

in the name of the state, to be applied as other fines are directed by this act. Dec. Ses. 1816

11. *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, which may be found on any land adjoining the roads for which the same may be necessary, and to employ the same in repairing the said roads, and for the making or repairing of bridges over the heads of rivers, branches, creeks, swamps, or other low, marshy, and miry places, through or 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 adjacent lands to such place where bridges may be necessary as aforesaid, and the same trees may haul or carry away off such lands, and to apply the same to the making of the said bridges, or other necessary repairs or conveniences on the said roads; *Provided always*, that it shall not be lawful for any supervisor to enter any enclosure for the purpose of obtaining any stone, gravel, earth or timber, for the purposes aforesaid, without the consent of the owner or owners thereof, or if a minor or minors, without the consent of his, her, or their guardians, and that it shall be the duty of each supervisor to make a separate return, on oath, of the timber taken by him for the use of the said roads, and a list of the persons to whom it belonged, with his view of the value thereof, which shall be levied on the assessable property of the said county, for the use of person or persons to whom it belonged, and collected as other county charges are; and it shall be the duty of each supervisor to render to the said levy court annually, a true account of all work done on said roads, and by whom, and that the said person or persons who shall thus work or labour, shall be allowed in the levy list, or credited for the same in their county charges. Duty of supervisors.

12. *And be it enacted*, That if any person or persons shall alter, change, obstruct, or encroach upon, any of the said roads, or cut down, destroy, or purposely injure, any of the bridges or causeways, such person or persons, on being thereof convicted in the county court, shall be fined at the discretion of the said court in a sum not exceeding fifty dollars, to be applied towards defraying the county charges. Proviso.

13. *And be it enacted*, That if any person or persons shall wish to alter, change or straighten, any part of the public roads in said county, they shall petition the levy court of said county, who shall appoint not more than five nor less than three judicious men of said county, not related to the party applying for such alteration, as commissioners, who shall view the old road, and the place where the new road is proposed to run, or wished to be made, and if the said commissioners, or a majority of them, are of opinion that it would not be a disadvantage to the community at large, they, or a majority of them, concurring in opinion, shall have liberty to make, alter, and change such road, as they may think beneficial to the public; *Provided*, that the said commissioners before they proceed to perform the duties required by this act, shall take an oath, to be administered by a justice of the peace of said county, that they will faithfully and impartially Fine on persons altering roads, &c.

Levy court to alter, &c. roads.

Proviso.