

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.

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.

They may dig and remove stones, &c.

VIII. AND BE IT ENACTED, That the said overseers shall have full 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.

Call on all free male inhabitants, &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 therein above the age of twenty-one years, and of all the male slaves above the age of sixteen years; and the said overseers shall justly and impartially call for and require the labour of all and singular the persons aforesaid, alternately, and in such convenient numbers and classes as to place the burthen of their service equally upon all; provided nevertheless, that the labour of the said persons shall not be called forth for the purposes of this act during the season of harvest, nor in such manner as to take more than half the number of labourers belonging to one family at the same time.

Take a list of names, &c.

X. AND BE IT ENACTED, That as often as the said overseers shall judge it necessary to call upon the said inhabitants for their labour in and upon the said roads, they shall summon, or cause to be summoned, the number and class which they shall have previously arranged, having had regard to the quantity and quality of work necessary to be done upon the said roads, giving each person, and the master, mistress or overseer of each servant or slave, so to be summoned, two days notice at the least, of the time and place appointed for their labour, except in such extraordinary cases which may require a shorter notice, and every person so summoned shall be obliged to attend in person, or to provide a sufficient substitute; and if any person, being so summoned, shall neglect or refuse to attend, or to provide a sufficient substitute, he shall forfeit and pay the sum of one dollar for every offence; and if any person shall attend, and not perform the reasonable labour required of him by the overseer of the road, according to his ability, he shall be adjudged a defaulter, and shall incur the same penalty as if he had neglected to attend; and in case the master, mistress or overseer, of any servant or slave, upon being notified as aforesaid, shall refuse or neglect to send such servant or slave, or upon sending, such servant or slave shall refuse to perform his reasonable labour as aforesaid, such master, mistress or overseer, shall forfeit and pay the sum of one dollar for every servant or slave so refused to be sent, or when sent refusing to work as aforesaid.

Summon the class arranged, &c.