

III. AND BE IT ENACTED, That if any person or persons shall be sued and impleaded for killing, destroying or selling any such sheep or swine as aforesaid, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall be nonsuit, or discontinue his suit, he shall pay costs, and such damages to the defendant or defendants as the court shall adjudge.

C H A P. V.
General issue pleadable, &c.

C H A P. VI.
An ACT concerning Temple-street, in Baltimore-town, in Baltimore county. Lib. JG. No. 2. fol. 4.

Passed 28th of Dec. 1793.

WHEREAS it has been represented to this general assembly, by the petition of the owners of lots on Temple-street, and others, in Baltimore-town aforesaid, that that part of Temple-street which is situated on the north side of Pitt-street, in Baltimore-town, is unnecessary, and does not contribute, in any degree to the convenience or accommodation of the inhabitants of the said town, but on the contrary, that it is highly injurious and inconvenient to the proprietors of the lots situate thereon, and praying that the said part of Temple-street might be stopped up, and be no more a public street of the said town; and the prayer of the said petitioners appearing reasonable,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That that part of Temple-street aforesaid which is situated on the north side of Pitt-street, in the town aforesaid, shall not from henceforth be or remain a part of Temple-street aforesaid, and that the owners and proprietors of the ground thereof shall have the same right and benefit to the same as if the same had not been laid out as a part of Temple-street aforesaid, and may enclose the same accordingly, any law to the contrary notwithstanding.

Part of the street not to remain, &c.

C H A P. VII.
An ACT to establish the road from the Turkey Foot road towards Bradock's road as a public road, and for other purposes therein mentioned. Lib. JG. No. 2. fol. 4.

WHEREAS sundry inhabitants of Allegany county, by their petition to this general assembly have set forth, that there hath been a road from the Turkey Foot road, above the fork of Jennings Run, leading up the said run by Oswalt's saw mill to the foot of Mount Pleasant, and from thence until it intersects Bradock's road at a tract of land called The Mountain, and that, it never having been made a public road by law, they are deprived of the benefit and utility of the same, to their great injury and inconvenience, by its not being established a public road as aforesaid; and the prayer of the said petitioners appearing to this general assembly to be reasonable,

Preamble.

II. BE IT ENACTED; by the General Assembly of Maryland, That the aforesaid road leading from the Turkey Foot road by the aforesaid places until it intersects Bradock's road at the said tract of land called The Mountain, be and the same is hereby declared, deemed and taken to be, a public road for ever, any law to the contrary notwithstanding.

Road deemed public, &c.

III. AND BE IT ENACTED, That Michael Oswalt, Garret Snedeker, senior, and Edward Grimes, or any two of them, be and are hereby appointed commissioners on the aforesaid road, and that they, or any two of them; are hereby authorized and empowered to lay out, mark and bound, the same, not more than thirty feet in width, agreeable to its original location, where the same has been removed by individuals, and where the same can be done with advantage and convenience.

Commissioners appointed, &c.

IV. PROVIDED NEVERTHELESS; AND BE IT ENACTED, That all costs, charges and expences, attending the laying out, marking and bounding, the aforesaid road, shall be paid by the said petitioners, or such of them as shall be most benefitted thereby.

Proviso.

V. AND BE IT FURTHER ENACTED, That after the said petitioners, or such of them as are most benefitted in the establishment of the said road, shall have streightened, amended and repaired the same, under the directions of the commissioners aforesaid, appointed by virtue of this act, that then the aforesaid road shall be kept in repair in the same manner as other public roads are directed to be kept in repair in the said county.

Road to be kept in repair, &c.