

misdeemeanor, and on conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars, said fine to be placed to the credit of the road fund.

SEC. 3. *And be it enacted,* That whenever the County Commissioners of said county have reason to believe that any public road in said county has come to be used as a public highway, it shall be competent for the said County Commissioners to appoint three discreet and sensible men, residing in the neighborhood of said public road, who shall be directed to examine said road, and to report to said County Commissioners whether in their opinion it will be advisable to close said road as a public highway; and the said County Commissioners shall give notice in some newspaper printed in said county, for at least three weeks, when they will consider the report of the said examiners so appointed by them, and if the report of the said examiners shall advise the closing of said road as a public highway, and if the County Commissioners, after taking the testimony of all persons who shall appear before them to testify as to the expediency of closing said road, shall be convinced that the said road is not needed as a public highway, they shall direct the same to be closed as a public road; but if in their discretion it is expedient so to do, they may direct the said road to be kept open as a private road, to be kept in repair by the persons interested in the use of it.

Appoint
examiner.

Give notice

SEC. 4. *And be it further enacted,* That the compensation of each member of the Board of County Road Commissioners shall be fifty dollars per annum.

Compensation

SEC. 5. *And be it further enacted,* That this act shall take effect from the date of its passage.

In force

Approved April 11th, 1874.