

ditches, and direct a supervisor or supervisors to clear and improve the same, in the same manner, and on the same terms, as other roads, and upon completing the same, it shall be deemed a public road, and be kept in repair as all other public roads in said county are by this law directed; provided, that notice be set up in writing, by advertisement, at least three weeks, in the most public places in such hundred or hundreds, by some one inhabitant or inhabitants thereof, (previous to their offering a petition or petitioners,) declaring their intention to apply to the justices of the levy court for the purposes aforesaid.

C H A P.
LVIII.

VIII. AND BE IT ENACTED, That whenever any old road shall be altered in its breadth or direction as aforesaid, the justices aforesaid may agree with the persons over whose land such road or roads may pass for the amount of damages sustained, but if no agreement be made they shall issue their warrant, directed to the sheriff of the said county, commanding him to summon and return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties, to be and appear before one of the said justices on the premises, at a certain day in the said warrant to be expressed, which jury, on their oath or affirmation, shall inquire who is or are the owner or owners of the land over which any road or roads so widened or laid out shall pass, and what damages such owner or owners will actually suffer from the passage of such road or roads over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising thereby or therefrom, by the improvement of said road, and the sheriff shall return the inquisition of the jury aforesaid, under his hand and seal, to the next levy court, and the amount of damages therein expressed, if any, shall be paid by order of the said court out of the monies to be levied as aforesaid, but no road shall be made to run through any building, enclosed yard, garden, meadow or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated articles, are growing, be laid open until after the season for collecting and securing the crop growing in such field.

And agree for
damages, &c.

IX. AND BE IT ENACTED, That the warrants shall be made out for the supervisors by the clerk of the said county, and by him delivered to the sheriff of the county within fifteen days after they shall be ordered by the said court, under the penalty of fifteen dollars for each warrant so ordered and not delivered by the clerk, and the like penalty of fifteen dollars for each warrant received by the sheriff, and not delivered by him within ten days to the supervisor, to be recovered before a single magistrate, as in the case of small debts out of court, and applied towards clearing and amending the public roads.

Warrants to be
made out by
the clerk, &c.

X. AND BE IT ENACTED, That if any of the said supervisors shall not sufficiently clear and amend the said public roads within his district, within a reasonable time after it shall be out of repair, or shall not straighten the said public roads, as marked and bounded by the commissioners, or shall suffer any fallen trees, or other obstruction, to remain in or across any of the said public roads, whereby any cart or other carriage may be obstructed for two days together, he having notice thereof, or shall neglect to fall all dead trees on either side of the said public roads, whose limbs hang over, and may, by their falling, injure travellers, or lop or cut off all limbs or branches of trees hanging or projecting over the road within fifteen feet above the surface thereof, or shall suffer any of the bridges or causeways to be out of good repair, or otherwise fail to perform the duties of a supervisor, he shall forfeit and pay a sum not exceeding twelve dollars for every offence, to be recovered and applied as aforesaid.

Penalty on su-
pervisors for
neglect, &c.

XI. AND BE IT ENACTED, That any of the justices of the peace of the said county, who upon his own view, or on the information, oath or affirmation, of one or more credible witnesses, shall discover or be satisfied that any bridge, road or causeway, is out of repair from neglect of duty of the supervisor within whose limits the same shall be, except in time of wheat harvest, shall be authorized to issue his warrant, in the name of the state, against such supervisor, directed to the constable of the hundred, and returnable before himself, or some other justice of the peace for said county, who shall proceed to give judgment according to the merits of the case, and if judgment be rendered against him for any fine or forfeiture not exceeding twelve dollars, and if he shall not pay the same, the said justice of the peace may thereupon issue process of execution for the recovery thereof, and the same shall be accounted for and paid to the order of the levy court of said county, and applied as aforesaid; provided nevertheless, that nothing herein contained shall prevent any of the said supervisors offending against the provisions of this act from being presented by the grand jury for any neglect of duty, not before punished by any, one of the justices of the peace as aforesaid.

Justice may is-
sue warrant in
certain cases,
&c.