

An ACT respecting the roads of Somerset and Worcester counties.

Passed December 31.

BE it enacted, by the General Assembly of Maryland, That the act, entitled, An act to streighten and amend the public roads, passed at the session of assembly seventeen hundred and ninety-four, held at the city of Annapolis on the first Monday of November, and the several supplementary acts thereto, so far as the same relates to Somerset county, be and the same are hereby repealed; and hereafter the act of assembly, entitled, An act for making of highways, and making the heads of rivers, creeks, branches and swamps, passable for horse and foot, passed at the session of assembly held at the city of Annapolis on the first day of September, seventeen hundred and four, with the several supplementary acts thereto, and the several clauses and provisions thereof, be and the same are hereby extended to the county of Somerset, to all intents and purposes, any law, statute or custom, to the contrary notwithstanding.

Acts repealed, &c.

II. **And be it enacted,** That every overseer in Somerset and Worcester counties respectively shall be allowed, by their levy court, a sum not exceeding ten dollars *per annum* for superintending the hands employed on the said roads, which sum shall be paid out of the fines hereby imposed; and it shall be the duty of the overseers respectively to keep a list of all absent persons who are by this law obliged to work on the public roads, and once in six months to call on them for the payment of the sums by them, or any of them, forfeited, and on refusal or neglect to pay the same on demand, the said overseers shall respectively proceed to recover the same by due course of law; which sum or sums so recovered, after defraying the cost of recovering the same, and the allowance of the overseer or overseers, shall be annually accounted for with the justices of the levy court once in every year by the said overseer or overseers, upon oath or affirmation, as the case may be.

Overseers allowance, &c.

III. **And be it enacted,** That the levy courts of Somerset and Worcester counties respectively, at their next meeting, and annually thereafter, in the manner heretofore provided, shall appoint over the public roads of said county a number of overseers, not exceeding five in any one hundred, and they shall ascertain and list the persons or hands which shall be liable to be called out by the said overseers respectively on the roads aforesaid.

Courts to appoint overseers, &c.

IV. **And be it enacted,** That every overseer of a road in Somerset or Worcester counties who shall fail to do his duty as prescribed by law, shall forfeit four dollars for every offence.

Penalty for neglect, &c.

V. **And be it enacted,** That any justice of the peace of the county where the overseer resides, who, upon his own view, or information on oath, shall discover or be satisfied that any road, bridge or causeway, is out of repair from the neglect of duty in the overseer, shall issue his warrant, in the name of the state, against the said overseer, and if no reasonable excuse be made for such default, may give judgment for the aforesaid penalty and costs, and shall immediately certify the same to the clerk of the county court, who shall thereupon issue an execution, directed to the sheriff, who shall proceed to levy and collect the same, and account for and pay the same to the order of the next levy court; and all such penalties shall go to the use of the county, towards lessening the levy thereof; provided nevertheless, that nothing herein contained shall prevent any offender from being presented by a grand jury for any offence not punished by any justice of the peace aforesaid under this act.

Justice to issue his warrant, &c.

VI. **And,** whereas frequent applications are made to the general assembly for acts authorising the laying out of new roads in the counties aforesaid, where the proprietors of the land through which the said roads prayed for and intended to pass are willing that the same should be granted: And whereas by vesting a power in the levy courts of the said counties to determine on the propriety of such