

C H A P.  
LXX.

of the land over which any road or roads so widened or laid out shall pass, and what damages such owner or owners will actually suffer from the passage of such road or roads over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising thereby or therefrom, by the improvement of said road, and the sheriff shall return the inquisition of the jury aforesaid, under his hand and seal, to the next levy court, and the amount of damages therein expressed, if any, shall be paid by order of the said court out of the monies to be levied as aforesaid, but no road shall be made to run through any building, enclosed yard, garden, meadow or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated articles are growing, be laid open until after the season for collecting and securing the crop growing in such field.

Warrants to be  
made but, &c.

IX. AND BE IT ENACTED, That the warrants shall be made out for the supervisors by the clerk of the said county, and by him delivered to the sheriff of the county within ten days after they shall be ordered by the said court, under the penalty of fifteen dollars for each warrant so ordered and not delivered by the clerk, and the like penalty of fifteen dollars for each warrant received by the sheriff, and not delivered by him within ten days to the supervisor, to be recovered before a single magistrate, as in the case of small debts out of court, and applied towards clearing and amending the public roads.

Penalty on su-  
pervisors for  
neglect, &c.

X. AND BE IT ENACTED, That if any of the said supervisors shall not sufficiently clear and amend the said public roads within his district, within a reasonable time after it shall be out of repair, or shall not streighten the said public roads, as marked and bounded by the commissioners, or shall suffer any fallen trees, or other obstruction, to remain in or across any of the said public roads, whereby any waggon, cart or other carriage, may be obstructed for two days together, he having notice thereof, or shall neglect to fall all dead trees on either side of the said public roads, whose limbs hang over, and may by their falling injure travellers, or lop or cut off all limbs or branches of trees hanging or projecting over the road, within fifteen feet above the surface thereof, or shall suffer any of the bridges or causeways to be out of good repair, or otherwise fail to perform the duties of a supervisor, he shall forfeit and pay a sum not exceeding fifteen dollars for every such offence, to be recovered and applied as aforesaid.

Justice may if-  
fine his war-  
rant, &c.

XI. AND BE IT ENACTED, That any of the justices of the peace of the said county, 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 neglect of duty of 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 re-  
ceive 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 re-  
move 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