

Proviso.

Sheriff.

Power to open,
&c., streets, &c.

Tax to pay ex-
penses.

and costs be paid; but such person so convicted and imprisoned may be discharged after the space of ten days from the date of his commitment, upon satisfactory proof adduced before said justice or burgess, upon affidavit or oral testimony under oath that said person is wholly unable to pay said fine, penalty, forfeiture and cost; *provided*, said fine, penalty, forfeiture and costs do not exceed five dollars, in which case said person so convicted and committed shall not be discharged until after the expiration of thirty days from the time of his commitment. And the sheriff of said county shall receive and safe keep such person according to the tenor of the commitment, and shall be entitled to his usual fees, to be paid by said corporation, if such person so committed is unable to pay said fine, penalty, forfeiture and costs.

Sub-Sec. 1. The burgess and commissioners of said town shall have power to pass all necessary ordinances to open, grade, macadamize, pave, gravel or otherwise improve any street, lane or alley, in said town, or open and improve any proposed street, lane or alley, and construct water-ways, sewers, &c., through any portion of said corporate limits whenever a majority of the property holders on such street, lane or alley, or along such water-course shall certify their desire in writing to have such improvement made to the burgess and commissioners; and the said burgess and commissioners may levy an *ad valorem* tax, either generally on the whole property assessable of said town, or specially on the property of persons to be benefitted, for the whole or any part of the damages and expenses incurred in making said improvement, and said tax shall be collected by the town collector in the same manner and by the same means as other town taxes.

Approved and in force April 4, 1870.

1870, c. 278 adds the following:

1870, c. 278, s. 1.
Power to intro-
duce water.

341. The burgess and commissioners of the corporation of Smithsburg shall have power in their corporate capacity to introduce into the town of Smithsburg, in