

## CHAPTER 253.

AN ACT to declare and ascertain the right of Citizens of this State, to Private Roads or Ways.

See 1835, ch. 362; 1836, ch. 255.

WHEREAS, the citizens of this state ought to have a road or way from their farms and plantations, to places of public worship, to mills, market towns, public ferries, and court-houses, and to the public highway, and while such benefit should be extended to the citizens of this state, it is but just and proper that it should be granted with as little injury or damages to the lands through which such private roads or ways shall pass, as may be consistent with the convenience of the person or persons who may need such private road or way; therefore, to accomplish these objects,

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That the levy court, or board of commissioners, as the case may be, of the several counties of this state, on application of any person or persons for a private road or way, shall appoint three discreet and sensible persons, not related to either of the parties, of the county, who shall act as commissioners to lay out such private road or way, not exceeding sixteen feet, clear of ditches, in breadth, and to direct the said commissioners to lay out the same, taking into consideration the convenience of the party petitioning for such private road, as well as the convenience and interest of the person or persons through whose lands said road may be located, and the said commissioners shall be authorized to assess the compensation to be paid to the owner or owners of the lands through which the said private road or way may pass, and if any person through whose land such road may pass, or if the person applying therefor shall object to its running in the manner returned by the said commissioners, the said levy court, or board of commissioners, as the case may be, may make such order as to the course of said road, as they may think proper; and after any road or way shall be surveyed and laid out agreeably to this act, the said levy court, or board of commissioners, as the case may be, shall direct the application for such road, and the return thereof, to be recorded; and the compensation assessed as aforesaid, and the costs of laying out such roads, shall be paid by the person or persons applying for such road or way, and thereafter and thereupon such road shall be considered as the private way, and the same shall be kept open and repaired at the expense of such person as shall apply for the same; and it shall not be lawful for any person to stop up or change, or in any manner obstruct such private road or way, under the penalty of ten dollars, current money, for every such offence; *Provided,* that no such road

Preamble.

Commissions.

Dimensions

Damages.

Objection.

Proceedings

Obstructions.