

# L A W S O F M A R Y L A N D.

1799.

C. H. A. P.  
LXXXI.

shall proceed to recover the same before a single magistrate, by due course of law; and the said overseers shall annually render their respective accounts of all fines and forfeitures received by them respectively in virtue of this act to the said levy court, upon oath, or affirmation, and pay the amount thereof in such manner as the said levy court shall order and appoint.

How vacancies  
are to be filled.

XIII. AND BE IT ENACTED, That if any of the overseers so to be appointed shall refuse to act, remove, become disqualified, or die, it shall and may be lawful for any two of the neighbouring justices of the peace to supply every vacancy so happening, by the appointment of another person, and they shall certify every such appointment, under their hands, to the clerk of the county court, who shall record the same, and within ten days thereafter shall issue a warrant to the person so appointed, and deliver the same to the sheriff, to be served upon the party as herein before directed.

Overseer's al-  
lowance.

XIV. AND BE IT ENACTED, That every overseer, so to be appointed by virtue of this act, shall respectively be allowed a sum, not exceeding twenty dollars by the year, for the performance of the several duties required of them by this act, which allowance shall be paid to them by the said levy court out of the fines and forfeitures imposed and levied by this act, and if found to be insufficient for this purpose at the expiration of every year, the deficiency shall be assessed and levied upon the county, in the same manner as other public charges.

Justice may if-  
such his warrant,  
&c.

XV. AND BE IT ENACTED, That any of the justices of the said levy court, who, upon his own view, or on the information, oath or affirmation, of one or more credible witnesses or witnesses, shall discover or be satisfied that any bridge, road or causeway, is out of repair from the neglect of duty of the overseer within whose limits the same shall be, except in time of wheat harvest, shall be authorized to issue his warrant, in the name of the state, against such overseer, directed to the constable of the hundred, are returnable before himself or some other justice of the levy court, who shall proceed to give judgment according to the merits of the case, and if judgment shall be rendered against him for the fine or forfeiture imposed by this act, and if he shall not pay the same, the said justice may thereupon issue process of execution for the recovery thereof, and the same shall be accounted for and paid to the order of the said levy court; provided nevertheless, that nothing herein contained shall prevent any of the said overseers offending against the provisions of this act from being presented by the grand jury for any neglect of duty not before punished by any of the justices of the said levy court as aforesaid.

And receive  
fines, &c.

XVI. AND BE IT ENACTED, That the justices of the levy court respectively shall be authorized and empowered to receive any fine or fines for which they may respectively render judgment against any overseer of the road in said county, and shall account with, and pay over to the said levy court annually, all monies which they may have respectively received in virtue of this act, under the penalty of paying treble the amount thereof in case of failure or neglect.

On application,  
road may be  
turned, &c.

XVII. AND, whereas it may be proper and necessary to vest a competent power in the levy court to turn, alter or straighten roads in the county aforesaid, where the proprietors of the lands through which the roads intended to be so turned, altered or straightened, may pass, are willing and capable of consenting to applications of this nature; therefore, BE IT ENACTED, That upon the application, in writing, from two thirds of the proprietors of the lands through which any public road or roads may pass, or be prayed to pass, petitioning for the turning, altering or straightening, a public road or roads, it shall and may be lawful for the said levy court, upon being satisfied that the granting of such petition will be of public convenience, and they are hereby authorized and empowered, to direct the surveyor of the said county to lay out such road, agreeably to the prayer of such petition, or in such other manner as they shall think most expedient, not exceeding thirty feet in breadth, without the consent of the said proprietors, and to make return of such location with all convenient speed; and after such road shall be surveyed and laid out agreeably to the intentions of this act, the said court shall direct the application for such road, and the order and proceedings thereupon, and the return of the surveyor, to be enrolled among their records, and thereupon and thereafter such road shall be deemed and considered to be a public road, and shall be kept up and repaired as other public roads in the said county; provided, that no such application shall affect the lands of infants, persons *non compos mentis*, or persons beyond the limits of this state, until the said disabilities shall be removed.

Penalty on al-  
tering, &c. any  
road, &c.

XVIII. AND BE IT ENACTED, That if any person or persons shall alter or change, or in any manner obstruct, any of the said roads, or any part or parts thereof, or cut down, destroy or injure, any of the bridges, causeways, boundaries, marks or directions, therein or thereon, without the licence of the said court, every such person or persons, being thereof convicted in the