

1878, ch. 477.

277. Whenever the supervisor shall find it necessary to open a water course through private property, to secure the proper drainage of any public road, he shall so inform the county commissioners; and if the owner of said private property consents to the opening of such water course, or he and they can agree upon the value and price to be paid for the same, then such consent or agreement shall be entered on the commissioners' books, and such water course shall be opened; but if they cannot agree, and the commissioners decide that the opening of such water course is necessary to drain said road, they shall authorize the supervisor to summon a jury of twelve men to value and condemn the said water course, deducting from their estimate the value, if any, that such water course will be to the owner of said land through which it shall pass; and as soon as the money for such drainage is tendered to the owner, the supervisor shall open such water course.

Ibid.

278. Any supervisor who shall fail in the performance of any of his duties, shall be deemed guilty of a misdemeanor; and any person damaged or delayed on account of the bad or dangerous condition of the roads, may report the same, under oath, to a justice of the peace of the election district in which he is supervisor, and the justice to whom such report is made shall issue his warrant in the name of the State for such supervisor so reported, to be directed to some constable of the district, directing him to bring such supervisor before him for trial; and if, upon trial, it shall appear that such public roads over which he is supervisor are in a bad or dangerous condition, owing to his neglect of any of the duties prescribed in this sub-title of this article, and such neglect was not caused by sickness of himself or family, then the justice of the peace shall fine the supervisor not less than five dollars nor more than ten dollars and costs; provided, that in all cases when fines shall be imposed under this section, any supervisor feeling himself aggrieved may appeal to the circuit court, as in other cases, provided he shall, within ten days, enter into bond with security, for fifty dollars, to prosecute his appeal with effect.