

1800.

LAWS OF MARYLAND.

CHAP. 22.

ingen's ferry, on Potomac river, and shall cause the same, if confirmed, to be recorded among the land records of Washington county, in testimony of the same being established by law, and shall direct the said commissioners to mark and bound the said road sixty feet in width, and direct a supervisor or supervisors to clear and improve the same, in the same manner, and on the same terms, as directed by the 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 Foxe's Gap, in the South Mountain, to the town of Sharpsburgh, and from thence to Swearingen's ferry, on Potomac river, and shall be kept in repair as all other public roads are by law directed to be kept, any law to the contrary notwithstanding.

* Ch. 32.

—may agree for damages sustained

2. 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 authorised and empowered to agree and contract with the person or persons over whose land such part of the road, when so 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 to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men of said county, not interested or relating 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 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 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 crops growing in such fields.

Proviso.

—to compensate commissioners.

3. 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.