

Early Roadways, 1631-1700

Although navigation persisted into the present century as an important facet of Maryland's transportation history, the continued press of settlers throughout the seventeenth and eighteenth centuries increased the need for official regulation of roadbuilding activity. In 1661, the General Assembly laid the groundwork for regular postal service with an "Act for the Conveyance of All Letters Concerning the State and Public Affairs" (Riley 1905:33). Five years later, the Assembly passed Maryland's first comprehensive general road law, for "marking and making highwayes and making the heads of Rivers, Creeks, Branches and Swamps passable for horse and foot" (Browne 1884:134-135). The 1666 act mandated that roads should be marked, indicated that crossings should be placed at the head of navigation of each body of water, and delegated roadmaking responsibilities to road overseers appointed by the counties. The law also safeguarded the right to make private access roads to farms and mills, and established a road work system that included the imposition of penalties payable in tobacco, already the marketable staple of colonial Maryland.

The basic 1666 act was periodically repassed, with amendments, throughout the seventeenth century. The 1671 version, which allowed county commissioners or "justices" to meet to lay out or amend roads any time between September 1 and October 20 of each year, was renewed in 1684 (Browne 1884:219-220, 321-322; Browne 1894:486-487). As settlement progressed toward the fall line and Native American territory was penetrated, special laws created a corps of rangers to patrol the fluid frontier. A 1696 order of the governor's council enjoined the rangers to "make and marke severall paths & that the Road which they find to be the best and nighest Road, that they double marke the same" (Browne 1900:381). Rangers such as John Oldton thereafter filed reports on their roadmaking. In 1921, historian William B. Marye traced such rough "Garrison Roads" in Baltimore County, which as late as 1755 embraced the entire area between the Patapsco and the Susquehanna (Brugger 1988:772; Marye 1921).

The 1696 order presaged a road-marking law of the same year (copies of which have not survived) and a new general road law of 1699, which set up a province-wide system of road marking and, for the first time, required "that all Publick and main roads be hereafter Cleared and well Grubbed fitt for Travelling Twenty Foot wide and good and Substantiall bridges [be] made over all heads of Rivers, Creeks, Branches and Swamps" at the discretion of county justices of the peace (Browne 1902:475-477). The road-marking system, which mandated three notches on a convenient tree for any road leading to a ferry, may have been derived from English precedent (Matthew Simons's 1635 *Directions for English Travellers* noted that directional signs were found in England, especially "in many parts where wayes be doubtful") (Lay 1992:189). Maryland's road-marking system of 1699 has been acknowledged by historians of public works as the earliest such system in the United States (Armstrong 1976:123).

The 1699 law, with its significant bridge building and roadmaking provisions, was repassed with little change in 1704 to become (with many subsequent amendments) the basic road act of colonial and early post-colonial Maryland (Kilty 1808:September 1704 Session, Chapter 21). Ample evidence exists that, by 1699, roadmaking activity in Maryland, and probably bridge building also, was well underway. Notable early roads included a 1643 (or earlier) "road by land through the forest to Virginia" from St. Mary's City (Sioussat 1899:110 note 4); this may have been incorporated into the 1650s' road leading from the early capital to settlements along the lower Patuxent River (Sioussat 1899:110-111). Between 1671 and 1684, Cecil County landowner and cartographer Augustine Herrman laid out "cart roads" linking the Delaware and Elk rivers, and leading south toward the "Great Choptank" River; Herrman's roads, and their counterparts on the western shore of the Chesapeake Bay, became the template for early post roads by 1700 (Sioussat 1899:117-118).

Concerning early bridges, a 1697 summary of roads built in Charles County noted "ye bridges over Piles his fresh branch" ("Piles" apparently being a reference to a landowner rather than a substructure erected on piles) and "ye bridges over Zachyah Swamp," a perennial source of travel problems over which the legislature mandated an unspecified "crossing" as early as 1674 (Sioussat 1899:122). The 1697 Charles County roads summary, and a 1694 Baltimore County court proceeding recommending "good and sufficient bridges for man and horse to pass over," are the earliest known documents referencing the construction of bridges in Maryland (Sioussat 1899:117, 122).