

dung or manure in any highway (excepting only with respect to such waggon, cart or carriage, during such reasonable time, as the same shall be loading or unloading, and standing as near the side of such highway as conveniently may be) so as to intercept or hinder the free passage of any other carriage of his majesty's subjects, or shall pull down or destroy any fences that shall be put up, by virtue of this act, he shall forfeit and pay for every such offence the sum of five shillings.

XVII. *And be it further enacted*, That after the passing of this act, it shall and may be lawful for any owner or occupier of lands adjoining to his majesty's highway or road, to girdle or cause to be girdled, any tree standing upon such lands within the distance of thirty yards, from the side of the said road, and that from and after the first day of September, that will be in the year one thousand seven hundred and ninety-four, if any girdled tree or dead tree shall be found standing within thirty yards of the said road, it shall and may be lawful for any person taking with him a credible witness to give a verbal or written notice to the owner or occupier of the said lands to cut down or remove such girdled or dead tree or trees, and in case any owner or occupier of the said lands shall neglect or refuse to cut down or remove any such tree by the space of thirty days after such notice as aforesaid, he shall forfeit and pay the sum of ten shillings, for every day that the said tree shall be suffered to remain uncut or unremoved after the expiration of such period as aforesaid, which penalty shall be levied and applied in manner and for the purposes herein after mentioned; and also that from and after the first day of September, if any tree shall be cut down or fall out of any inclosed land into or across any of the public highways, that the owner or occupier of such inclosure, shall within the space of twenty-four hours after the same shall be so fallen, remove the same, and if after such notice thereof given to such owner or occupier as aforesaid, he shall neglect to remove such tree out of the said road by the space of twenty-four hours, he shall forfeit and pay the sum of ten shillings, for every day that the said tree shall be unremoved after receiving such notice as aforesaid.

XVIII. *And be it further enacted by the authority aforesaid*, That the penalties severally inflicted by virtue of this act, and all other fines and forfeitures accruing by virtue thereof shall be levied and recovered by warrant under the hand and seal of some justice of the peace, acting within the division, where such refusal or neglect shall have been made or offence committed, which warrant such justice is hereby empowered and required to grant, upon conviction of the offender by confession, or upon oath of one credible witness, of any offence committed against any one of the enactments or provisions herein contained, and in default of payment of such fines and forfeitures, to levy the same by distress and sale of the goods and chattels of the person so offending; and that the produce of all compositions, penalties, fines and forfeitures, shall be applied towards the making or repairing of the public roads and bridges, within the parish, or township where the same shall arise, and if any person shall refuse to pay the sum or sums payable by virtue of this act, for neglecting or refusing to obey the notice or summons of the overseer, the same being duly served within ten days after demand thereof made, such sum shall and may be levied by the overseer, constable or any person authorized by warrant under the hand and seal of one justice of the peace acting within the said division, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the over plus to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted, and in default of such distress, it shall and may be lawful for any such justice to commit the person so refusing to the common gaol, for any time not exceeding one month, unless the penalty, forfeiture, costs and charges, shall respectively be sooner by him paid.

XIX. *And in order to prevent as much as possible any inconvenience to persons liable to work upon the roads*, Be it further enacted by the authority aforesaid, that it shall and may be lawful for the said justices in the said parishes, townships or places, respectively, to appoint two pe-

No tree standing within 30 yards of the road to be henceforth girdled; & to be cut down if so, after the 1st of Sept. 1794, on notice.

Penalty for non compliance.

Trees falling across the road to be removed within 24 hours

Penalty.

Process for recovering penalties,

the same in default of payment to be levied by distress application thereof.

Penalty for refusing the overseer summons

to be levied by distress, and in default thereof the party to be imprisoned.

Periods of the year within which the duty on the roads