

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, such master, mistress or overseer, shall forfeit and pay the sum of seventy-five cents for every servant or slave so refused to be sent.

C H A P.
LIV.

XI. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep a true and proper list of all and every person or defaulter, who, being summoned as aforesaid, shall neglect or refuse to attend at the times and places appointed as aforesaid, or if attending, shall not perform his reasonable labour, and of every master, mistress or overseer of servants and slaves, who shall incur the penalty aforesaid; and the said overseers of roads shall, once in every three months, call upon each and every of the said persons, and demand the payment of all and singular the sums of money by them, or any of them, so forfeited, and on refusal or neglect to pay the same, the said overseers shall proceed to recover the same before a single magistrate, by due course of law; and the said overseers shall, every six months, render their accounts of all fines and forfeitures received by them in virtue of this act to the justices of the levy court, upon oath, or affirmation, and pay the amount thereof in such manner as the said justices shall order and appoint.

And keep a list
of all default-
ers, &c.

XII. AND BE IT ENACTED, That if any of the overseers to be appointed shall refuse to act; remove, become disqualified or die, it shall and may be lawful for any two of the neighbouring justices of the peace to supply every vacancy so happening, by the appointment of another person, and they shall certify every such appointment, under their hands, to the clerk of the county, who shall record the same, and within five days thereafter shall issue a warrant to the person so appointed, and deliver the same to the sheriff, to be served upon the party as herein before directed.

How vacancies
are to be filled.

XIII. AND BE IT ENACTED, That every overseer so to be appointed by virtue of this act, shall respectively be allowed a sum, not exceeding eight dollars by the year, for summoning, directing and superintending, the labourers employed upon the said roads, which allowance shall be paid to them by the justices of the levy court out of the fines and forfeitures imposed and levied by this act, and if found to be insufficient for this purpose at the expiration of every year, the deficiency shall be assessed and levied upon the county in the same manner as other public charges.

Overseer's al-
lowance, &c.

XIV. AND BE IT ENACTED, That any of the justices of the peace of the said counties, who, upon his own view, or on the information, oath or affirmation, of one or more credible witnesses, shall discover or be satisfied that any bridge, road or causeway, is out of repair, from the neglect of duty of the overseer within whose limits the same shall be, except in time of wheat harvest, shall issue his warrant, in the name of the state, against such overseer, and if judgment shall be rendered against him for the fine or forfeiture imposed by this act, the same shall be certified by the justice rendering the same to the clerk of the said county, who shall thereupon issue process of execution, directed to the sheriff, for the recovery thereof, and the same shall be accounted for and paid to the order of the levy court; provided nevertheless, that nothing herein contained shall prevent any of the said overseers offending against the provisions of this act from being presented by the grand jury for any neglect of duty not before punished by any of the justices of the peace as aforesaid; and provided also, that any overseer of the road against whom judgment shall be rendered by a justice of the peace as aforesaid, may appeal to the next county court, who may hear and determine the same in a summary way, and such appeal shall be a supersedeas to the issuing execution on the judgment of such justice, until the same shall be heard and determined by the county court.

Justice may is-
sue warrant in
certain cases,
&c.

XV. AND, whereas it may be proper and necessary to vest a competent power in the justices of the levy court to turn, alter, streighten or lay out, roads in the counties aforesaid, where the proprietors of the lands through which the roads may be intended to be so turned, altered, streightened or laid out, may pass, are willing and capable of consenting to applications of this nature; therefore, BE IT ENACTED, That upon the application in writing from all the proprietors of the lands through which any public road may pass, or be prayed to pass, petitioning for the turning, altering, streightening or laying out, a public road, notice thereof being given by advertisement, set up, one at the court-house door of the county, and another at the most public place in the neighbourhood where such roads is prayed to be turned, altered, streightened or laid out, at least three weeks previous to the application aforesaid, it shall and may be lawful for the justices of the said levy court, upon being satisfied that the granting of such petition will be of public convenience, and they are hereby authorised and empowered, to direct the surveyor of the said coun-
ty.

Road may be
turned, &c.