

C H A P. XXV.

Passed 31st of Dec. 1803.

A Further supplement to the act, entitled, An act to lay out a road from Aquila Tarman's tavern to Thomas Cockey's mill, and from said mill to the road called the Deer Park Road.

Preamble.

WHEREAS by an act of assembly, entitled, A supplement to the act to which this is a further supplement, any justice of the peace in and for Baltimore county was authorised to cause a jury to be summoned to assess the damages which a certain Samuel Wheeler hath sustained by reason of the road mentioned in the original act to which this is a further supplement running through his lands, and the said Samuel Wheeler having never applied to any justice for the purpose aforesaid; and doubts being entertained whether the said law can be carried into execution, except the said Samuel Wheeler shall apply as aforesaid, therefore,

S. Wheeler or T. Cockey may call on a justice, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That in case Samuel Wheeler shall not, on or before the twentieth day of March next, apply to some justice of the peace for Baltimore county to issue his warrant to the sheriff of said county, commanding him to summon twelve good and lawful freeholders, disinterested and unconnected with either party, to appear before him the said justice, on the premises, on a certain day expressed in the said warrant, to inquire and ascertain, upon their oaths, what damages the said Samuel Wheeler hath sustained by reason of the road mentioned in the original act to which this is a further supplement running through his the said Samuel Wheeler's land, that then and in such case Thomas Cockey, of the said county, shall have full power to call on some justice of the peace, on giving the said Wheeler five days previous notice thereof, who shall issue his warrant as aforesaid, for the purpose aforesaid; and when the said jury have ascertained the damages occasioned thereby, the said Thomas Cockey shall, upon payment, or tender of payment, to the said Samuel Wheeler, thenceforth proceed to open the road aforesaid, any law to the contrary notwithstanding.

C H A P. XXVI.

Passed 31st of Dec. 1803.

An ACT to lay out a road from Crispin Cunningham's to Frances Smith's stone-house, in Harford county.

Preamble.

WHEREAS it has been represented to this general assembly, by the petition of sundry inhabitants of Harford county, that they labour under considerable inconveniencies from the want of a public road to run from Crispin Cunningham's, the place of holding one of their district elections, to Frances Smith's stone-house; therefore,

Commissioners appointed, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Loney, John Cooley and Paca Smith, or a majority of them, be and they are hereby appointed commissioners to survey and lay out a road, not exceeding thirty feet in width clear of ditches, in as streight and convenient a direction as may be, from Crispin Cunningham's to Frances Smith's stone-house.

Who shall make a plot, &c.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall and they are hereby directed and required to make, or cause to be made, a plot of the said road, when surveyed as aforesaid, and to ascertain and estimate the damages that may be sustained by any person or persons through whose lands the same shall pass, and shall make return of said plot, together with a certificate of the courses of said road, and their estimate of the damages as aforesaid, to the clerk of Harford county, to be recorded among the land records of said county, and when the same shall have been so returned, the said road shall for ever thereafter be deemed a public highway, and shall be kept in repair as other public roads in Harford county; provided always, that the said commissioners shall not lay out the said road through the buildings, garden or orchards, of any person, without his or her consent.

Court to appoint an overseer, &c.

IV. AND BE IT ENACTED, That the levy court of Harford county be and they are hereby empowered and directed, at their next meeting after the plot directed by this act shall have been returned, or at any subsequent court, to appoint an overseer to open and clear said road, agreeably to said plot, in the same manner as other roads are by law directed to be opened and cleared; and the said overseer shall have the same allowance as other overseers.

Allowance to commissioners.

V. AND BE IT ENACTED, That the commissioners appointed by this act shall have an allowance of two dollars for every day they shall severally attend in discharge of the duties hereby imposed.