

L A W S O F M A R Y L A N D.

1799.

C H A P.
LIV.

until it intersects the York turnpike road at or near Benedict Hurst's tavern; and it appearing reasonable to grant the said petition,

Commissioners
appointed, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That George Nace, William Matthews and Joseph Bollinger, be and they are hereby appointed commissioners for the purpose in this act mentioned, and the said commissioners, or any two of them, are hereby authorized to lay out and open as aforesaid, at the expence of the subscribers to said petition, a waggon road, in the most convenient direction, not exceeding thirty feet wide, from the turnpike road leading from the city of Baltimore towards M^cAllister's-town, at or near the widow Mortar's tavern, to pass by the mill of George Carlinger, and from thence by the paper mills of Peter Hoofman to intersect the turnpike road leading from Baltimore towards York-town, at or near Benedict Hurst's tavern; and the said road, when so laid out and completed at the expence of the said subscribers, and after the valuations herein after directed to be made, or the damages hereby directed to be assessed, shall be paid, or secured to the individuals concerned, shall be recorded among the records of Baltimore county court, and be thereafter deemed and taken to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Who may ap-
point a treasu-
rer, &c.

III. AND BE IT ENACTED, That the said commissioners may appoint one of their number as treasurer, who is hereby enjoined and empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of laying out and clearing the said road, and such subscribers are hereby directed to pay their several subscriptions to the treasurer appointed as aforesaid; and if any person shall neglect or refuse to pay his subscription money, the said treasurer, or any of the said commissioners in the name of the whole, may and is hereby authorized to sue for, recover and receive the same; and the said monies, when received, shall be applied by the said commissioners, or any two of them, to the purposes of this act.

Damages to be
ascertained, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass by opening and clearing the same, and the said valuation shall be made before the said commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Baltimore county, on application by any person interested, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear, on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders shall respectively repair to some magistrate of the said county, and take the following oath, or affirmation, to wit: "I, A. B. do swear, or affirm, that I will honestly and faithfully estimate and value the damage and injured sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," and shall return the damages by them assessed to the said justice of the peace; and the damages so assessed and returned shall be conclusive, and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners, and the said commissioners shall pay, or secure to be paid, the amount of the said valuation or damages to the respective parties entitled to receive the same, out of the monies to be raised and collected from the subscriptions to the said road, within the space of six months after the ascertainment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned; provided, that the said road shall not go through any houses, gardens, meadows or orchards, unless with the consent of the owner thereof.

C H A P. LV.

Passed 3d of
Jan. 1800.

An ACT to make permanent and to continue the acts of assembly therein mentioned.

Acts continued,
&c.

BE IT ENACTED, by the General Assembly of Maryland, That an act, entitled, An act to oblige infected ships and other vessels coming into this province to perform quarantine, passed at November session, seventeen hundred and sixty-six, be and the same is hereby continued to the thirtieth day of October, eighteen hundred and five, and to the end of the next session of assembly which shall happen thereafter; that an act of assembly, entitled, A supplementary act to the act, entitled, An act ascertaining the height of fences, to prevent the evils occasioned by the multitude of horses, and restraining horse-rangers within this province, and to redress the great evil accruing to this province by the multitude of horses and colts that run in the woods, passed at November