

CHAP.
LXX.
And appoint
overseers, &c.

IV. AND BE IT ENACTED, That the said justices shall and they are hereby required, at their aforesaid meeting in March next, and at their levy court every year thereafter, to nominate, and by warrant under the hand of the clerk and seal of the county, appoint fit and proper persons to be overseers of the public roads in their county, within such divisions and districts as shall be specified and assigned in the said warrants; and such overseers, so appointed, shall continue to serve as such until a new appointment as aforesaid by the said justices at their levy courts; and in case of the death, neglect, refusal to act, or misbehaviour, of any overseer so appointed, the said justices, or any two of them, most convenient, in the recess of the said court, may nominate and appoint, under their hands and seals, by warrant, another person in his place, to serve for the residue of the time for which such overseer so dying, refusing to act, or misbehaving, was originally appointed; and the overseers nominated and appointed as aforesaid, shall clear, amend, and keep in good repair, the said public roads within their respective districts, and shall make, amend, and keep in good repair, all such bridges and causeways as are needful and requisite to be made and repaired; and to enable the said overseers effectually to perform the said duties, they are hereby empowered, from time to time, to hire and employ, at reasonable wages, a sufficient number of labourers to work on the said public roads, and to hire and employ carts, waggons, or other convenient carriages, for the purpose of carrying sand, stones, timber, or other heavy articles necessary for the streightening and amending the said roads, or making and keeping in repair the said bridges and causeways, and also to agree at reasonable rates for, and purchase, such wood and timber as may be necessary in making such bridges and causeways, from the owner or owners of the land where such wood and timber may be obtained, nearest and most convenient to the bridges or causeways so to be made or repaired, provided such wood or timber is not to be found within the width or limits of such road as is hereafter mentioned and directed to be laid out, streightened and amended; and in case the owner or owners of the said land will not agree with such overseer to make sale of the said wood or timber for a reasonable price, or shall refuse to make sale thereof, or by reason of infancy, coverture, insanity, or other disability, shall be incapable of making sale thereof, then such overseer is hereby empowered and required to cut down and carry away, or cause to be cut down and carried away, any trees or timber growing upon the said adjacent land, provided the same be not fruit trees or for ornament, nor fit for clapboards or shingles, and apply the same to the making and repairing the said bridges and causeways as aforesaid; and where the owner or owners of such land, and the overseer as aforesaid, cannot agree upon the price of such wood and timber, or the owner or owners shall refuse to make sale of the same, or may be under disability to make such sale as aforesaid, and the overseer shall cut down or carry away any trees or timber as aforesaid, the said justices shall, upon application of the owner or owners, or of any person on his or their behalf, properly authorized, adjudge to him or them such compensation for the trees or timber so cut down or carried away, as to the justices shall appear reasonable and proper, and shall draw an order for the sum so adjudged in favour of the owner or owners upon the said collector, who shall pay the same out of the money by him collected in virtue of this act.

Warrants to be
made out, &c.

V. AND BE IT ENACTED, That the said warrants shall be made out by the clerk of the said court, and by him delivered to the sheriff of the county within ten days after the said warrant shall be ordered by the said court, and shall be delivered by the said sheriff to whom the same is directed, within ten days after the said sheriff's receipt thereof, under the penalty of thirty shillings for each warrant not delivered by the clerk, and the like sum for each warrant received and not delivered as aforesaid by the said sheriff, to be recovered before a single magistrate, as in case of small debts out of court, and applied towards clearing and amending the public roads, bridges and causeways, aforesaid.

Penalty on o-
verseers for ne-
glect, &c.

VI. AND BE IT ENACTED, That if any of the said overseers shall not well and sufficiently clear and amend the said public roads within his proper districts, of not less than the breadth of two rod, nor more than three rod, within a reasonable time after the same shall be out of repair, or shall not streighten the said public roads as marked and bounded by the commissioners hereafter appointed and empowered, when directed, or shall permit or suffer any fallen tree, or other obstruction within his power to remove, to lie in or be across any of the said public roads, whereby any waggon, cart or other carriage, may be obstructed, for the space of five days together, he having notice thereof, or shall neglect to fall, or cause to be fallen, all dead trees on each side of the said public roads whose limbs hang over the said road, and may, by their falling, injure travellers, or shall suffer any of the bridges or causeways in his said district to be out of repair, or in any other manner fail in the performance of the duty of overseer of the public roads, after having accepted such office, he shall forfeit and pay the sum of thirty shillings current money for every offence, to be recovered and applied as aforesaid.

VII. AND