

C H A P. XXXVII. Old gaol to be sold, &c.

VII. AND BE IT ENACTED, That the commissioners, or a majority of them, be and they are hereby empowered to dispose of the old gaol of the said county, with the lot of ground on which the same at present stands, or the said commissioners, or a majority of them, may sell the gaol-house separately from the said lot, or apply and use the materials of the old gaol towards building the new gaol, at their discretion, the said lot of ground to be sold at public auction, in such manner and form, and at such time and times, as the said commissioners may think proper.

Account to be rendered.

VIII. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall render a full and fair account to the levy court of said county of the receipts and expenditures of all monies which shall be by them received and expended in virtue of this act.

How vacancies are to be filled.

IX. AND BE IT ENACTED, That if any of the said commissioners shall die, remove out of the county, or refuse to act, the residue, or a majority of them, shall immediately thereafter proceed to nominate and appoint another to fill the vacancy, whose acts as such shall be as valid and effectual as if he had been originally named in this law.

C H A P. XXXVIII.

Passed 15th of Jan. 1799.

An ACT relating to the public roads in Somerset county. Lib. JG. No. 3. fol. 81.

A. Supplement 1799, ch. 5.

Preamble.

WHEREAS the present laws relative to the public roads of Somerset county are at present complex, and in part inadequate to the purposes for which they were intended; and as it is necessary that the law should be rendered plain, therefore,

Justices to meet, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That the justices of the peace for the county aforesaid, or a majority of them, (a) be and they are hereby authorized and required to meet together on the first Monday of April next, and on the same day in every year thereafter, at the court-house in the said county, and when so met together, the said justices, or a majority of them, shall be and they are hereby authorized and required to describe, ascertain, and distinctly record in a well bound book to be provided by them for that purpose, the several and respective public roads in Somerset county, and to nominate and appoint capable and proper persons as overseers of the several and respective public roads aforesaid, according to the number and divisions of the said roads, as the same shall be ascertained upon their records; provided nevertheless, that the said roads shall be so apportioned, divided and described, as not to require a greater number of overseers than eight in any one hundred of the said county; and that the said justices, or a majority of them, may adjourn from day to day until the said roads shall be duly ascertained, and overseers appointed as aforesaid.

(a) By 1799, ch. 5, any seven are empowered to act.

Clerk to attend the justices, &c.

III. AND BE IT ENACTED, That the clerk of the court of said county shall attend the justices of the peace, at their said meetings, and shall make fair entries and records of their proceedings in virtue of this act, and shall, within the space of ten days after the appointment of overseers as aforesaid, issue warrants to the said overseers, under his hand, and the seal of his office, notifying the said persons of their appointments respectively, as overseers of the said roads; and the said clerk shall, within the time aforesaid, deliver the said warrants to the sheriff of Somerset county aforesaid, and shall take the receipt of the sheriff for the same; and the said sheriff shall be and he is hereby authorized and required, within the space of twenty days after receiving the said warrants, to deliver the same to the respective persons appointed overseers as aforesaid, and to take their several receipts for the same; and if any of the said overseers shall refuse to receive their respective warrants, the said sheriff shall leave the same at their respective places of abode, and certify the justices of the peace thereof; and if the clerk or sheriff of the said county shall neglect or refuse to execute and perform the respective duties herein before required, within the respective periods limited as aforesaid, the said clerk or sheriff, so neglecting or refusing, shall forfeit and pay a sum not exceeding thirty dollars for each offence.

Penalty on overseers for refusing to serve, &c.

IV. AND BE IT ENACTED, That each and every person, so appointed overseer as aforesaid, who shall neglect or refuse to accept of his appointment, after receiving his warrant as aforesaid, shall forfeit and pay a sum not exceeding ten dollars; provided nevertheless, that no member of the legislature, magistrate, clergyman, schoolmaster, practising attorney, coroner, sheriff, deputy-sheriff, constable, physician, or commissioner of the tax, shall be liable to serve as overseers of the said roads, without