

whenever he may deem the same necessary to effectuate the intent of these provisions.

Id s 111
Locating road
through town
or city

114. When such corporation shall desire to locate its road within the limits of or through any incorporated town or city, it shall obtain the consent of the corporate authorities of each town or city, to be evidenced as provided in the case of county commissioners.

Id s 112
Right of way.

115. When such corporation shall desire to locate the bed of a turnpike or plank road elsewhere than on the bed of existing county roads, it may agree with the owners of lands for the right of way, or obtain the same by condemnation

Id s 113
Agreement for
right of way
To be recorded

116. Every agreement for a right of way through land shall be in writing, acknowledged before a justice of the peace, and recorded by the corporation amongst the records of the county or city in which the lands lie, within six months after its date.

Id s. 114
Plat.

To be recorded

117. Before any turnpike or plank-road shall be constructed, the corporation shall cause a plat of the same, describing the *termini* and the proposed location, to be made and recorded in the clerk's office of the county in which the same may be located, and in the clerk's office of every city and county into or through which the same may be proposed to pass, in case the road to be constructed by said corporation is to pass to or through more than one county.

Id s 115
Neglect to
repair road.
Petition to
Circuit Court.

Jury.

118. If the corporation shall fail to keep in good order and repair the road made by it, for a space of twenty days, any person or persons may file a petition in the Circuit Court of the county in which the part of such road not in good order and repair may be, alleging the neglect to keep the same in good order and repair, and any judge of said court, being first satisfied by *ex parte* proof of the truth of the allegations of the petition, shall pass an order directing the sheriff of the county to summon a jury of six persons qualified to serve as jurors in the Circuit Court, to meet on the part of the said road mentioned in the petition; and the said jurors, being first duly sworn or affirmed by said sheriff, shall inquire whether the said part of said road is in good order and repair, and an inquisition in writing shall be signed and sealed by said jurors, and returned by the sheriff to the clerk's office of the Circuit Court of the county, and, if said inquisition shall find that said road is not in good order and repair, any judge of said court may, within ten days after the return of said inquisition, confirm the same, and order that tolls shall not be charged by said corporation at the gates next on either side the place in said road so out of order and repair, until the said road shall be put in good order and repair; but the corporation may, before the confirmation of said inquisition, demand a trial in open court by a jury, whether said road is in good order and repair, or may move to quash the proceedings for any matter of law, in which case the State's attorney for the county shall appear for the petitioners, and the proceedings on the part of the petitioners shall be

Inquisition.

Confirmation
by court

Trial in court

Quashing pro-
ceedings.