

Application
to be by peti-
tion.

Notice to be
published.

Examiners
may be ap-
pointed.

SEC. 2. *And be it enacted*, That all applications for opening, altering or closing any road or roads, shall be by petition to the county commissioners; and whenever any citizen or citizens, of any county intend to petition the county commissioners of said county for opening, altering or closing any road or roads, they shall be required to give thirty days notice thereof, in one or more of the newspapers published in the county in which it is proposed to open, alter or close any road; and in case there be no newspaper published in the county, then the petitioners shall give public notice of such intention by setting up a notice at the court house door, and at three public places in the election district in which it is proposed to open, alter or close any road or roads, for at least thirty days, for the purpose of giving an opportunity to all persons who may be opposed to the opening, altering or closing of such road or roads, to put in their counter petition, and whenever a counter petition shall be presented to the county commissioners, they shall take into consideration the reasons contained in such counter petition, and such other testimony as may come before them, and determine the case as in their opinion may seem right and proper.

SEC. 3. *And be it enacted*, That whenever the county commissioners shall deem it expedient that examiners should be appointed to view the ground, for the purpose of opening, altering or closing a road or roads, they shall appoint three persons as examiners, who shall be free-holders in the county, and not interested, nor holding lands through which the said road is proposed to be opened, altered or closed up, and the persons so appointed, or a majority of them, after giving notice for the same period of time, and in the manner provided in the second section of this act, shall meet on the premises and examine and determine whether the public convenience requires that the said road should be opened, altered or shut up, as the case may be; the said examiners, or a majority of them, shall, in case the application shall be for opening or altering a road, proceed to locate the same in such manner as will, in their judgment, best promote the public convenience; and they shall cause a plot of the same, and also of the old road; where the application shall be to alter or shut up a road, to be made out, and shall return the same, together with a full report of their proceedings, under their hands, to the county commissioners, and of the reasons on which their opinions is founded; and if the said examiners shall be of opinion that the said road ought not to be opened, altered or shut up, they shall report their opinion to the county commissioners