

**Quorum.** school fund of said county, for their respective districts, any three of whom shall constitute a board, competent to the transaction of all the business and the exercise or performance of all the powers and duties devolved upon said district commissioners, by this act; and that in the event of any vacancy therein, occurring in any of said boards of district commissioners, by the death, resignation or removal from the district, or refusal to act, of any of said commissioners, or by their removal from office as herein after authorized, it shall be the duty of the justices of the orphans court of Caroline county for the time being, to appoint immediately, if then in session, or if not, then at their next regular or adjourned session thereafter, some suitable person or persons, as the case may be, to fill such vacancy.

**Present commissioners to report.**

**SEC. 2.** *And be it further enacted,* That it shall be the duty of the present commissioners of the free or charity school fund, for the several districts of Caroline county, to report to the orphans court of said county, at or before its next June session, the amount of said fund, if any remaining unexpended in their hands, and to pay over the same to said justices for the use of the respective districts of said commissioners; and that if said board of commissioners, or any of them fail or refuse to account with said court at or before said session, for the amount of the said fund heretofore placed in their hands, or to pay over what may remain unexpended in their hands, the said justice may sue for and recover by action of debt in the name of the state, in the county court or before any justice of the peace and for the use of the district for which such commissioners were appointed, against such delinquent commissioners, any balance of said funds which may remain in their hands unexpended, in which action the same proceedings may be had as in actions for the recovery of small debts before a single justice of the peace or the county court, as the case may be.

**Pay over.**

**Ascertain what has been paid.**

**SEC. 3.** *And be it further enacted,* That at the next June session, of the orphans court of Caroline county, or as soon thereafter as practicable, it shall be the duty of the justices of said court, to ascertain and determine what amount of the said free school fund, for Caroline county, which was received in any year preceding the year eighteen hundred and thirty-four, remains unappropriated and uninvested, and also in what proportions the same is due to the several districts of said county, under the distribution of said fund, as directed by the eighth section of the act of eighteen hundred and twenty-one, chapter one hundred and thirty-nine; and if the said fund remains in their hands, the said justices are hereby authorized and directed to place the amount due to the several districts, subject to the order of their respective commissioners under this act; and if

**Place the funds.**