

his county, be fined in each case not less than five or Penalty.  
 more than twenty-five dollars in the discretion of the  
 court; *provided*, that the road supervisors in those Proviso.  
 counties where the county commissioners make the  
 appropriation and levy for roads in advance of the  
 expenditure by the supervisors shall not be required  
 or authorized to expend in the repair of roads with-  
 in their respective districts, a larger sum per mile  
 than shall have been levied by the county commis-  
 sioners for that purpose.

In force from March 7, 1862. See 1867, cs. 290 and 289, relating to public roads,  
 under Public General Laws, Art. XXVIII, County Commissioners.

---

## ARTICLE XCI.

### *Sureties.*

5. How and when clerks or registers required to give counter security · penalty for non-com-  
 pliance fees of office attachable.

1867, c. 284 adds the following section to this article :

SEC. 5. Whenever the surety of any clerk or reg-  
 ister of wills of any county or the city of Baltimore  
 shall, by petition under oath, certify to the judge of  
 the circuit court of such county or city that he be-  
 lieves himself to be in danger of suffering from his  
 securityship, from the defalcation of such clerk or  
 register or from other malfeasance in office, the judge  
 of such court shall forthwith pass an order requiring  
 a copy of the said petition to be served on such clerk  
 or register within five days, and shall within ten  
 days thereafter take up the case, and if he shall be  
 satisfied, from the evidence of the truth of the mat-  
 ters alleged, he shall pass an order requiring such  
 clerk or register within a specified time to give  
 counter security, to be approved in the same man-  
 1867, c. 284.  
 How and when  
 clerks or regis-  
 ters required to  
 give counter  
 security.