

VII. AND BE IT ENACTED, That so much of the act to which this is a supplement as is contrary to, or inconsistent with, this act, be and the same is hereby repealed.

C H A P.
XLV.
Part of an act
repealed.

C H A P. XLVI.

An ACT to lay out and open a road in Washington county.

Passed 3d of
Jan. 1807.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Washington county, that the opening of a public road from the state line at Peter Baker's, where the road lately laid out from Green-Castle, in Pennsylvania, joins the state line, to intersect the main road leading from Hager's-town to Baltimore, through Charlton's Gap, at the foot of the South Mountain, near Robert Hughes's, would remove great inconveniencies under which said petitioners now labour, and would greatly contribute to the public utility; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That William Gabby, Robert Hughes and Jacob Rench, be and they are hereby appointed commissioners, to lay out and survey a road from the state line, at Peter Baker's, where the road lately laid out from Green-Castle, in Pennsylvania, joins the state line, to intersect the main road leading from Hager's-town to Baltimore, through Charlton's Gap, at the foot of the South Mountain, near Robert Hughes's, not exceeding forty feet in width, in as streight a line as the nature of the ground and the restrictions herein after mentioned will admit of, and without delay execute, sign and seal, plain plots of the same, with explicit explanations thereof, and make return of such plots and explanations to the levy court of said county, who, on receiving such plots and explanations, shall examine the same, together with all the evidence that shall or may be offered for or against the road so returned, and upon consideration of all circumstances may reject or confirm the said report, and may direct the said commissioners to alter and amend the said plots, confining the said road to the points above mentioned, and when so amended, are hereby ordered to confirm the same, and when so confirmed, shall cause the same to be recorded among the land records of the said county, in testimony of the same being established by law as a public road, and shall direct the said commissioners to mark and bound the said road, as confirmed by the said court, and direct a supervisor or supervisors to clear and improve the same, in the same manner, and on the same terms, as other public roads in the said county are by law directed to be cleared and improved, and upon completing the same, the said road shall be deemed a public road, and shall be kept in repair as other public roads in the aforesaid county are by law directed to be kept.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That upon the said levy court confirming the said road, they shall be and are hereby authorised and empowered, to agree and contract with the person or persons over whose lands the said road may be laid out, for the amount of damages thereby sustained, not exceeding the rate of ten pounds per acre; but if such agreement should not take place, then the said court may issue their warrant, directed to the sheriff of said county, commanding him to summon and return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties concerned, to be and appear before some one of the justices of the said county, on the premises, at a certain day in the said warrant to be expressed, which jury, on their oaths or affirmation, as the case may be, to be administered by the said justice, shall inquire who are the owner or owners over whose land the said road, so laid out and ratified, shall pass, and what damage such owner or owners will actually suffer from the passage of the said 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 the said road; and such sheriff shall return the inquisition of the said jury, under their hands and seals, and attested under his official signature, to the next levy court to be held for the said county, and the amount of damages therein expressed, if any, shall be paid by order of said court, out of the monies to be levied as is herein after directed; provided, that if the said road shall run on the bed of any old road heretofore laid out, and now in use, such person or persons through whose land the said old road now passes, shall not be entitled to receive any compensation for damages herein before directed to be paid; provided also, that the said road shall not pass through any enclosed yard, garden, orchard or meadow, without the consent of the owner, nor shall any field in which grain, hemp, flax or tobacco, or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crops growing on such field.

Court may a-
gree, &c.

IV. AND BE IT ENACTED, That the levy court of said county, at the time of levying the next levy for said county, shall levy, on the assessable property of said county, such sum or sums of money as they may deem necessary for the purpose of surveying, opening and clearing, the said road, and the payments of the damages to the owners of lands through which the said road shall pass, and

Levy money,
&c.