

suits in Baltimore county court for the recovery of the same, in which it shall be sufficient to declare for money had and received, and this act, and the proceedings under the same, shall be evidence to all intents and purposes whatsoever to support such action or actions instituted as aforesaid.

C H A P.
CIII.

VII. AND BE IT ENACTED, That in case any suit shall be instituted as aforesaid for the recovery of any sum or sums of money in virtue of this act, if the corporation of the city of Baltimore, or the person or persons instituting the same, shall file a short note expressing the ground of such action, at least twenty days next before the sitting of the court, and cause a copy thereof to be served on the defendant, or left at his last place of abode, the parties shall proceed to trial at the first court to which the writ shall be returnable, and no imparlance or appeal shall be allowed.

C H A P. CIV.

An ACT to lay out and straighten a Road in Baltimore County.

Passed December 24, 1810.

WHEREAS it is represented by the petition of sundry inhabitants of Baltimore county, that it would be of public utility to have a road laid out from the old York road, near Thomas Sutton's, to Bull's mill, and thence to intersect the Baltimore and York-town turnpike near John Weise's tavern; therefore,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Thomas Meredith, Richard Tipton and John M. Gaw, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby appointed commissioners, and they, or a majority of them, are hereby authorised and empowered to survey, lay out and straighten, at the expense of such persons as may think proper to contribute thereto, a road not exceeding thirty feet in width, beginning at the old York road, near Thomas Sutton's, thence to Bull's mill, and from thence until it intersects the Baltimore and York-town turnpike road near John Weise's tavern, and the said commissioners, or a majority of them, shall make out a plot of said road, and return the same to the clerk of Baltimore county court, to be recorded among the records of said county; and the said road, when opened and recorded as aforesaid, and the valuation herein after directed to be made shall have been paid, or secured to be paid, shall for ever thereafter be deemed a public highway, and kept in repair as other public roads in said county.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall lay out the said road from the calls before mentioned, in the straightest and best direction that the nature of the ground will admit of, and with as little inconvenience to the landholders through whose land the said road may pass as possible.

IV. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value, if required, what damages may be sustained by any person or persons over whose land the said road may pass, taking into consideration the advantages and disadvantages, if any, and the valuation shall be made, and the amount thereof paid, as aforesaid, to the parties respectively interested, before the said commissioners, or a majority of them, shall proceed to open the said road; provided always, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the county in which the land lies, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve disinterested freeholders of the county, to appear on a day by the said justices to be appointed, on the land of the person or persons as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath before said justice of the peace that they will without favour, affection or partiality, assess the damages sustained by the person or persons, at whose request or for whose benefit such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners, or a majority of them, shall have had at least five days notice, and shall have returned the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive; provided always, that the said road shall not pass through any house, yard, garden, meadow or orchard, without the consent of the owner or owners thereof.

C H A P. CV.

An ACT to lay out a Road in Baltimore County.

Passed December 24, 1810.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Baltimore county, that it would be of great public benefit to have a road laid out from the