

keep such ditch or drain secure and well covered and in good repair for the passage of all vehicles over the same, to the full width of said road; or if any person shall drain any water into or upon any public road, each and every such person, for every such offence, and for each and every day any such ditch or drain shall be suffered to remain out of repair and injurious to such road, shall be liable to be sued in an action of debt, before a justice of the peace in the name of said commissioners, in which said action the amount recoverable shall not be less than five nor more than fifty dollars; either party having the right of appeal to the circuit court, as in other cases of small debts, and the sums recovered in any such action to be applied in the same manner as hereinbefore provided.

Penalty.

Approved and in force March 31, 1870.

1870, c. 259 confirms and approves 1868, c. 353. [Sup. 1868, p. 341, secs. 47 and 48.]

1870, c. 289 enacts: That the county commissioners of Howard county shall not be authorized to issue any bonds or credit of the county, or subscribe to any turnpike company as authorized by the act of eighteen hundred and sixty-eight, chapter three hundred and fifty-three, until the president of the board of stockholders of said company shall first have filed a statement under oath, in the office of the said commissioners, that the total amount of three-fifths subscribed for by private stockholders, as provided by the act of eighteen hundred and sixty-eight, chapter three hundred and fifty-three, has been fully and entirely paid up, and also a resolution of the said board of stockholders, stating their belief that the estimate made by the engineer, or persons employed to calculate the cost of the road, will be sufficient to complete the entire road according to the terms of the charter.

Approved and in force April 4, 1870.

SAINT JAMES AND ELLICOTT'S CITY TURNPIKE COMPANY.

By section 13 of the act of 1870, c. 161, (the charter of the Saint James and Ellicott's city turnpike company,) the county commissioners of Howard and Montgomery counties are authorized, in their discretion, to subscribe to the capital stock of said turnpike company; *provided*, that the amount subscribed by either county shall not exceed the sum of ten thousand dollars; *provided*, that this section shall be subject to the provisions of Article III, section 54 of the constitution.