

1904, ch. 225, sec. 11.

**43.** No portion of the cost of acquiring land for any road, nor any damages caused by the construction or improvement of any road shall be paid by the State. <sup>1</sup>

Ibid. sec. 12.

**44.** No one county of the State shall receive in any year a larger proportion of the total amount appropriated by this sub-title for said year than the proportion which the then existing miles of public road in said county bear to the then existing miles of public road in all of the counties applying as determined by the said commission, unless a balance remains unallotted under the arrangement above prescribed, in which event said balance may be apportioned in the same manner among the counties which have not received the full amount of their applications.

Ibid. sec. 13.

**45.** Any road constructed under the provisions of this sub-title shall thereafter be a county road, and the duty of keeping the same in repair shall devolve upon the county in which it is situated; and all other powers and duties respecting such roads shall be imposed upon and vested in said county; and the board of county commissioners shall provide all moneys necessary to keep in a proper state of repair the roads constructed under this sub-title, and it shall be the duty of the commission to notify the board of county commissioners of all such repairs as they may deem necessary to be made to such county roads; and immediately on such notification the board of county commissioners of such county shall cause such repairs to be made according to the direction and to the satisfaction of said commission, and if said board shall refuse or neglect to make such repairs within thirty days from the date of such notification by said commission, said county shall not thereafter receive any further assistance provided for in this sub-title until such repairs have been made; and any five taxpayers of such county may apply to the circuit court of said county for a writ of mandamus to compel said board to make such repairs as aforesaid; and when such application is made, the court upon a rule to show cause or otherwise, in such manner as the court shall prescribe, shall ascertain and determine such road as aforesaid is in a proper state of repair, and it shall not issue a mandamus requiring the said board to make the necessary repairs, and may also in its discretion allow to