

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 authorised 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.

Proviso.

12. AND BE IT ENACTED, That the justices of the peace respectively shall be authorised 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 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, 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.

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 supervisor had been applied and expended under the direction of the court aforesaid.

Supervisors not answerable in certain cases.

14. AND BE IT ENACTED, That it shall and may be lawful for the several and respective supervisors 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 a 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 haul and carry away off such lands, and to apply the same to the making or repairing of the said bridges; *Provided always*, that before any tree or trees shall be cut down for the purposes aforesaid, notice thereof shall be given to the owner, tenant or overseer, and due compensation made, or secured to him or them by the county, according to the full value thereof, in such manner as the justices of the levy court shall direct.

They may dig and remove stones, &c.

Proviso.

15. AND BE IT ENACTED, That the said supervisors respectively shall, before they begin to straighten, amend or repair, any road,

To give notice to inhabitants before they begin to repair roads.