What Constitutes a Good Road.

From the Practical Farmer.

The following recent decision in the Delaware judicial district, *where a supervisor was indicted for neglect to keep the roads in good traveling order*, will commend itself to the common sense of the community everywhere. Judge Butler's charge of what *is to be considered a legal road*, and what are the duties of Supervisors, has not been so well delivered before, or understood. A mutual understanding of what the law is has long been wanting; and if roads are not hereafter kept "in good repair and free from obstructions," the fault will be with the citizens.

"The defendant, a supervisor in Darby township, is indicted for neglect to perform the duties of his office. It is *the business of the supervisors* of the public highways to keep the roads in their respective townships in good order for use—to have all new roads properly constructed and old ones carefully repaired. They are not vested with authority to judge how much space the travel in a particular place requires, nor how poor or indifferent a road will answer its purpose. To the full extent that the ground has been appropriated to the public use, by the law, it must be opened, the entire space constructed into a good and convenient highway, and be thereafter continually kept in such condition.—To remove the fences and throw the ground open—or, in addition, to plow a ditch on either side, is not *to construct a road* within the meaning of the law. The ground must be made reasonably smooth, freed from obstructions, and put in such shape that the water will drain off to the side, leaving the roadway dry and solid. Where the width is fixed at thirty three feet, (as is usual,) or at any other limit, it is because the Court, aided by the report of the jury, has determined that this space is necessary. And whether this determination be wise or not, the supervisors cannot consider. Their duty is simply to obey the order of the Court and the Act of Assembly, to open the road to the entire extent, and keep it thereafter free from obstructions and in good repair. If it is not needed to accommodate the travel, care should be taken that the Court is properly informed and the road not established; or if it has already been established, that it be vacated. But so long as it remains upon the records as a public highway it must be kept in good order for use. If any part of it be obstructed by fences, stumps, rocks (that can be removed,) holes, or the like, such obstruction constitutes a nuisance and *renders the supervisors liable to indictment*. And in case of injury to any one, in person or property, from this cause, the supervisors are further liable in damages to the full extent of the loss thus sustained. And it may be well that the people of the townships should understand that they, too, are responsible in their corporate capacity, for such loss. The supervisors are their agents, and their safety in this requires that they should elect suitable men to the office, and see that they perform their duty. The subject is one of deep interest to the public. No intelligent person can fail to appreciate the advantage of good roads, nor to see that what is saved by withholding the means necessary to have them, is poor compensation indeed for the wear and tear of teams and vehicles, to say nothing of the inconvenience, delay, vexation and danger of traveling on bad ones.

In the case before us it appears that a road was laid out in Darby township, some years ago, forty feet in width—that the fences were removed, and in some places ditches made at the sides, that the timber growing upon it (a part of the distance being through woodland,) was cut down—that no roadbed was formed, the uneven face of the ground being left as it was found, and on which the rain-water lay as it fell—that the stumps of the trees cut amounted to several hundreds, and being one to two and a half feet high, were allowed to remain—that two large logs lay in the road, —that a considerable part of the space between the fences has, at some points, until very recently, been grown up with bushes five to eight feet high, and that the travel has been mainly confined for a considerable distance to a single track. The defendant has been in office upward of one year.—You will say whether he has performed his duty in respect to this road. If he has not, he should be convicted. It has been asserted on the trial that this road is in no worse condition than other roads, elsewhere in the country. If this be true, it furnishes no excuse for the defendant, though it may furnish a reason why other supervisors should also be brought to trial and punished. You will new take the case and say whether the defendant is guilty or not."

The jury rendered a verdict of guilty, and a fine was imposed.

"I'D RATHER CARRY IT."—Going from market the other day, we observed a very small boy who gave no special indication, by dress or face, of other than ordinary sensations or training in life, carrying a basket that was so heavy as nearly to bear him down beneath it. We observed, "Well, my boy, you have a heavy load."—"Yes," said he, "but I'd rather carry it than that mother should." The remark was one of a nature we love to hear; but we do not know that we should have thought enough of it to have chronicled it, had we not seen across the street a highly accomplished young lady playing the piano, while her mother was washing the windows. We have no reason for forestalling the reflections and comparisons of our readers on the facts.

☞ "William," said one Quaker to another, "thee knows I never call any body names; but, William, if the mayor of the city were to come to me and say, 'Joshua, I want thee to find me the biggest liar in Philadelphia,' I would come to thee and put my hand on thy shoulder, and say to thee, 'William, the mayor wants to see thee.'"

☞ Do not wait for a change of outward circumstances, but take your outward circumstances as they are, and make the best of them.

☞ Many men and women have had occasion to know that two do not necessarily make a pair.

A Michigan farmer husked 100 bushels of corn in eight hours and won $25 premium.