

C H A P.
LIV.

vellers, or shall not lop and cut off all limbs or branches of trees hanging or projecting over the said roads, within fifteen feet above the surface thereof, or shall in any other manner fail or neglect to perform the duties of an overseer of the said roads, according to the directions of this act, every such overseer, so failing or neglecting, shall forfeit and pay the sum of five dollars for every offence, except in the time of wheat harvest.

They may dig
and remove
stones, &c.

VII. AND BE IT ENACTED, That it shall and may be lawful for the several and respective overseers of the said roads, and they are hereby authorised and empowered, as often as need shall require, to dig, take and remove, any stones, gravel, or earth of firm quality, which may be found on any land adjoining the roads for which the same may be necessary, and to employ the same in the repairing of the said roads; and for the making or repairing of bridges over the heads of rivers, creeks, branches, swamps, or other low and miry places, through and over which the said roads may pass, to cut down, or cause to be cut down, any tree or trees growing on any of the next adjacent lands to such places where bridges may be necessary as aforesaid, and the same trees to maul and carry away from off such lands, and to apply the same to the making or repairing of the said bridges; provided, that it shall be the duty of each and every overseer aforesaid to render a true account, (certified under their hands and seals respectively,) of all and singular such tree or trees by them cut down and taken for the purpose aforesaid, with a description of the size and quality of such tree or trees, together with their estimation of the value thereof, to the owner, tenant or overseer, of the lands from whence the same shall have been taken, and to return a duplicate of such account, on oath, to the next levy court of the county, in order that the justices of said court may be enabled to estimate the real value thereof, to be allowed or paid to such owner or owners in such manner as said justices shall appoint and direct.

Call on all free
male inhabi-
tants, &c.

VIII. AND BE IT ENACTED, That the said overseers shall have power, and they are hereby authorised and required, to call upon all and singular the free able bodied male inhabitants of their respective limits, above the age of eighteen years and under the age of fifty years, and upon all and singular the able bodied male slaves residing therein, above the age of eighteen years and under the age of fifty years, to labour and assist in clearing, amending, improving and repairing, the several and respective roads aforesaid, and to require such and so many of the said persons as they shall from time to time deem necessary, to assemble at such place within their respective limits as the said overseers shall severally appoint, with sufficient implements of labour, and thereupon to proceed in the execution of such work and labour upon the said roads, for the improvement and repair thereof, as the respective overseers shall order and direct; and the said overseers shall also have power to hire and employ carts and teams for the carrying and removing all such stones, dirt, gravel and timber, as may be deemed requisite for repairing and completing the said roads and bridges, and the expence of such carts and teams shall be levied upon the county.

Take a list of
names, &c.

IX. AND BE IT ENACTED, That within one month after the receipt of their respective warrants, the several overseers aforesaid, under the directions of the said justices, shall repair to the house of every tenant or proprietor residing within the limits attached to their respective roads, and shall take down a proper list of the names of all and singular the free able bodied male inhabitants residing therein, above the age of eighteen and under the age of fifty years, and of all the able bodied male slaves above the age of eighteen years and under the age of fifty years; and the said overseers shall justly and impartially call for and require the labour of all and singular the persons aforesaid, alternately, and in such convenient numbers and classes as to place the burthen of their service equally upon all; provided nevertheless, that the labour of the said persons shall not be called forth for the purpose of this act during the season of wheat harvest, nor in such manner as to take more than half the number of labourers belonging to one family, in which there are more than one labourer, at the same time.

Summon the
class arranged,
&c.

X. AND BE IT ENACTED, That as often as the said overseers shall judge it necessary to call upon the said inhabitants for their labour in and upon the said roads, they shall summon, or cause to be summoned, the number and class which they shall have previously arranged, having had regard to the quantity and quality of work necessary to be done upon the said roads, giving each person, and the master, mistress or overseer of each servant or slave, so to be summoned, two days notice at the least of the time and place appointed for their labour, except in such extraordinary cases which may require a shorter notice, and every person so summoned shall be obliged to attend in person, or to provide a sufficient substitute; and if any person, being so summoned, shall neglect or refuse to attend, or to provide a sufficient substitute, he shall forfeit and pay the sum of seventy-five cents for every offence; and if any person shall attend, and not perform the reasonable