

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.

1868, ch. 471, sec. 115.

242. 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 for 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 for 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 conducted at the cost of the county; and the court may adjudge on the finding of the jury or otherwise, as may be just and in accordance with principles of law, and may give judgment for costs against the county or against the corporation, in its discretion.