

CHAP. 54. overseer, of any servant or slave, upon being notified as aforesaid, shall refuse or neglect to send such servant or slave, such master, mistress or overseer, shall forfeit and pay the sum of seventy-five cents for every servant or slave so refused to be sent.

And keep a list of all defaulters.

11. AND BE IT ENACTED. That it shall be the duty of the said overseers to keep a true and proper list of all and every person or defaulter, who, being summoned as aforesaid, shall neglect or refuse to attend at the times and places appointed as aforesaid, or if attending, shall not perform his reasonable labour, and of every master, mistress or overseer of servants and slaves, who shall incur the penalty aforesaid; and the said overseers of roads shall, once in every three months, call upon each and every of the said persons, and demand the payment of all and singular the sums of money by them, or any of them, so forfeited, and on refusal or neglect to pay the same, the said overseers shall proceed to recover the same before a single magistrate, by due course of law; and the said overseers shall, every six months, render their accounts of all fines and forfeitures received by them in virtue of this act to the justices of the levy court, upon oath, or affirmation, and pay the amount thereof in such manner as the said justices shall order and appoint.

By 1811, ch. 131, so much of this section as makes it the duty of the overseers of the roads to pay the amount of fines and forfeitures received by them to the levy court, repealed so far as relates to Dorchester county, and other regulations prescribed.

By 1817, ch. 81, the levy courts of Charles and Calvert counties, to keep a journal of the names of such overseers of roads in their respective counties, as shall neglect to comply with the directions of this section; and overseers so neglecting, shall for each offence forfeit eight dollars, to be deducted from their allowance.

How vacancies are to be filled.

12. AND BE IT ENACTED, That if any of the overseers 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, who shall record the same, and within five 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 allowance.

13. AND BE IT ENACTED, That every overseer so to be appointed by virtue of this act, shall respectively be allowed a sum, not exceeding eight dollars by the year, (a) for summoning, directing and superintending, the labourers employed upon the said roads, which allowance shall be paid to them by the justices of the 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.

This section repealed as to Dorchester county by 1808, ch. 12.

(a) By 1817, ch. 81, the allowance is increased in Charles and Calvert counties eight dollars per annum in addition to the sum allowed by this section.

In case road should be out of repair from neglect of overseer, warrant may be issued.

14. AND BE IT ENACTED, That any of the justices of the peace of the said counties, who, upon his own view, or on the information, oath or affirmation, of one or more credible 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