

CHAP. 20.

ous 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,

Commissioners appointed to lay out road.

2. 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 expense 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 forever, and shall be kept in repair as other public roads in said county are kept in repair.

Damages to be ascertained.

3. 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 authorised 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.

Provisos.

CHAP. XXI.

Passed Dec. 19.

An Act for the preservation of the breed of Fish in Great Choptank River. Lib. JG. No. 3, fol. 386.

Preamble.

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,

Penalty on persons whipping the water.

2. BE IT ENACTED, *by the General Assembly of Maryland*, That if any free person shall whip or beat the water in Great Choptank river with poles or sticks, or other things, for the purpose of driv-