAKE,

Apache County, Arizona.

LOT SMITH, President.

John Bushman, T. W. Brookbank, } Counselors.

WARDS.	BISHOPS.
Moon Copper,	A. L. Farnsworth
St. Joseph,	J. H. Richards.
* *Sunset,*	F. W. Nelson.
Tonto Basin,	Rial Allen.
Willard,	J. R. James.

MARICOPA STAKE,

Maricopa County, Arizona.

A. F. MACDONALD, President.

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

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

MILLARD STAKE,

Millard County, Utah.

J. N. HINCKLEY, President.

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

WARDS.	BISHOPS.
Deseret,	J. S. Black.
* *Fillmore,*	Thos. C. Callister.
Holden,	D. R. Stevens.
Kanosh,	A. A. Kimball.
Leamington,	L. N. Christianson.
Meadow Creek,	H. R. 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. R. Hall.
Milton,	Eli Whitney.
* *Morgan, North,*	O. B. Anderson.
Morgan, South,	Charles Turner.
Peterson,	James 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,	Hans Nielson.
Fairview,	Heman Hyde.
Franklin,	A. T. Hatch.
Malad,	George Stuart.
Mink Creek,	Rasmus Rasmussen.
Preston,	W. C. Parkinson.
Riverdale,	Peter Preece.
Samaria,	Jonah Evans.
St. John,	J. P. Harrison.
Weston,	A. A. Allen.

Bingham County, Idaho.

Chesterfield,	P. P. Wiley.
Marsh Valley,	M. L. Gruswell.
Moreno,	J. B. Thatcher.
Mound Valley,	H. B. Williams.
* *Oxford,*	N. R. Lewis.

PARGUITCH STAKE.

J. W. CROSBY, Jr., President.

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

Garfield County, Utah.

WARDS.	BISHOPS.
Cannonville,	Wm. J. Henderson
Escalante,	A. P. Schow.
Hillsdale,	Seth Johnson.
Marion,	Calvert King.
* *Panguitch, First Ward,*	C. Davis.
Panguitch, Second Ward,	R. S. 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. Wynn.
Paragonah,	Wm. R. Jones.
* *Parowan, First Ward,*	Wm. C. Mitchell.