

Public Roads.

An. Code, sec. 88. 1904, sec. 87. 1888, sec. 83. 1853, ch. 220, sec. 2.

142. All applications for opening, altering or closing roads shall be by petition to the county commissioners.

Where petitioners participate in the proceedings, thus making themselves liable for costs, etc., their failure to sign the petition is a mere irregularity not rendering proceedings void. *Smith v. Goldsborough*, 80 Md. 57.

What is a "public road"? *State v. Price*, 21 Md. 454.

This section compared with the local act of 1900, ch. 685, sec. 205. *Riggs v. Winterode*, 100 Md. 443.

This and the following sections referred to in construing art. 3, sec. 33, of the Md. Constitution—see notes thereto. *Police Commrs. of Baltimore v. McClenehan*, 131 Md. 321.

The course of procedure prescribed by secs. 142 to 158, followed; see note to art. 5, sec. 90. *Harford County v. Jay*, 122 Md. 326.

Cited but not construed in *Greenland v. Harford County*, 68 Md. 63.

See notes to sec. 143, and as to public roads, art. 91, sec. 27, *et seq.*

An. Code, sec. 89. 1904, sec. 88. 1888, sec. 84. 1853, ch. 220, sec. 2.

143. Whenever any citizen of any county intends to petition the county commissioners for opening, altering or closing any road, he shall give thirty days' notice thereof in one or more of the newspapers published in the county; and if no newspaper be published in the county he shall give public notice of such intention by setting up a notice at the court house door, and at three public places in the election district in which it is proposed to open, close or alter the road, for at least thirty days.

Secs. 142 to 158 do not contemplate the opening of roads through lands already owned by the county. *Gist v. Owings*, 95 Md. 304.

Cited but not construed in *Smith v. Goldsborough*, 80 Md. 57; *Winchester v. Cecil County*, 78 Md. 267.

An. Code, sec. 90. 1904, sec. 89. 1888, sec. 85. 1853, ch. 220, sec. 2.

144. Counter petitions may be presented to the county commissioners, and when they are, the county commissioners shall take into consideration the reasons contained in the counter petition, and such other testimony as may come before them, and determine the case as in their opinion shall seem right and proper.

Cited but not construed in *Smith v. Goldsborough*, 80 Md. 57.

See notes to sec. 143.

An. Code, sec. 91. 1904, sec. 90. 1888, sec. 86. 1853, ch. 220, sec. 3. 1884, ch. 364.

145. Whenever the county commissioners shall decide that it is expedient that a road be opened as provided in the preceding section they may contract with the owner or owners of the land through which the said road is intended to run for the right of way over the land necessary for said road, if he, she or they be competent to contract; and in case the said county commissioners shall so contract they shall cause a plat of the said road to be made by a competent surveyor and filed and recorded in the office of the clerk of the circuit court for the county in which the deed or deeds conveying the said lands are required to be recorded, which said plat shall be