

Justices, or a majority of them, may adjourn from day to day until the said roads shall be duly ascertained, and overseers appointed as aforesaid.

C H A P.  
XXXVIII

III. AND BE IT ENACTED, That the clerk of the court of said county shall attend the justices of the peace at their said meetings, and shall make fair entries and records of their proceedings in virtue of this act, and shall, within the space of ten days after the appointment of overseers as aforesaid, issue warrants to the said overseers, under his hand, and the seal of his office, notifying the said persons of their appointments respectively as overseers of the said roads, and the said clerk shall, within the time aforesaid, deliver the said warrants to the sheriff of Somerset county aforesaid, and shall take the receipt of the sheriff for the same; and the said sheriff shall be and he is hereby authorized and required, within the space of twenty days after receiving the said warrants, 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 respective places of abode, and certify the justices of the peace 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 a sum not exceeding thirty dollars for each offence.

Clerk to attend the justices, &c.

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 a sum not exceeding ten dollars; provided nevertheless, that no member of the legislature, magistrate, clergyman, schoolmaster, practicing attorney, coroner, sheriff, deputy-sheriff, constable, physician, or 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.

Penalty on overseers for refusing to serve.

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.

Overseers to keep the roads cleared, &c.

VI. PROVIDED ALWAYS, That nothing in this act shall be considered to make it the duty of overseers of the roads aforesaid to make or repair any bridge or bridges above fifteen feet in length, but they shall continue to be built and repaired in the same manner as at present.

Proviso.

VII. 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 a sum not exceeding five dollars for every offence, except in the time of wheat harvest.

Penalty for neglect, &c.

VIII. 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, 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 or causeways 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 or causeways; 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.

They may dig and remove stones, &c.

IX. AND BE IT ENACTED, That due compensation be made or secured to him or them by the county for the several materials aforesaid, according to the full value thereof, in such manner as the justices of the levy court shall direct and appoint.

Compensation to be made, &c.

X. AND BE IT ENACTED, That the said overseers shall have power, and they are hereby authorized and required, to call for all and singular the able bodied free male inhabitants of their respective limits, above the age of twenty-one years and under the age of fifty years, and upon all and singular the able bodied male servants and slaves residing therein above the age of sixteen years and under the age of fifty 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

Overseers may call on all free male inhabitants, &c.