

act of seventeen hundred and ninety, respecting the public roads in Washington county, and upon completing the same, it shall be deemed part of the public road leading from Turner's gap to William's Port, and shall be kept in repair as all other public roads in said county are by law directed to be kept, any law to the contrary notwithstanding.

C H A P.
XXXII.

II. AND BE IT ENACTED, That in case the said levy court shall ratify and confirm the amendment in the road directed by this act to be made, they shall be and are hereby authorized and empowered to agree and contract with the person or persons over whose land such part of the road after amended or altered may pass, for the amount of damages thereby sustained, not exceeding the rate of ten pounds current money per acre, but if such agreement doth not take place, then the said court shall issue their warrant, directed to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties, to be and appear before some one of the justices of the said court, on the premises, at a certain day in the said warrant to be expressed, which jury, on their oath, or affirmation, as the case may be, to be administered by the said justice, shall inquire who are the owner or owners of the land over which the road so laid out and ratified shall pass, and whatever damages such owner or owners will actually suffer from the passage of such road over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising from the opening and improving said road, and such sheriff shall return the inquisition of the said jury, under their hands and seals, and attested by his official signature, to the next levy court to be held for the county, and the amount of the damages therein expressed, if any, shall be paid by order of the said court out of the monies to be levied as is by law directed; provided, that the said road shall not be made to run through any building, enclosed yard, garden or orchard, without the consent of the owner or owners, nor shall any field in which grain, hemp, flax, tobacco or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crop growing in such field.

Agree for damages, &c.

III. AND BE IT ENACTED, That when the commissioners who may be appointed under this act shall have discharged all the duties required of them in virtue of such appointment, the levy court aforesaid shall order to be paid to the said commissioners respectively, out of the monies to be levied as by law directed, such reasonable compensation as to the said court shall seem meet; and the said commissioners respectively shall thereafter be discharged.

And order compensation, &c.

C H A P. XXXIII.

An ACT to prevent swine and geese going at large in Liberty-town, in Frederick county. Lib. JG. No. 3. fol. 277.

Passed 3d of Jan. 1800.

BE IT ENACTED, by the General Assembly of Maryland, That from and after the first day of May next, it shall not be lawful for any person or persons, inhabitants of Liberty-town, or the inhabitants of small lots of ground containing less than ten acres of land, lying and being within one quarter of a mile from said town, to raise or keep any swine or geese within said town, or within one quarter of a mile of said town, except in enclosures, or to suffer any swine or geese to go and remain at large within said town, or within one quarter of a mile of said town; and if any swine or geese belonging to the inhabitants of said town or lots shall be found going and remaining at large within said town, or within one quarter of a mile of said town, it shall and may be lawful for any person or persons to kill or impound the same, and if impounded, such person shall immediately give notice, by advertisements set up at the most public places in said town, describing the swine or geese so impounded; and if the owner or owners shall not, within five days after the setting up such advertisement, prove his or her property therein, and make compensation for the injury (if any) which may have been sustained by any inhabitant of said town or lots, to be ascertained by any two disinterested persons, inhabitants as aforesaid, and shall not pay for every such swine the sum of twenty-five cents for every day it shall have been impounded, and for every such goose the sum of twelve cents for every day it shall have been impounded, it shall and may be lawful for the person or persons so impounding as aforesaid to sell, or kill the same for his or her benefit.

No person to raise swine, &c.

II. AND BE IT ENACTED, That if any person or persons shall be sued and impleaded for killing, destroying or selling, any such swine or geese as aforesaid, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence.

General issue pleadable.