

1795.

L A W S of M A R Y L A N D.

C H A P. LVII.

laid out, cleared and opened, by the act to which this is a supplement, shall be laid out, opened and completed, and the expence thereof defrayed, by Baltimore county ; and the justices of the levy court of the said county shall annually apportion so much of the funds provided by law for repairing the public roads in Baltimore county to the said road, as from a consideration of its utility and importance they shall judge meet ; provided nevertheless, that no part of the funds for the opening or completing the turnpike roads in the said county shall be applied to the road in this act mentioned.

C H A P. LVIII.

Passed December 24.

An ACT to extend Pratt-street, in Baltimore-town, westernly, until it intersects the turnpike road leading from said town to Frederick-town.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Baltimore-town, that they labour under many inconveniencies and disadvantages for want of a direct road from the west and south-west parts of Baltimore county to the Hanover market-house, wharfs and warehouses, in the south part of said town, and pray that a road from the west end of Pratt-street may be extended westernly, until it intersects the turnpike road leading from said town to Frederick-town, and the prayer of said petition being reasonable ; therefore,

Commissioners appointed, &c.

II. Be it enacted, by the General Assembly of Maryland, That James Calhoun, Adrian Valck, James Carey, John Stump and Samuel Owings, of Stephen, of the town aforesaid, be and they are hereby appointed commissioners, and they, or any three or more of them, are hereby authorized and empowered to open and extend a road from the west end of Pratt-street aforesaid, from the town aforesaid, of the same width of said street, westernly, until it intersects the turnpike road leading from said town to Frederick-town, in a streight direction, and to return a plot thereof to Baltimore county court to be recorded ; and when the said road is so laid out, opened and extended, it shall be thereafter deemed a turnpike road ; and that the said road shall thereafter be under the jurisdiction and management of the commissioners appointed, or to be hereafter appointed, in virtue of an act, entitled, An act to lay out several turnpike roads in Baltimore county, who shall have all the powers over the said road, and the erecting a toll-gate thereon, as may be expedient or necessary to keep the same in repair, in the same manner, and under the same tolls, as they now have or shall have as to the other public turnpike roads in Baltimore county.

Who shall ascertain the damages, &c.

III. And be it enacted, That the commissioners aforesaid, or a majority of them, are hereby authorized and empowered to ascertain the loss or damage of any person through whose lands the same may pass, by laying out and opening the road aforesaid, before they proceed to open or lay out the same ; and if any proprietor of lands may think himself injured thereby, it shall and may be lawful for the commissioners aforesaid, or a majority of them, and such proprietor, each to appoint a person as arbitrator between them, and if the arbitrators differ, they to choose a third person, and if the two persons appointed as aforesaid cannot agree about a third person, then and in that case they shall choose a third person by lot, and the said three persons, or any two of them, shall value such damage under all circumstances, and return the same, under their hands and seals, to the said commissioners and proprietor, whose valuation shall be final and conclusive ; but in case any proprietor shall neglect or refuse to appoint such arbitrator in fifteen days after the application to him for that purpose made in writing, or in case the said arbitrators do not return their award in fifteen days from such appointment, or the proprietor be non compos mentis, an infant, absentee or feme-covert, that then and in every such case the commissioners aforesaid, or a majority of them, shall issue their warrant, under their hands and seals, to the sheriff of Baltimore county, commanding him to summon twelve freeholders, disinterested as to the said road, to appear on a day by them to be appointed, on the land of the person so interested, and the said freeholders shall take the following

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