

Supervisor may be sued.

Sec. 7. *And be it further enacted,* That any supervisor may be sued before any Justice of the Peace in an action of debt, in the name of the said Commissioners for any dereliction of duty under this act, the amount to be recovered not to exceed in any case the sum of one hundred dollars according to the aggravation of the case: either party having the right of appeal to the Circuit Court as in other cases of small debts; and all sums so recovered shall be applied in aid of the road fund of the district where such supervisor acts; or he shall be liable to indictment in the Circuit Court of said County, and may be fined at the discretion of the Court, and the fines imposed shall likewise be applied to the road fund of his said district.

Liable to indictment.

Contract with proprietors to keep road in repair.

Sec. 8. The several supervisors shall have power, with the assent of the County Commissioners, to contract with the proprietor of any lands adjacent to any public road, to contract with such proprietor for the keeping said road or any designated part thereof in repair for the term of one year, and said contractor shall, during the time covered by his contract, be liable to be proceeded against for any dereliction of duty in respect to repairing said roads, in the same manner as is above provided in respect to supervisors in addition to his common law liability for breach of his contract.

Penalty for dereliction.

Obstructions.

Passage for vehicles.

Liable to be sued.

Sec. 9. If any person shall encroach upon any public road by fences or other obstructions or shall purposely destroy or injure any bridge or culvert, or destroy or injure any guide post or guide boards, or dig any ditch or drain across any road, and not keep such ditch or drain secure and well covered and in good repair for the passage of all vehicles over the same, to the full width of said road; or if any person shall drain any water into or upon any public road, each and every such person for every such offence and for each and every day any such ditch or drain shall be suffered to remain out of repair and injurious to such road, shall be liable to be sued in an action of debt, before a Justice of the Peace in the name of said Commissioners, in which said action the amount recoverable shall not be less than five nor more than fifty dollars: either party having the right of appeal to the Circuit Court, as in other cases of