

C H A P.
LXXXI.

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 one dollar for each offence; and if any person shall attend, and not perform the reasonable labour required of him by the overseer of the road, according to his ability, he shall be adjudged a defaulter, and shall incur the same penalty as if he had neglected to attend; and in case the master, mistress or overseer, of any servant or slave, upon being notified as aforesaid, shall refuse or neglect to send such servant or slave, such master, mistress or overseer, shall forfeit and pay the sum of one dollar for every servant or slave so refused or neglected to be sent; and every overseer appointed by virtue of this act shall be authorized and empowered to inflict corporal punishment, not exceeding ten stripes, upon every servant or slave who shall, when attending, refuse to perform reasonable labour.

And keep a list
of all default-
ers, &c.

XII. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep a true and proper list of all and every person or defaulter, who, being summoned as aforesaid, shall neglect or refuse to attend at the times and places appointed as aforesaid, or if attending, shall not perform his reasonable labour, and of every master, mistress or overseer of servants and slaves, who shall incur the penalty aforesaid; and the said overseers of roads shall, once in every six months, call upon each and every of the said persons liable to a fine or fines, and demand the payment of all and singular the sums of money by them so forfeited, and on refusal or neglect to pay the same, the said overseers shall proceed to recover the same before a single magistrate, by due course of law; and the said overseers shall annually render their respective accounts of all fines and forfeitures received by them respectively in virtue of this act to the said levy court, upon oath, or affirmation, and pay the amount thereof in such manner as the said levy court shall order and appoint.

How vacancies
are to be filled.

XIII. AND BE IT ENACTED, That if any of the overseers so to be appointed shall refuse to act, remove, become disqualified, or die, it shall and may be lawful for any two of the neighbouring justices of the peace to supply every vacancy so happening, by the appointment of another person, and they shall certify every such appointment, under their hands, to the clerk of the county court, who shall record the same, and within ten days thereafter shall issue a warrant to the person so appointed, and deliver the same to the sheriff, to be served upon the party as herein before directed.

Overseer's al-
lowance.

XIV. AND BE IT ENACTED, That every overseer so to be appointed by virtue of this act shall respectively be allowed a sum, not exceeding twenty dollars by the year, for the performance of the several duties required of them by this act, which allowance shall be paid to them by the said levy court out of the fines and forfeitures imposed and levied by this act, and if found to be insufficient for this purpose at the expiration of every year, the deficiency shall be assessed and levied upon the county in the same manner as other public charges.

Justice may is-
sue his warrant,
&c.

XV. AND BE IT ENACTED, That any of the justices of the said levy court, who, upon his own view, or on the information, oath or affirmation, of one or more credible witness or witnesses, shall discover or be satisfied that any bridge, road or causeway, is out of repair, from the neglect of duty of the overseer 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 overseer, directed to the constable of the hundred, are returnable before himself, or some other justice of the levy court, who shall proceed to give judgment according to the merits of the case, and if judgment shall be rendered against him for the fine or forfeiture imposed by this act, and if he shall not pay the same, the said justice may thereupon issue process of execution for the recovery thereof, and the same shall be accounted for and paid to the order of the said levy court; provided nevertheless, that nothing herein contained shall prevent any of the said overseers offending against the provisions of this act from being presented by the grand jury for any neglect of duty not before punished by any of the justices of the said levy court as aforesaid.

And receive
fines, &c.

XVI. AND BE IT ENACTED, That the justices of the levy court respectively shall be authorized and empowered to receive any fine or fines for which they may respectively render judgment against any overseer of the road in said county, and shall account with and pay over to the said levy court annually all monies which they may have respectively received in virtue of this act, under the penalty of paying treble the amount thereof in case of failure or neglect.

XVII. AND, whereas it may be proper and necessary to vest a competent power in the levy court to turn, alter or streighten roads in the county aforesaid, where the proprietors of the lands through which the roads intended to be so turned, altered or streightened, may pass, are willing and capable

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