

the said fund is not under the immediate control of the said justices, but has been lent to or placed in the hands of any one of the justices or of any other person, the said justices are hereby authorized and required to call in the same immediately, and place it to the credit of the said commissioners as above directed, and if necessary for that purpose, to sue for and recover the same with interest as herein after allowed, in the name of the state, by action of debt, in Caroline county court; and if said fund or any part of it has been retained by any judge of said court, when any proportion of it was actually wanted by any of said districts to which it was due, such judge shall pay interest thereupon, from the time when he was apprised that it was so wanted, and neglected or refused to pay it over.

Call in.

Sue for.

Recover interest.

SEC. 4. *And be it further enacted,* That it shall be the duty of the several boards of district commissioners appointed under this act, at their first meeting after their appointment, or as soon thereafter as may be practicable, to ascertain and determine the amount of unsettled claims, if any such exist upon the said free school fund at any time before their appointment, and which are properly chargeable upon said fund, and to give orders for the payment of the same, out of any surplus funds belonging to said district which may remain unexpended in the hands of the orphans court, or of any judge thereof, which order shall be directed to the justices of said court, and shall be paid by them out of said funds; and that if after paying all unsettled claims, there shall remain in the hands of the orphans court or of any judge thereof, a surplus of the funds due to any district for any year prior to the year eighteen hundred and thirty-four, the commissioners of said district may in their discretion appropriate such portion thereof as they may deem proper, to the repairs of the school-houses in their respective districts.

Ascertain claims.

Order payment.

Case of surplus.

Applied.

SEC. 5. *And be it further enacted,* That at the next June session of the orphans court of Caroline county, and annually thereafter at the June session, of said court, it shall be the duty of the justices of said court, for the time being, to divide in equal proportions amongst the several election districts of said county, all the dividends or interest on the investments of the free school fund of said county heretofore made, which have accrued, and all moneys received by said court, from the treasurer of the western shore, for and on account of said fund, and to place the proportion of said fund, so allotted to each district, subject to the order of the board of commissioners for said district; and that it shall be the duty of said court immediately after such division has been made, to give notice in writing to the several boards of district commissioners, of the amount so placed to their credit, for their respective districts.

Annual division of funds.

Notice.