

C H A P.
XV.
Vestry, &c.
may make an
exchange, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the select vestry of the said parish for the time being, and the said James Tilghman, shall, by virtue of this act, be enabled and empowered to make such exchange of parts of the said lands and plantations, as the said select vestry, or a majority of them, and the said James Tilghman, may think commodious and convenient to their several plantations aforesaid respectively, and to make and execute proper deeds for the lands exchanged, to be acknowledged and recorded according to the laws of this state; of which lands so taken in exchange respectively, the said select vestry, and the said James Tilghman, shall, by virtue of such deeds and this act, be seized in fee-simple, the said select vestry to them and their successors, and the said James Tilghman to him and his heirs and assigns, for ever.

C H A P. XVI.

Passed 27th of
Dec. 1791.

An ACT to lay out and open a road to and from the mill of Joshua Howard, on Sam's creek, in Frederick county. Lib. JG. No. 1. fol. 391.

Preamble.

WHEREAS Joshua Howard, by his petition to this general assembly, hath set forth, that he has erected a valuable mill on Sam's creek, in Frederick county, and that the road law, passed last session of assembly, has removed the road which formerly passed by his said mill, to the injury of his said property; and prayed that a law might pass to lay out, open and establish, a public road from the road leading from Charlton's Gap to Baltimore-town, to his said mill, and from thence to intersect the aforesaid road leading to Baltimore-town; and the prayer of the said petition being thought reasonable,

Commissioners
appointed, &c.

II. BE IT ENACTED, *that the General Assembly of Maryland*, That Allen Farquhar, Joel Wright and Stephen Winchester, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the said Joshua Howard, a road not exceeding forty feet in width, in such direction as they shall conceive will best answer the purposes of this act, from the road leading from Charlton's Gap to Baltimore-town, to the mill of the said Joshua Howard, on Sam's creek, and from thence to intersect the aforesaid road to Baltimore-town; and the said road, when so surveyed, laid out and opened, and the valuations herein after directed to be made, shall have taken place, shall be recorded in Frederick county court, and shall be deemed and taken to be a public road for ever thereafter.

Who shall af-
fect certain da-
mages, &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 road shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said Joshua Howard, before the said commissioners shall proceed to open the said road; provided always, that if any person or persons through whose lands the said road 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 the constable of the hundred, to summon five freeholders of the county, qualified by law to serve as jurors in the county court, to appear, on a day to be by them appointed, on the premises; and the said commissioners are hereby authorized to administer an oath to every such freeholder, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land; and such freeholders shall thereupon proceed to assess and value the damages accordingly, of which the said Joshua Howard shall have had at least five days previous notice, and such inquisition and valuation shall be final and conclusive between the parties; and provided also, that the said road shall not be opened through the buildings, gardens, yards or orchards, of any person, without his or her consent.

C H A P. XVII.

Passed 27th of
Dec. 1791.

An ACT for securing to the society of the people called Quakers the use of certain lands lying in Cæcil county, agreeably to original grant of the same from the government of Pennsylvania. Lib. JG. No. 1. fol. 392.

Preamble.

WHEREAS by the declaration of rights all gifts, sales or devises of land, exceeding two acres, to any religious sect, order or denomination, for the support, use or benefit of, or interest for,