

Passed 31st of
Dec. 1801.

An ACT to extend the powers of the levy court of Allegany county relative to roads in said county.

Preamble.

WHEREAS it is represented to this general assembly, that the vesting the justices of the levy court of Allegany county with power and authority to lay out and establish any new road they may think necessary would tend to the good of the public, and ease and convenience of the inhabitants of the county aforesaid; therefore,

Justices, on application, to appoint persons, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the levy court of Allegany county be and they are hereby authorised and empowered, at the time of laying the county levy, or a majority of them, on application in writing, signed by a majority of the inhabitants of any neighbourhood through which any road so prayed for may pass, shall have power and authority to appoint three discreet freeholders in the said county, commissioners, who shall not hold any part of the lands through which the said road may pass, nor be related to the person or persons holding the land that may be affected by the running of the said road, to view, survey and plot, the said road so applied for, and make a return thereof to the said court, who on receiving such plot shall examine the same, and all the evidence that shall or may be offered for or against the said road 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, not exceeding thirty feet in width, and may appoint and direct a supervisor or supervisors to clear and improve the same at the expence of the petitioners, or otherwise, at the discretion of the court aforesaid, 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 kept in repair; provided also, that notice be set up in writing, by advertisements, at least eight weeks, in the most public places in the county and neighbourhood, 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 purpose aforesaid.

When roads are surveyed, &c. justices to agree, &c.

III. AND BE IT ENACTED, That whenever any road shall be surveyed, plotted and confirmed, as aforesaid, the justices aforesaid, or a majority of them, shall be and they are hereby empowered and authorised to agree with the person or persons over whose land such road pass for the amount of the damages thereby sustained, but if such agreement doth not take place, then the said justices shall issue their warrant, directed to the sheriff of the county, commanding him to summon five good and lawful men of the said county, not interested or related to the party or parties, to be and appear before some justice of the peace for the county aforesaid, on the premises, at a certain day in the said warrant to be expressed, which five persons, on their oath, or affirmation if a quaker, menonist or tunker, to be administered by some justice of the peace for the county aforesaid, shall inquire who is or are the owner or owners of the land over which such road so laid out shall pass, and what damages such owner or owners will actually suffer from the passage of such road over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising thereby or therefrom, by the opening of said road; and such sheriff shall return the inquisition of the jury aforesaid, under their hands and seals, and the hand and seal of said sheriff, to the levy court of the county, and the amount of damages therein expressed, if any, shall be paid, or secured to be paid, agreeably to the direction of the levy court, or may be levied, collected and paid, as other county taxes are levied, collected and paid; provided, that no road shall be made to run through any building, enclosed garden, yard or orchard, without the consent of the owner or owners, nor shall any field in which grain, hemp, flax, tobacco, meadow, or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crop growing in such field.

Levy court to have power, &c.

IV. AND BE IT ENACTED, That the levy court of Allegany county shall have all the power and authority of granting private roads that by law is now vested in the county court; provided, that there may be an appeal from the decision of the levy court to the county court, in the same manner as from the county court to the general court, and the county court, on such appeal, shall have the same authority as the general court would have had on an appeal from the county court.

Part of an act repealed.

V. AND BE IT ENACTED, That so much of the act, entitled, An act to declare and ascertain the right of citizens of this state to private roads or ways, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

VI. AND