

nevertheless, that no old road, so to be affected by this act, shall be stopped up until the new road shall be viewed, examined and received, by two justices of the peace, to be appointed by the said court; *And provided also*, that such new road shall be laid out, made and completed, at the proper expense of the parties applying for the same; *And provided further*, 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.

See 1829, ch. 234, where the power is vested in the Levy Courts of Calvert, Charles, Caroline and Washington counties.

Penalty on altering road without license.

SEC. 16. *And be it enacted*, That if any person or persons shall alter or change, or in any manner obstruct or encroach upon, 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 license of the justice of the levy court obtained as aforesaid, every such person or persons, being thereof convicted in the county court, shall forfeit and pay a fine, in the discretion of the court, not exceeding the sum of one hundred dollars, according to the nature and degree of the offence.

Proviso.

SEC. 17. *Provided always, and be it enacted*, That nothing in this act contained shall be construed to make it the duty of the overseers of the roads aforesaid to make or repair any framed bridge or bridges above fifteen feet in length, but they shall be continued to be built and repaired in the same manner as at present; and it is hereby declared to be the duty of every overseer aforesaid, having any such bridge or bridges within their respective limits, to clear the same of all drift logs, or other obstructions to the free passage of the water, as often as need shall require, under the penalty of five dollars for every neglect, to be recovered as other fines are directed to be recovered by this act.

Acts repealed.

SEC. 18. *And be it enacted*, That from and after the said first Monday of April next, all and every act and acts of assembly, and every clause and section thereof, which may respect the public roads in the aforesaid counties, be and the same are hereby repealed; *Provided nevertheless*, that nothing herein

Proviso.

contained shall be construed or taken to affect any private act or acts of assembly granted upon the application of any particular individual, or the act of assembly passed at October session, in the year one thousand seven hundred and fifty-three,* entitled, an act for repairing the public roads in this province, or any act or acts of assembly for the building or repairing of any bridge or bridges that are built or maintained at the public or county charge.

* Ch. 16.