

1805.

NOVEMBER.

LAWS OF MARYLAND.

C H A P.
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aforsaid, and choose a person in his stead to act as director till the next annual meeting of the said proprietors, and if any two directors therein disagree in such choice, they shall determine the same by drawing lots for the persons put in nomination, and the person in whose favour the matter shall be so determined, shall be and he is hereby declared a director, to all intents and purposes, until the succeeding annual election.

IX. AND BE IT ENACTED, That White Turpin, William Whitely and Thomas Mason, be and they are hereby appointed commissioners to the said branch through which the said ditches or drains are to be cut and opened, prior to the operation of this law, and examine the same, and where it shall be found, upon examination by the said commissioners, that any person or persons through whose lands the said ditches or drains shall be cut, that such person is injured thereby, or is to receive no benefit from the same, then the person or persons so injured shall be exonerated from the effects of this law, so far as relates to the cutting the said ditches or drains, and that the cutting said ditches or drains through such person's lands, shall be equally defrayed by the joint expence of those persons benefitted thereby; and in case of the death, refusal or inability, of either of the said commissioners, the remaining two shall choose a third disinterested person, who shall all meet on the first Tuesday in March next ensuing, if fair, if not fair, on the next fair day; and the said commissioners are to receive the sum of two dollars *per diem* for their services, to be paid by the persons benefitted in the said ditches or drains.

X. AND BE IT ENACTED, That if, upon the examination made by the commissioners of the branch aforsaid, the said commissioners shall be of opinion, that any person or persons through whose land the said ditches or drains may pass shall be injured thereby, then the said commissioners shall proceed to ascertain the damages that may be sustained by the cutting and making the ditches or drains aforsaid, which damages shall be paid, or secured to be paid, to the person or persons damaged as aforsaid, by the persons interested in making the said ditches or drains, before they shall proceed to cut and open the same.

C H A P. CL.

Passed 27th of
January, 1806.

An ACT to appoint commissioners for the regulation and improvement of Chester-town, in Kent county, and for other purposes.

WHEREAS it is represented to this general assembly, that the inhabitants of Chester-town, in Kent county, would derive great advantages from the appointment of commissioners, with sufficient powers for the regulation of the police of the said town; therefore,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Samuel Chew, Benjamin Chambers, James Hodges, junior, William M. Kenny, Thomas Worrell, Philip F. Raisin and James Claypoole, be and they are hereby appointed commissioners of Chester-town, in Kent county, and shall continue in office until the time herein after mentioned for electing commissioners of the said town.

III. AND BE ENACTED, That the commissioners appointed by this act, or a majority of them, shall, on the fourth Monday in May, eighteen hundred and seven, giving ten days previous notice thereof by advertisements fixed at the court-house door and other convenient places in said town, call a meeting of the free white male inhabitants of the said town, to elect, by ballot, seven commissioners for the ensuing year, and the said elections shall be made in the following manner; that is to say, the said commissioners shall appoint some justice of the peace, residing in the said town, judge of the said election, of which they shall give him at least five days notice before the time of holding the said election, and the said justice shall, on or before the day fixed for holding the same, appoint a clerk to take down the votes for commissioners of the said town, and the said clerk, before he shall proceed to act as such, shall take an oath, or make affirmation, as the case may be, before the judge of the said election, that he will, truly, faithfully and impartially, take down the names of all such persons as shall be permitted by the judge of the election for commissioners of Chester-town to vote at the same, and all free white males of twenty-one years of age and upwards, having resided within Chester-town, or the precincts thereof, one whole year next preceding the day of election, shall be entitled to vote for commissioners of the said town.

IV. AND BE IT ENACTED, That the polls for the election of the said commissioners shall be opened at the court-house in said town at the hour of nine o'clock in the morning of the day appointed for holding the same, and shall be closed at the hour of six o'clock in the afternoon of the same day, and no vote shall be taken before or after the said hours respectively, and after the polls shall be closed as aforsaid, the said judge shall proceed forthwith, in the presence of those who may think