

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 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.

SEC. 11. *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.

In certain cases justices may issue warrant.

Provido.

SEC. 12. *And be it enacted*, That the justices of the peace respectively shall be authorized and empowered to receive any fine or fines for which they may respectively render judgment against any supervisor of the road in said county, and shall account with, and pay over to the levy court annually, all moneys 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, to be recovered in the county court in an action for money had and received, in the name of the justices of the levy court of said county, to be applied as other fines are heretofore directed by this act.

Justices to receive and account for fines.

SEC. 13. *And be it enacted*, That no supervisor shall be answerable for the fine or fines imposed, where it can be made appear that the neglect of such supervisor happened after the sum appropriated to the road or roads of which he is super-

Supervisors not answerable in certain cases.