

An ACT to streighten, amend and repair, the public road in Frederick county leading towards Carlisle, in Pennsylvania. Lib. JG. No. 1. fol. 91.

Passed 10th of Dec. 1789.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of the upper part of Frederick county, that the main road leading from Frederick-town, in the direction towards Carlisle, in Pennsylvania, might be streightened, amended, and made much more useful than the present road now is, by giving it the direction, agreeably to the prayer of the said petition, as herein after described;

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Emmitt, James Hughes and Guy Elder, be and they are appointed commissioners for the purposes in this act mentioned; and the said commissioners, or any two of them, are hereby authorized and empowered to lay off and open, at the expence of the subscribers, a waggon road from Frederick-town, in Frederick county, in the most convenient direction, to the temporary line towards Carlisle, in Pennsylvania, not more than forty feet wide, to continue in and follow the old road until it reaches the east side of Richard Elder's land, and then to run a north-east course to Tom's creek, by Hughes's merchant mill, and to continue the most direct course through Emmittsburgh, and from thence, by Tom's creek meeting-house, to intersect the temporary or state line in the direction to Carlisle; and the said road, when so laid out and opened, and cleared at the expence of the said subscribers, and after the valuation herein after directed to be made, or the damages hereby directed to be assessed, shall be paid or secured to be paid to the individuals concerned, shall be recorded among the records of Frederick county court, and be thereafter deemed and taken to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Commissioners appointed, &c.

III. AND BE IT ENACTED, That the said commissioners may appoint one of their number as treasurer, who is hereby enjoined and empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of laying out and clearing the said road, and such subscribers are hereby directed to pay their several subscriptions to the treasurer appointed as aforesaid; and if any person shall neglect or refuse to pay his subscription money, the said treasurer, or any of the said commissioners in the name of the whole, may and is hereby authorized to sue for, recover and receive the same; and the said monies, when received, shall be applied by the said commissioners, or any two of them, to the purposes of this act.

Who may appoint a treasurer, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose lands the said road may pass, by opening and clearing the same, and the said valuation shall be made before the said commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Frederick county, on application by any person interested, to issue his warrant under hand and seal, directed to any constable of said county, commanding him to summon five freeholders, disinterested as to the said road, to appear on a day by him to be appointed on the land of the person making application as aforesaid, and the said freeholders shall respectively repair to some magistrate of the said county, and take the following oath or affirmation, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act;" and shall return the damages by them assessed to the said justice of the peace, and the damages so assessed and returned shall be conclusive; and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners, and the said commissioners shall pay, or secure to be paid, the amount of the said valuation or damages to the respective parties entitled to receive the same, out of the monies to be raised and collected from the subscriptions to the said road, within the space of six months after the ascertainment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned; provided, that the said road shall not go through any houses, garden, meadow or orchard, unless with the consent of the owner thereof.

And ascertain damages, &c.