

fending against the provisions of this act from being presented by the grand jury for any neglect of duty not before punished by any of the justices of the peace as aforesaid.

C H A P.  
XXXVIII.

XVII. AND BE IT ENACTED, That the justices of the peace respectively shall be authorized and empowered to receive any fine or fines for which they may respectively render judgment against any overseer of the road in said county, and shall account with and pay over to the levy court annually all monies which they may have respectively received in virtue of this act, under the penalty of paying treble the amount thereof in case of failure or neglect.

Justices to receive fines, &c.

XVIII. AND, whereas it may be proper and necessary to vest a competent power in the justices of the levy court to turn, alter, freighten, extend or lay out, roads in the county aforesaid, where the proprietors of the lands through which the roads intended to be so turned, altered, freightened, extended or laid out, may pass, are willing and capable of consenting to applications of this nature; therefore, BE IT ENACTED, That upon the application in writing from all the proprietors of the lands through which any public road or roads may pass, or be prayed to pass, petitioning for the turning, altering, freightening, extending or laying out a public road or roads, it shall and may be lawful for the justices of the said levy court, upon being satisfied that the granting of such petition will be of public convenience, and they are hereby authorized and empowered, to direct the surveyor of the said county to lay out such road, agreeably to the prayer of such petition, or in such other manner as they shall think most expedient, not exceeding thirty feet in breadth, without the consent of the said proprietors, and to make return of such location with all convenient speed; and after such road shall be surveyed and laid out agreeably to the intentions of this act, the said court shall direct the application for such road, and the order and proceedings thereupon, and the return of the surveyor, to be enrolled among their records, and thereupon and thereafter such road shall be deemed and considered to be a public road, and shall be kept up and repaired as other public roads in the said county; provided 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 expence 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.

On application, road may be turned, &c.

XIX. AND BE IT ENACTED, That if any person or persons shall alter or change, or in any manner obstruct, 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 licence of the justices 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 fifty dollars, according to the nature of the offence.

Penalty on persons altering, &c. any road.

XX. AND BE IT ENACTED, That the justices of the levy court of Somerset county shall be and they are hereby authorized and directed to assess and levy on the assessable property of said county annually, at their levy court, such sum or sums of money, not exceeding five hundred dollars, for the purposes of repairing the causeway, commonly known by the name of Vienna Causeway, and the wharf adjoining the same, the causeway on the south side of Wiccomico river, at the lower ferry, and the wharfs at said ferry, on each side thereof, and the causeways and wharfs at the upper ferry on Wiccomico river aforesaid, on each side thereof, and the causeway on the north side of Pocomoke river, at Stevens's ferry.

Justices to levy money.

XXI. AND BE IT ENACTED, That no person in said county shall be liable to the payment of any fine for not working upon, or keeping in repair, the said causeways and wharfs, except as herein after mentioned.

No person liable, &c.

XXII. AND BE IT ENACTED, That it shall be the duty of the levy court of said county to contract with fit and proper persons annually for repairing the said causeways and wharfs, and keeping them in good order.

Court to contract, &c.

XXIII. AND BE IT ENACTED, That each person with whom the levy court aforesaid shall contract for the repairing and keeping in good order the said causeways and wharfs, or any part thereof, shall give bond to the state of Maryland, with such security as shall be approved of by the said levy court, in such sum or penalty as the said justices shall require, not exceeding eight hundred dollars, conditioned for the faithful performance of the terms of the contract.

Persons contracting to give bond, &c.

XXIV. AND BE IT ENACTED, That if any of the persons with whom the levy court aforesaid may contract for the repairing the said causeways and wharfs, shall not amend the same agreeable to the terms of each respective contract, within a reasonable time after the same shall be out of repair, or in any manner fail to perform or comply with the conditions of each respective contract aforesaid, the person thus failing shall forfeit and pay a sum not exceeding twenty dollars for each neglect or offence, to be recovered before any justice of the peace, and applied towards amending the causeways and wharfs aforesaid.

Penalty for failing to comply, &c.

XXV. AND BE IT ENACTED, That the justices of the levy court aforesaid may and shall call upon the collector or collectors for all monies levied and assessed for the use of repairing the said causeways and wharfs.

Justices to call on the collector, &c.

XXVI. AND BE IT ENACTED, That where any person or persons have built, or shall build, in Somerset county, a mill or mills on any branch or run where any public or main road crossed, or shall cross, and have erected, or shall erect, any dam for such mill or mills, such person or persons, or the owner, possessor or occupier, of such mill or mills, shall and they are hereby obliged

Top of dams to be made twelve feet wide, &c.