

C H A P.  
XL, XLI,

ceeding thirty-five pounds current money; and whenever any jurors or witnesses shall be summoned to attend any county court, and shall, without sufficient excuse, neglect to appear, every such delinquent may be fined by the said court not exceeding twenty pounds current money.

On constables,  
&c.

II. And be it enacted, That whenever any person shall be appointed a constable by any court, and shall neglect to act according to such appointment, and shall not, within five days after notice of such appointment, qualify as constable, or within that time find a sufficient and proper person to qualify and act in his stead, he shall be fined by the said court not exceeding ten pounds current money.

Continuance.

III. THIS act to continue and be in force three years, and until the end of the next session of assembly which shall happen thereafter.

## C H A P. XLI.

An ACT for laying off and clearing a main road from Elizabeth-town, in Washington county, through Charlton's-gap in the South Mountain, on a strait line, till it intersects the road leading from Frederick-town, to York-town, in Pennsylvania.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Washington and Frederick counties, that they have discovered a good waggon road can be made from Elizabeth-town, in Washington-county, through Charlton's-gap in the South Mountain, which, if opened and extended, would facilitate the carriage of produce from the said part of Washington, and part of Cumberland county, in Pennsylvania, and the county over the Allegany mountains, to Baltimore-town, by which means the subjects of this state would be better enabled to pay their taxes, and would increase the trade of the state in general:

Commission-  
ers appointed,  
&c.

II. Be it enacted, by the General Assembly of Maryland, That Daniel Hughes, Alexander Clagett, and James Walling, of Washington county, are appointed commissioners, and are hereby authorized to lay off a main road, forty feet wide, from Elizabeth-town, in Washington county, through Charlton's-gap, the nearest and best way towards Baltimore-town, on as strait a line as the nature of the ground will admit of, and doing no unnecessary damage to the property of individuals; and that Mark Harman, Richard Lilley, and William Winchester, junior, or any two of them, are hereby appointed commissioners of the road on the east side of the South Mountain, to continue the said road through Charlton's-gap towards Baltimore-town, from the east side of the South Mountain, on a strait line, the nearest and best that can be had, till it intersects the road leading from Frederick-town to York-town in Pennsylvania.

To call on o-  
verseers, &c.

III. And be it enacted, That at any time after the said commissioners have laid off and marked the said intended road, they are hereby further empowered to call on the overseers of the respective hundreds through