

shall be recovered by warrant issued by any justice of the peace for the respective counties, in which said trustees, as a corporation, shall be plaintiffs, and when recovered shall be applied as by the said recited act is directed.

C H A P.
XXIV.

C H A P. XXV.

An ACT to lay out a road from Francis Snowden's mill, in Baltimore county, to the Great falls of Patapsco, at or near Solomon Allen's mill, where the great road crosses said falls, and to lay out a road from the said Snowden's mill to intersect the old road leading from Baltimore to Liberty-town.

Passed December 28.

WHEREAS it appears by the petition of Francis Snowden to this general assembly, that the public are incommoded for want of a road from Francis Snowden's mill, in Baltimore county, to the Great falls of Patapsco, at or near Solomon Allen's mill, where the great road crosses said falls, and a road from the said Snowden's mill to intersect the old road leading from Baltimore to Liberty-town; and this general assembly thinking the prayer of said petition reasonable,

Preamble.

II. *Be it enacted, by the General Assembly of Maryland,* That Edward Cockey, Thomas Beafman and Beal Owings, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the said Francis Snowden, a road not exceeding thirty-three feet wide, in such direction as the situation of the ground will admit, and best answer the purposes of this act, from Francis Snowden's mill, in Baltimore county, to the Great falls of Patapsco, at or near Solomon Allen's mill, where the great road crosses said falls, and to lay out a road from the said Snowden's mill to intersect the old road leading from Baltimore to Liberty-town; and the said roads, when so surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Baltimore county court, and shall be deemed and taken to be public roads for ever thereafter, and kept up, amended and repaired, as all other public roads in the said county.

Commissioners appointed, &c.

III. *And be it enacted,* That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said roads shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said petitioner, before the said commissioners shall proceed to open the said roads: Provided always, that if any person or persons, through whose land the said roads shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to any constable of the county, to summon five freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on a day by them to be appointed, on the premises; and the said commissioners are hereby authorized to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person at whose request such inquisition shall be taken, by reason of opening the aforesaid roads through his, her, or their lands; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioner shall have had at least five days previous notice; and such inquisition shall be final and conclusive between the parties.

Who shall ascertain damages, &c.

IV. *And be it enacted,* That the said commissioners shall not lay out or open the said roads through the buildings, gardens or orchards, of any person, without his or her consent.

Road not to go thro' buildings, &c.