

of debt in the name of the said commissioners, for any dereliction of duty under this act, the amount to be recovered not to exceed in any case the sum of one hundred dollars, according to the aggravation of the case, either party having the right of appeal to the circuit court, as in other cases of small debts; and all sums so recovered shall be applied in aid of the road fund of the district where such supervisor acts, or he shall be liable for indictment in the circuit court of said county, and may be fined at the discretion of the court, and the fines imposed shall likewise be applied to the road fund of his said district.

Shall be applied

SEC. 11. *And be it enacted*, That whenever any person whose duty it shall be, under this law, to repair and keep in repair any roads, bridge or culvert, shall neglect or refuse to perform such duty for the space of ten days after he shall be notified in writing to perform the same, by the supervisor or his agent, he shall be liable to be proceeded against for such dereliction of duty, in the same manner as is above provided for in respect to supervisors, as well as on the information by the supervisor himself, whose duty it is hereby made to see that such persons shall repair and keep in repair roads, culverts and bridges.

Neglect or refuse to perform.

SEC. 12. *And be it enacted*, That if any person shall encroach upon any public road by fences or other obstructions, within fifteen feet from the centre, or shall purposely destroy or injure any bridge or culvert, or destroy or injure any guide-post or guideboards, or dig any ditch or drain across any road, and not keep such ditch or drain secure and well covered, and in good repair for the passage of all vehicles over the same to the full width of said road; or if any person shall drain any water into or upon any public road, each and every such person for every such offence, and for each any every day any such ditch or drain shall be suffered to remain out of repair and injurious to such road, shall be liable to be sued in an action of debt, before a justice of the peace in the name of said commissioners, in which said action the amount recoverable shall not be less than five nor more than fifty dollars, either party having the right of appeal to the circuit court, as in other cases of small debts; and the sums recovered in any such

Encroaching.

Liable to be sued.