

An Act to lay out and make public a Road in Baltimore County. Lib.
TH. No. 2, fol. 383.

Passed Jan 7, 1810

Preamble

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,

2. 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.

Commissioners appointed to lay out and widen a road.

3. 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.

Damages to be ascertained.

4. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted 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.

Persons benefitted by road to pay damages ascertained.