

shall drain any water into or upon any public road, each and every such person, for every such offence, and for each and every day any such ditch or drain shall be suffered to remain out of repair and injurious to such road, shall be liable to be sued in an action of debt before a justice of the peace, in the name of said commissioners, in which said action the amount recoverable shall not be less than five nor more than Penalty. fifty dollars, either party having the right of appeal to the circuit court, as in other cases of small debts, and the sums recovered in any such action to be applied in the same manner as hereinbefore provided.

Approved and in force April 4, 1870.

UPPER MARLBOROUGH.

1870, c. 363 incorporates the town of Upper Marlborough as follows :

227. The citizens of the town of Upper Marlborough, in Prince George's county, are hereby created a body corporate by the name of the "Commissioners of Upper Marlborough," and by that name may have perpetual succession, may sue and be sued, and may have and use a common seal. 1870, c. 363, s. 1. Incorporated.

228. The citizens of Upper Marlborough shall, on the first Thursday in April next, and every three years thereafter, on the same day, elect three commissioners to serve for three years from the date of their election and until their successors are elected and qualified, who shall have the management of the town and shall have full power to pass and enact all such laws and ordinances as they may deem wise, equitable and expedient for the comfort, health, convenience and prosperity of said town and its inhabitants; to impose and appropriate fines, penalties and forfeitures for the breach of any of their by-laws or ordinances, to lay and levy Ibid s. 2. Election of commissioners. Tax. taxes upon all kinds of property, for the purpose of carrying into effect the powers herein conferred; Powers of commissioners. Proviso. *provided*, that the said taxes shall not exceed fifty cents on every one hundred dollars' worth of taxable property