

where the lands lie, or the grantor or grantors reside, provided it shall appear, in cases of *feme-covert* grantors, that the same was made willingly, and out of the presence and hearing of the husband, or privately and willingly out of the hearing of the husband, or words to that effect, and provided also, that in every other respect the said deeds have been executed, acknowledged and recorded, agreeably to the laws heretofore made on this subject.

C H A P.
CLXIV.

II. AND BE IT ENACTED, That nothing contained in the said original act, or the supplements thereto, shall extend, or be construed to extend, to make valid any deed, where the person or persons who would have been entitled to the property contained in such deed of conveyance, in case the same had originally been valid and effectual to convey the property expressed in the same, shall have given up his, her or their interest in the same, and where the person or persons entitled to such property, independent and exclusive of such defective deed, may have *bonâ fide* sold and conveyed the same, but in all such instances the person or persons to whom the property shall have been as last aforesaid mentioned sold and conveyed, shall continue to hold the same estate and interest in the property so to him, her or them, sold and conveyed, as he, she or they, would have held in case the said original acts, and the supplements thereto, had not passed, any thing in the same contained to the contrary notwithstanding; provided, that nothing in this act contained shall extend, or be construed to extend, to interfere with, or effect, any deed or deeds excepted out of the operation of the original act by the proviso contained in said act.

C H A P. CLXV.

An ACT to lay out and make public a Road in Baltimore County.

Passed 7th of
Jan. 1810.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Baltimore county, that they labour under great inconvenience for want of a public road from Caleb Stansbury's mill to Christopher Woolry's tavern, on the turnpike road leading from the city of Baltimore to Westminster, in Frederick county; therefore,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Thomas Cockey, of Thomas, Richard Gorsuch and Nicholas Brown, or a majority of them, be commissioners, and are hereby directed and authorised to lay out, straighten and widen, not exceeding thirty feet, the old road formerly opened and used, beginning at Caleb Stansbury's mill aforesaid, and continuing with the track of the aforesaid old road, as nearly as they, in their judgment, shall think practicable, to intersect the aforesaid turnpike road at or near Christopher Woolry's tavern aforesaid; provided, the said road shall not pass through any garden, meadow or orchard, without the consent of the proprietor or proprietors thereof.

III. AND BE IT ENACTED, That the commissioners, or a majority of them, be and they are hereby authorised and directed, to ascertain and value what damages may be sustained by any person or persons through whose lands the said road may pass, by laying out, straightening and widening the same, and the said valuation shall be made and paid, or secured to be paid, before the commissioners shall proceed to open the same; and in case any proprietor or proprietors shall conceive him, her or 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 the application of any person interested, to issue his warrant, under his hand and seal, to the constable of the hundred where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by him appointed on the said lands, at which time and place such freeholders, so summoned, shall respectively appear before the said justice, and take the following oath, to wit: "I ——— do swear, that I will honestly, without prejudice or partiality, value the damages and injury that may be sustained by opening a road through the lands of, in pursuance of this act of assembly;" and shall return an inquisition of such damages, so assessed, to the clerk of Baltimore county court, and the damages so assessed shall be conclusive.

IV. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefited by the aforesaid road, are hereby required to pay, or cause to be paid, into the hands of the commissioners aforesaid, or some one of them, for the use of the person or persons in whose favour such valuation may be made, previous to laying out and opening the road aforesaid; and in case of failure of payment, or security as aforesaid, this act to be null and void, but in case of compliance with the provisions of this act, the said road shall be considered a public highway, and be kept up in the same manner as other public roads in said county.