

limits the same shall be, except in time of wheat harvest, shall issue his warrant, in the name of the state, against such overseer, and if judgment shall be rendered against him for the fine or forfeiture imposed by this act, the same shall be certified by the justice rendering the same to the clerk of the said county, who shall thereupon issue process of execution, directed to the sheriff, for the recovery thereof, and the same shall be accounted for and paid to the order of the 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 peace as aforesaid; *And provided also*, that any overseer of the road against whom judgment shall be rendered by a justice of the peace as aforesaid, may appeal to the next county court, who may hear and determine the same in a summary way, and such appeal shall be a supersedeas to the issuing execution on the judgment of such justice, until the same shall be heard and determined by the county court.

15. **AND**, whereas it may be proper and necessary to vest a competent power in the justices of the levy court to turn, alter, straighten or lay out, roads in the counties aforesaid, where the proprietors of the lands through which the roads may be intended to be so turned, altered, straightened or laid out, may pass, are willing and capable of consenting to applications of this nature; therefore, **BE IT ENACTED**, that upon the application in writing from all the proprietors of the lands through which any public road may pass, or be prayed to pass, petitioning for the turning, altering, straightening or laying out, a public road, notice thereof being given by advertisement, set up, one at the court-house door of the county, and another at the most public place in the neighbourhood where such roads is prayed to be turned, altered, straightened or laid out, at least three weeks previous to the application aforesaid, it shall and may be lawful for the justices of the said levy court, upon being satisfied that the granting of such petition will be of public convenience, and they are hereby authorized and empowered, to direct the surveyor of the said county to lay out such road, agreeably to the prayer of such petition, or in such other manner as they shall think most expedient, and to make return of such location with all convenient speed; and after such road shall be surveyed and laid out agreeably to the intentions of this act, the said court shall direct the application for such road, and the order and proceedings thereupon, and the return of the surveyor, to be enrolled among their records, and thereupon and thereafter such road shall be deemed and considered to be a public road, and shall be kept up and repaired as other public roads in the said county; *Provided nevertheless*, that no old road, so to be affected by this act, shall be stopped up until the new road shall be viewed, examined and received, by two justices of the peace, to be appointed by the said court; *And provided also*, that such new road shall be laid out, made and completed, at the proper expense of the parties applying for the same; *And provided further*, that no such application shall affect the lands of infants, persons *non compos mentis*, or persons beyond the limits of this state, until the said disabilities shall be removed.