

hauling or throwing obstructions on said roads, the county commissioners shall direct the county surveyor to make a survey of said road and ascertain the correct location of the centre line, and after marking with stakes the outside lines of said road as originally laid out, he shall report to the county commissioners, at their next meeting, the name of such person who has encroached upon with fences or otherwise obstructed said road; the county commissioners shall then pass an order notifying such person to set back his fences so as to give to said road its legal width, or to remove the obstructions, as the case may be, and place a copy of said order in the hands of the sheriff of said county, who shall notify the person to whom the notice is directed, by reading the same to him, and return said order to the commissioners, with the day and date of the giving of said notice to the person therein mentioned, endorsed upon the same.

1880, ch. 311.

340. Upon refusal or neglect of such person to comply with the orders of the said commissioners within ninety days from the date of said notice as returned by the sheriff, he shall be deemed guilty of a misdemeanor, and after presentment and indictment by a grand jury, upon conviction thereof, shall be fined the sum of five dollars per day for each and every day that said fence or other obstruction shall remain after the expiration of ninety days from the date of the giving of said notice, together with all costs incurred; the said fine to be recovered in the manner provided by law for the recovery of fines, penalties and forfeitures, and to be paid to the said county commissioners for the use of the roads of said county.

P. L. L., (1860,) art. 21, sec. 235.

341. All fines imposed in such cases shall be appropriated to repairing such damages and improving the road, and shall be paid to and accounted for by the supervisor.

1874, ch 356.

342. The county commissioners shall have power to construct any road, hereafter to be opened for the use of the public, less than thirty feet wide; provided, that in the judgment of the examiners such width will be sufficient for the public use.