

neys which he may have collected under the provisions of this act, and pay over to the said levy court any surplus remaining in his hands, which surplus, if any, shall be applied to county uses.

LANDS, DRAINING.

AN ACT to facilitate the Draining of Land in the several Counties therein mentioned.—1790, ch. 3.

Preamble.

WHEREAS, considerable bodies of land in Somerset, Dorchester, Worcester and Caroline counties, lie unimproved because the owners have not a power to cut ditches through neighbouring interfering lands into natural drains and sinks; and as the improvement of such lands would not only render them more useful to the proprietors, but would operate as a public benefit,

Persons may apply, &c.

SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That any person or persons seized or possessed of land which is overflowed, or is liable to be overflowed, with water, having given two months notice, by advertisement set up at the court-house door of the county wherein the land lies, and to the owners of, or persons residing on, the lands through which he wishes to cut a ditch for the purpose of draining his or her lands, of his or her intention to apply to the county court of the said county for a commission to have a way laid out for that purpose, may apply, by petition in writing, to such court for a commission; and, upon proof being made to the satisfaction of the court, that notice was given as aforesaid, or upon the other persons interested appearing and waving the notice as aforesaid, the court may issue a commission to any five persons agreed on by all the parties, empowering them, or a majority of them, to lay out a way for a ditch to run through the lands mentioned in such commission, according to the directions in this act; but if the persons interested shall not agree on the persons for commissioners, then shall the court appoint five discreet persons, not interested in the lands, nor related to either of the parties to whom a commission shall issue in manner aforesaid.

Commissioners to give notice, &c.

SEC. 3. *And be it enacted,* That the said commissioners, or a majority of them, shall give notice, by advertisement set up at the court-house door of their county, and such other places as they may judge most effectual, of the time of their meeting, thirty days at least before their meeting, and shall meet on the land to proceed in the execution of their commission, agreeably to the notice given by them as aforesaid; but before any commissioner shall proceed in the execution of any commission, otherwise than by giving notice as aforesaid, he shall take an oath or affirmation, before some justice of the peace, or some