

shall be assessed and levied upon the county, in the same manner as other public charges, CHAP. 96.

SEC. 13. *And be it enacted*, That any of the justices of the levy court of 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 the neglect of duty of the supervisor within whose limits the same shall be, except in time of wheat harvest, shall issue his warrant, in the name of the state, against such supervisor, 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 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 of the justices of the peace as aforesaid.

Proceedings against supervisors for neglect.

Presentments.

SEC. 14. *And 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, 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 authorised and empowered to direct the surveyor of the said county to lay out such road, agreeably to the prayer of such petition, not exceeding twenty feet in breadth, 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 order and the proceedings thereupon, and the return of the surveyor, to be enrolled among the 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 levy court, 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.

Levy court empowered to order new roads to be laid out.

Survey and record

Provisos.

SEC. 15. *And be it enacted*, That if any person or persons shall alter or change, or in any manner obstruct or encroach upon any of the said roads, or any part or parts thereof, cut down, destroy or injure any of the said bridges, causeways, boundaries, marks or directions therein or thereon, without

Penalty for injuring roads or bridges.