

CHAP. 96. ed and required, from time to time, to superintend the making and repairing of the said roads, bridges and causeways, and to direct and advise the supervisors thereof in the execution of this act.

Penalty for neglect of supervisors duty.

Sec. 5. *And be it enacted*, That if any of the said supervisors shall not well and sufficiently clear, grub, mend 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 and ditches 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, agreeably to the provisions of this act, 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 obstructions, 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 hanging 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 a supervisor of the said roads, according to the directions of this act, every such supervisor, so failing or neglecting, shall forfeit and pay the sum of five dollars for every offence, except committed in the time of wheat harvest.

Exception.

Powers granted to supervisors to use materials, &c.

Sec. 6. *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 authorised and empowered, 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 making or repairing of bridges over the heads of rivers, creeks, ditches, 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 maul 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, 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 a memorandum of the same signed by the supervisor, shall be delivered at the time to the owner, tenant, or overseer, and due compensation made or secured to him or them

Provided.

Further provide