

of Frederick county; that he has paid the whole caution money for the same, and obtained the possession thereof; that the said Normand Bruce has assigned the said certificate to his son Upton Bruce: And whereas doubts exist as to the title to said land,

C H A P. XIX.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the right of this state in and to the aforesaid tract of land called Bear Range, lying to the westward of Fort Cumberland, in Allegany county, be and the same is hereby released, and confirmed to the said Upton Bruce, his heirs and assigns; and that the register of the land-office for the western shore be and he is hereby authorized and directed to issue a patent for the said land to the said Upton Bruce; provided nevertheless, that nothing in this act contained shall operate to affect the right of any person or persons heretofore acquired to the whole or any part of the said tract of land.

Right released &c.

C H A P. XX.

An ACT to lay out and open a road from Jesse Tomlinson's, on Bradock's old road, to Matthew Ball's, on George's creek.

Passed 19th of Dec. 1800.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Allegany county, that a road to lead from or near Jesse Tomlinson's, on Bradock's old road, to cross Savage river near the falls, and from thence the most advantageous way to intersect the road leading from John Compton's to the village of Western Port, at or near Matthew Ball's; and the prayer of the said petitioners being thought reasonable,

Preamble.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Jesse Tomlinson, Matthew Ball and John Neptune, or any two of them, be and they are hereby appointed commissioners, to survey and lay out a road, to be opened at the expence of the petitioners aforesaid, not exceeding twenty feet in width, in such direction as they shall conceive will best answer the purpose of this act, from the said Jesse Tomlinson's to Matthew Ball's; and the said road, when surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Allegany county levy court, and shall be deemed and taken to be a public road for ever, and shall be kept in repair as other public roads in said county are kept in repair.

Commissioners appointed, &c.

III. AND BE IT ENACTED, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said petitioners, before they shall proceed to open the said road; provided always, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff, to summon five freeholders of the county, qualified by law to serve as jurors in the county court, to appear, on a day to be by them appointed, on the premises, and the said commissioners are hereby authorized to administer an oath, or affirmation, to every such freeholder, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken by reason of opening the aforesaid road through his, her or their lands; and such freeholders shall thereupon proceed to assess and value the damages accordingly, of which there shall be ten days previous notice given to the petitioners, by advertisement, signed by the commissioners, and set up to public view in at least three public places in the neighbourhood, and such inquisition and valuation shall be final and conclusive between the parties; and provided also, that the said road shall not be opened through the buildings, gardens, yards or orchards, of any person without his or her consent.

Damages to be ascertained, &c.

C H A P. XXI.

An ACT for the preservation of the breed of fish in Great Choptank river.

Passed 19th of Dec. 1800.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Caroline county, that for several years past a number of people have been in the habit of whipping and beating the waters of Great Choptank river, for the purpose of driving the fish, whereby the spawn of said fish is destroyed; in order to prevent the like improper practices in future, therefore,

Preamble.