

1799.

NOVEMBER.

LAW S OF MARYLAND.

C H A P. LXXX.

and proper person in his place, who shall have and execute all the authorities and powers vested in the said William Marbury by this act, such person first giving security and taking the oath aforesaid.

C H A P. LXXXI.

Passed 3d of Jan. 1800.

An ACT relating to the public roads in Kent county. Lib. JG.

No. 3. fol. 339.

Preamble.

WHEREAS the present laws relative to the public roads of Kent county are complex, and in part inadequate to the purposes for which they were intended; and as it is necessary that the law should be rendered plain, therefore,

Levy court to meet, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That the levy court of the county aforesaid be and are hereby authorized and required to meet on the first Monday of June next, and on the same day in every year thereafter, at the court-house in the said county, and when so met, the said levy court shall be and are hereby authorized and required to describe, ascertain, and distinctly record in a well bound book to be provided for that purpose, the several and respective public roads in the said county, and to nominate and appoint capable and proper persons as overseers of the several and respective public roads aforesaid, according to the number and divisions of the said roads, as the same shall be ascertained upon their records; provided nevertheless, that the said roads shall be so apportioned, divided and described, as not to require a greater number of overseers than five in any one hundred of the said county; and that the said levy court may adjourn from day to day until the said roads shall be duly ascertained, and overseers appointed as aforesaid.

Clerk to attend, &c.

III. AND BE IT ENACTED, That the clerk of the county court of said county shall attend the said levy court at the meetings aforesaid, and shall make fair entries and records of the proceedings in virtue of this act, and shall, within the space of ten days after the appointment of overseers as aforesaid, issue warrants to the said overseers, under his hand, and the seal of his office, notifying the said persons of their appointments respectively, as overseers of the said roads; and the said clerk shall, within the time aforesaid, deliver the said warrants to the sheriff of the said county, and shall take the receipt of the sheriff for the same; and the said sheriff shall be and he is hereby authorized and required, within the space of twenty days after receiving the said warrants, to deliver the same to the respective persons appointed overseers as aforesaid, and to take their several receipts for the same; and if any of the said overseers shall refuse to receive their respective warrants, the said sheriff shall leave the same at their respective places of abode, and certify to the said levy court thereof; and if the clerk or sheriff of the said county shall neglect or refuse to execute and perform the respective duties herein before required, within the respective periods limited as aforesaid, the said clerk or sheriff, so neglecting or refusing, shall forfeit and pay a sum not exceeding thirty dollars for each offence.

Penalty on overseers for refusing to serve.

IV. AND BE IT ENACTED, That each and every person, so appointed overseer as aforesaid, who shall neglect or refuse to accept of his appointment, after receiving his warrant as aforesaid, shall forfeit and pay a sum not exceeding ten dollars; provided nevertheless, that no member of the legislature, magistrate, clergyman, schoolmaster, practising attorney, coroner, sheriff, deputy-sheriff, constable, physician, or commissioner of the tax, shall be liable to serve as overseers of the said roads, without his or their consent; and provided also, that no person shall be compellable to act as overseer of any road more than one year in every three years, without his consent.

Overseers to keep the roads cleared, &c.

V. AND BE IT ENACTED, That it shall be the duty of the said overseers to keep all the public roads in the said county well and sufficiently cleared and grubbed, fit for travelling, twenty feet wide at the least, and to make and keep good and substantial bridges over all the heads of rivers, creeks, branches and swamps, where the same shall be necessary, for the convenient and easy passage of travellers, with their waggons, carts, carriages, horses and cattle, and to remove all nuisances which may obstruct or annoy their passage, and well and sufficiently causeway all and singular such places in and upon the said roads as shall require the same; provided always, that nothing in this act shall be considered to make it the duty of overseers of the roads aforesaid to make or repair any bridge or bridges above fifteen feet in length, but they shall continue to be built and repaired in the same manner as at present.

Penalty for neglect, &c.

VI. AND BE IT ENACTED, That if any of the said overseers shall not well and sufficiently clear, grub, amend 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