

ten days after their said meeting, and the said collector shall leave with every taxable person in the hundreds an account of his said road tax, within sixty days thereafter, under the penalty of five shillings for every such omission.

Note.—This section is repealed by 1795, ch. 43. as to all the counties, save Prince George's and Montgomery, and is not therefore in force in Allegany.

SEC. 5. *And be it enacted,* That when a majority of the justices of the peace in any one county named in this act meet in session at their levy court, that then they, or a majority of them, on application in writing, signed by two-thirds of the inhabitants of any hundred or hundreds through which any roads do or may pass, to widen and straighten any old road heretofore laid out as a public road, shall have power and authority to appoint three discreet persons, freeholders in the said county, commissioners, who shall not hold any part of the lands through which the said road or roads may pass, nor be related to the person or persons holding the land that may be affected by the running of the said roads, to view, survey and plot, the said road so applied for, and make a return thereof to the said court at their next meeting, who, on receiving such plot or plots, shall examine the same, and all the evidence that shall or may be offered for or against the said road or roads, as returned, and may reject or confirm the same as a public road, or may direct the said commissioners to alter and amend the said plot, and when so amended, may reject or confirm the same, and when confirmed, shall accordingly direct the commissioners to mark and bound the said road or roads, not exceeding forty feet in width, clear of ditches, and direct a supervisor or supervisors to clear and improve the same, in the same manner, and on the same terms, as other roads, and upon completing the same, the said road shall be deemed a public road, and shall be kept in repair as all other public roads in said county are by this law directed to be kept; provided also, that notice be set up in writing, by advertisement, at least three weeks, in the most public places in such hundred or hundreds, by some one inhabitant or inhabitants thereof, previous to their offering a petition or petitions, declaring their intention to apply to the justices of the levy court for the purposes aforesaid.

On application appoint commissioners, &c.

The power exercised under this section, was modified by 1801, ch. 26, and has been since transferred to the county courts of the several counties, by 1818, ch. 89; 1823, ch. 120; 1829, ch. 238.

By 1829, ch. 234, the levy courts of Calvert, Caroline, Charles and Washington, have severally the like power with the county courts, to alter, open, and shut up public roads.