

Dec. Ses. 1823

Passed Jan.
17, 1824.Levy Court
appoint com-
missioners,
their duties,
&c.

CHAPTER 73.

An act relating to the public roads in Somerset and Dorchester Counties.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That it shall and may be lawful for the levy court of Somerset and Dorchester counties, upon petition to them by any person or persons interested in opening, straightening or shutting up a public road in such counties, and sufficiently describing in the said petition the road to be opened, straightened or shut up, to issue a commission to three commissioners, freeholders in such counties, and not interested, nor holding lands through which the said road is proposed to be opened, straightened or shut up, authorising and requiring the said commissioners or any two of them, to meet on the premises, and examine and determine whether the public convenience requires that the said road should be opened, straightened, or shut up, the said commissioners, or a majority of them, shall in case the application shall be for opening or straightening a road, proceed to locate the same, in such manner as will in their judgment best promote the public convenience, and they shall cause a plot of the same, and also of the old road, where the application shall be to straighten or shut up a road, to be made out, and shall return the same, together with a full report of their proceedings under their hands, to the levy court from which the commission issued, and of the reasons on which their opinion is founded, and if the said commissioners shall be of opinion that the said road ought not to be opened, or straightened, or shut up, they shall report their opinion to the levy court aforesaid, together with the reasons on which the same is founded.

Oath.

2. *And be it enacted,* That the said commissioners before they proceed to act as such, shall take an oath or affirmation, as the case may be, to execute the trust reposed in them by the commission to them issued, faithfully and without favor, affection or partiality.

Notice.

3. *And be it enacted,* That the commissioners or a majority of them before they proceed to locate any road proposed to be opened, straightened or shut up, shall give at least fifteen days notice to all the parties concerned, and the return of the commissioners setting forth that they have taken the oath and given the notice required by this law, or any words to that effect, shall be prima facie evidence that the same was done.

Restrictions.

4. *And be it enacted,* That it shall not be lawful for any road opened or straightened in virtue of this act to pass through the buildings, yards, gardens or orchards, of any person or persons, without the consent of the owner or owners thereof.

Levy Court
to determine.

5. *And be it enacted,* That if no objection be made to the return of the commissioners the levy court may proceed to pass judgment thereon, and affirm or reject the same, or order it to be amended, in the discretion of the levy court.

Appeals.

6. *And be it enacted,* That if any person or persons shall conceive him, her or themselves aggrieved by the decision of the commissioners, or a majority of them, it shall and may be lawful for such person or persons to file in writing their objections to the return of the commissioners, at any time before the same shall be finally ratified by the said court, and the court shall thereupon proceed to hear testimony, if any shall be offered, and affirm or reject the said return, or order it to be amended, as to the court shall seem right.

Damages.

7. *And be it enacted,* That the said commissioners or a majority of them shall value and ascertain the damages that may be sustained by each and every person through whose lands the said road may pass, in