

C H A P.  
XVI.

to deliver the same to the respective persons appointed overseers as aforesaid, and to take their several receipts for the same; and if any of the said overseers shall refuse to receive their respective warrants, the said sheriff shall leave the same at their place of abode, and certify the justices of the levy court thereof; and if the clerk or sheriff of the said county shall neglect or refuse to execute and perform the respective duties herein before required, within the respective periods limited as aforesaid, the said clerk or sheriff, so neglecting or refusing, shall forfeit and pay the sum of fifty dollars for each and every offence.

Penalty on overseers for refusing to serve.

IV. AND BE IT ENACTED, That each and every person so appointed overseer as aforesaid, who shall neglect or refuse to accept of his appointment, after receiving his warrant as aforesaid, shall forfeit and pay the sum of ten dollars for every refusal or neglect; provided nevertheless, that no member of the legislature, nor magistrate, nor preacher, nor teacher, nor practising attorney, nor physician, nor commissioner of the tax, shall be liable to serve as overseers of the said roads, without his or their consent; and provided also, that no person shall be compellable to act as overseer of any road more than one year in every three years, without his consent.

Overseers to keep the roads cleared, &c.

V. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep all the public roads in the said county well and sufficiently cleared and grubbed, fit for travelling, twenty feet wide at the least, and to make and keep good and substantial bridges over all the heads of rivers, creeks, branches and swamps, where the same shall be necessary, for the convenient and easy passage of travellers, with their waggons, carts, carriages, horses and cattle, and to remove all nuisances which may obstruct or annoy their passage, and well and sufficiently to causeway all and singular such places in and upon the said roads as shall require the same, at the discretion and by the direction of the said justices; and for this purpose the said justices, or some one or more of them, in their respective neighbourhoods, shall be and they are hereby authorized and required, from time to time, to superintend the making and repairing of the said roads, bridges and causeways, and to direct and advise the overseers in the execution of this act.

Penalty for neglect, &c.

VI. AND BE IT ENACTED, That if any of the said overseers shall not well and sufficiently clear, grub, amend and repair, the said several and respective roads committed to their charge, within a reasonable time after the same shall be out of repair, or shall not make and keep in repair good and substantial bridges over the heads of rivers, creeks, branches or swamps, where the same shall be necessary as aforesaid, or shall not remove all nuisances from the said roads, or shall not well and sufficiently causeway all and singular such places in and upon the said roads as shall require the same, or shall permit or suffer any fallen trees, or other obstruction, to remain in or across any of the said public roads for the space of two days after notice thereof, or shall neglect to fell, or cause to be felled and removed, all decayed or dead trees on either side of the said public roads, whose limbs or any of them hang over the same, and may by their falling injure travellers, or shall not lop and cut off all limbs or branches of trees hanging or projecting over the said roads, within fifteen feet above the surface thereof, or shall in any other manner fail or neglect to perform the duties of an overseer of the said roads, according to the directions of this act, every such overseer, so failing or neglecting, shall forfeit and pay the sum of five dollars for every offence, except in the time of wheat harvest.

They may dig and remove stones, &c.

VII. AND BE IT ENACTED, That it shall and may be lawful for the several and respective overseers of the said roads, and they are hereby authorized and empowered, as often as need shall require, to dig, take and remove, any stones, gravel, or earth of 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 from off such lands, and to apply the same to the making or repairing of the said bridges; provided always, that no enclosures shall be laid open or entered into to obtain the several materials aforesaid, or any of them, without the consent of the owner or owners thereof; and provided also, 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 and appoint.

Call on all free male inhabitants, &c.

VIII. AND BE IT ENACTED, That the said overseers shall have power, and they are hereby authorized and required, to call upon all and singular the free male inhabitants of their respective limits above the age of twenty-one years, and upon all and singular the male slaves residing therein above the age of sixteen years, to labour and assist in clearing, amending, improving and repairing, the several and respective roads aforesaid, and to require such and so many of the said persons as they shall from time to time deem necessary, to assemble at such place within their respective limits as the said overseers shall severally appoint, with sufficient implements of labour, and thereupon to proceed in the execution of such work and labour upon the said roads for the improvement and repair thereof, as the respective overseers shall order and direct; and the said overseers shall also have power to hire and employ carts and teams for the carrying and removing all such stones, dirt, gravel and timber, as may be deemed requisite for repairing and completing the said roads and bridges, and the expence of such carts and teams shall be levied upon the county.

Take a list of names, &c.

IX. AND BE IT ENACTED, That within one month after the receipt of their respective warrants, the several overseers aforesaid, under the directions of the said justices, shall repair to the house of every tenant or proprietor residing within the limits attached to their respective roads, and shall take down a proper list of the names of all and singular the free male inhabitants residing