

ground will admit of, and doing no unnecessary damage to the property of individuals; and that Mark Harman, Richard Lilley, and William Winchester, junior, or any two of them, are hereby appointed commissioners of the road on the east side of the South Mountain, to continue the said road through Charlton's gap towards Baltimore-town, from the east side of the South Mountain, on a straight line, the nearest and best that can be had, till it intersects the road leading from Frederick-town, to York-town in Pennsylvania.

C H A P.
XLI.

III. **And be it enacted,** That at any time after the said commissioners have laid off and marked the said intended road, they are hereby further empowered to call on the overseers of the respective hundreds through which the said road may run, to warn the inhabitants to attend one day in each month, on such part of the said road as the commissioners may direct, until the same be made complete, of which eight days notice shall be given; and in case the said overseer should neglect or refuse so to warn the inhabitants of his hundred, to pay three pounds current money for each refusal; and any inhabitant refusing to attend and render such service as is required by the overseer of the road, to be fined seven shillings and six-pence current money, to be recovered before a single magistrate.

To call on overseers, &c.

IV. **And be it enacted,** That the overseer, having the direction of said road, shall make a regular return, to the commissioners, of their district, who are hereby empowered to give a certificate of the days each person has worked on opening said road, which certificate shall exempt them from so many days attendance on musters, and the lieutenant of the county or field officers of their battalion shall receive the same, and excuse them accordingly.

Overseer to make a return, &c.

V. **And be it enacted,** That satisfaction shall be made to every person through whose land the said road may run, for the damage done to such person by running the said road through their land; and if the commissioners and the party through whose land the said road may run can agree upon the sum to be paid to such person, the said commissioners shall have power so to do, and shall make a certificate thereof to the justices of the county where the land lies; and if the said commissioners and the party damaged cannot agree upon the *quantum* of damage, the said commissioners shall summon three reputable freeholders, who are in no manner interested in paying any part of such damage, who shall, on oath, ascertain the damage sustained by the party by running the said road through his land, and shall certify the damage to the said commissioners, who shall transmit the same, with certificates by them given as aforesaid, to the justices of the county court, which certificate the justices of the county where the land lies shall receive, and assess the amount of said damages equally on the inhabitants of the different hundreds through which the said road may run, or may receive advantage therefrom, and give the person an order on the collector for the same when collected.

Satisfaction to be made, &c.

VI. **And be it enacted,** That the fines arising from the non-compliance of this act shall be paid into the hands of the commissioners, who are hereby ordered to lay out the same on the mountain, and that the said road, when opened, shall be and is hereby deemed a public road, and shall be repaired as such from time to time.

How fines are to be paid, &c.

VII. **And be it enacted,** That the aforesaid commissioners shall have full power and authority to call on Messieurs Norman Bruce, Benjamin Ogle, and David Shriver, the supervisors for clearing the roads appointed by an act of assembly, entitled, An act relating to public roads, passed March session, seventeen hundred and seventy-four, for the money they received to clear a road from the Catoctin Mountain through Pipe-creek settlement to Baltimore-town, and apply the same to clearing the road over the aforesaid mountain to the York road; and in case the money should be more than is necessary to clear the road over the aforesaid mountain to the York road, then the commissioners shall have full power to expend the remainder of the money in continuing the said road towards Baltimore-town; and if the supervisors have paid the money to the justices of Frederick county court, or any part thereof into the treasury, in either case the commi-

Commissioners to call on supervisors, &c.