

Pratt-street may be extended westernly, until it intersects the turnpike road leading from said town to Frederick-town, and the prayer of said petition being reasonable; therefore, C H A P. LVIII.

Commissioners appointed, &c.

Who shall ascertain damages, &c.

By whom to be paid.

Road not to be opened without consent, &c.

Passed 24th of Dec. 1795.

II. BE IT ENACTED, by the General Assembly of Maryland, That James Calhoun, Adrian Valck, James Carey, John Stump and Samuel Owings, of Stephen, of the town aforesaid, be and they are hereby appointed commissioners, and they, or any three or more of them, are hereby authorized and empowered to open and extend a road from the west end of Pratt-street aforesaid, from the town aforesaid, of the same width of said street, westernly, until it intersects the turnpike road leading from said town to Frederick-town, in a straight direction, and to return a plot thereof to Baltimore county court to be recorded; and when the said road is so laid out, opened and extended, it shall be thereafter deemed a turnpike road; and that the said road shall thereafter be under the jurisdiction and management of the commissioners appointed, or to be hereafter appointed, in virtue of an act, entitled, An act to lay out several turnpike roads in Baltimore county, who shall have all the powers over the said road, and the erecting a toll-gate thereon, as may be expedient or necessary to keep the same in repair, in the same manner, and under the same tolls, as they now have or shall have as to the other public turnpike roads in Baltimore county.

III. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, are hereby authorized and empowered to ascertain the loss or damage of any person through whose lands the same may pass, by laying out and opening the road aforesaid, before they proceed to open or lay out the same; and if any proprietor of lands may think himself injured thereby, it shall and may be lawful for the commissioners aforesaid, or a majority of them, and such proprietor, each to appoint a person as arbitrator between them, and if the arbitrators differ, they to choose a third person, and if the two persons appointed as aforesaid cannot agree about a third person, then and in that case they shall choose a third person by lot, and the said three persons, or any two of them, shall value such damage under all circumstances, and return the same, under their hands and seals, to the said commissioners and proprietor, whose valuation shall be final and conclusive; but in case any proprietor shall neglect or refuse to appoint such arbitrator in fifteen days after the application to him for that purpose made in writing, or in case the said arbitrators do not return their award in fifteen days from such appointment, or the proprietor be non compos mentis, an infant, absentee or feme-covert, that then and in every such case the commissioners aforesaid, or a majority of them, shall issue their warrant, under their hands and seals, to the sheriff of Baltimore county, commanding him to summon twelve freeholders, disinterested as to the said road, to appear on a day by them to be appointed, on the land of the person so interested, and the said freeholders shall take the following oath or affirmation, to wit: "I, A. B. do swear, or affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening and extending the road from Pratt-street aforesaid, (as the case may be,) through the land of C. D. in pursuance of this act," and shall return the estimation of damages, by them so assessed, to the clerk of Baltimore county, under their hands and seals; and the estimation of damages by them so assessed, or a majority of them, shall be final and conclusive.

IV. AND BE IT ENACTED, That all damages, costs and expences, attending the laying out, extending and confirming, the said road, shall be paid by the petitioners for the same.

V. AND BE IT ENACTED, That the commissioners aforesaid shall not have power to open the said road through the land of any proprietor without his or her consent, until the expiration of twelve months next after the making of the award aforesaid, or in case of the intervention of a jury until the expiration of twelve months after the return as aforesaid of their inquisition, and moreover until the damages ascertained as aforesaid shall have been paid, or tender thereof made.

C H A P. LIX.

An ACT to incorporate an insurance company in Baltimore-town. Lib. JG. No. 2. fol. 346.

Supplementary and other acts 1796, ch. 63, 1798, ch. 6.

WHEREAS fundry persons have formed themselves into a society for the insurance of ships and merchandise at sea, and have prayed to be incorporated by law: And whereas it appears to this general assembly, that the granting of the prayer aforesaid will be advantageous to the commercial and agricultural interest of this state, Preamble.

C c c c

II. Bz