

C H A P. LXX. the supervisor within whose limits the same shall be, except in time of wheat harvest, shall be authorized to issue his warrant, in the name of the state, against such supervisor, directed to the constable of the hundred, and returnable before himself or some other justice of the peace for said county, who shall proceed to give judgment according to the merits of the case, and if judgment be rendered against him for any fine or forfeiture not exceeding twelve dollars, and if he shall not pay the same, the said justice of the peace may thereupon issue process of execution for the recovery thereof, and the same shall be accounted for and paid to the order of the levy court of said county, and applied as aforesaid; provided nevertheless, that nothing herein contained shall prevent any of the said supervisors offending against the provisions of this act from being presented by the grand jury for any neglect of duty not before punished by any one of the justices of the peace as aforesaid.

Justices to receive fines, &c. **XII. AND BE IT ENACTED,** That the justices of the peace respectively shall be authorized and empowered to receive any fine or fines for which they may respectively render judgment against any supervisor of the road in said county, and shall account with, and pay over to the levy court annually, all monies which they may have respectively received in virtue of this act, under the penalty of paying treble the amount thereof in case of failure or neglect, to be recovered in the county court, in an action for money had and received, in the name of the justices of the levy court of said county, to be applied as other fines are heretofore directed by this act.

Supervisors not answerable, &c. **XIII. AND BE IT ENACTED,** That no supervisor shall be answerable for the fine or fines imposed, where it can be made appear that the neglect of such supervisor happened after the sum appropriated to the road or roads of which he is supervisor had been applied and expended under the direction of the court aforesaid.

They may remove stones, &c. **XIV. 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 authorized and empowered, as often as need shall require, to dig, take and remove, any stones, gravel, or earth of a 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 off such lands, and to apply the same to the making or repairing of the said bridges; provided always, that no enclosure 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 whereof 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.

Notice to be given, &c. **XV. AND BE IT ENACTED,** That the said supervisors respectively, shall, before they begin to straighten, amend or repair, any road, or to make or repair any bridge or causeway, give notice, by advertisement at the most convenient public places in such district, that the inhabitants may have an opportunity of hiring labourers, or labour themselves in and upon the said roads, bridges or causeways; and each supervisor shall be allowed such sum and expence as shall be deemed reasonable by the justices of the levy court.

Justices to call on collector, &c. **XVI. AND BE IT ENACTED,** That the justices of the levy court shall call upon the collector for all monies levied and assessed for the use of the said roads, as soon as payable by law, and in case of neglect or refusal, they shall, within two months thereafter, issue an execution against the said collector, out of the county court, for the money so due, and shall have all the legal benefits and privileges usually attending executions issued in behalf of the state of Maryland; and the said justices shall also liquidate and settle the accounts of all supervisors within the said county annually, at their levy court, and keep a fair record of all their proceedings relative to the public roads.

Penalty on altering, &c. any road, &c. **XVII. 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 injure, any of the bridges, causeways, boundaries, marks or directions, therein or thereon, such person, on being thereof convicted in the county court, shall be fined, at the discretion of the court, not exceeding fifty dollars, and all fines imposed in such cases shall be appropriated to repairing such damages, and improving the roads in the county aforesaid, and be paid to and accounted for by the supervisor of the district.