

C H A P.
LXXVIII.

return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties, to be and appear before some one of the justices of the said court, on the premises, at a certain day in the said warrant to be expressed, which jury, on their oath, or affirmation, as the case may be, to be administered by the said justice, shall inquire who are the owner or owners of the said land over which the road or roads so laid out and ratified shall pass, and what damages such owner or owners will actually suffer from the passage of such road or roads over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising from the opening and improving of the said road or roads; and such sheriff shall return the inquisition of the said jury, under their hands and seals, and attested by his official signature, to the next levy court to be held for the county, and the amount of the damages therein expressed, if any, shall be paid, by order of the said court, out of the monies to be levied as is by law directed; provided, that the said road or roads shall not be made to run through any building, enclosed yard, garden or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crop growing in such field.

Compensation
to be made, &c.

IV. AND BE IT ENACTED, That when the commissioners who may be appointed under this act shall have discharged all the duties required of them in virtue of such appointment, the levy court aforesaid shall order to be made to the said commissioners respectively, out of the monies to be levied as by this law directed, such reasonable compensations as to the said court shall seem meet, and the said commissioners respectively shall thereafter be discharged.

Money to be
levied, &c.

V. AND BE IT ENACTED, That the levy court of said county shall and they are hereby authorized to levy annually, until said road or roads is or are completed, on the assessable property of said county, a sum not less than eighty dollars, nor exceeding two hundred dollars, for the purpose of defraying the expence of clearing and improving said road or roads, which monies shall be collected as all other public charges are by law directed to be collected.

Court to ap-
point persons,
&c.

VI. AND, whereas the road leading from Ninian Cockran's store, at Genning's run, up Wilk's creek, by John Tomlinson's mill, in Allegany county, to the Pennsylvania line, established by an act passed at November session, one thousand seven hundred and ninety-seven, runs through the land of John Tomlinson, much to his injury, as it is represented; therefore, BE IT ENACTED, That the county court of Allegany county be and they are hereby authorized, upon the petition of John Tomlinson, to appoint three discreet persons, freeholders in the said county, commissioners, to view, survey and plot, the road so applied for, through the land of said Tomlinson, and make return thereof to the court at their next meeting, who, on receiving such plot, shall examine the same, and all the evidence that shall be offered for or against the said road, as returned, and may reject or confirm the same, or may direct the commissioners to alter and amend the said plot, and when so amended, may reject or confirm the same, and when confirmed and opened as the said county court shall direct, shall be deemed a public road.

Road declared
public, &c.

VII. AND, whereas sundry inhabitants of Allegany county, by their petition to this general assembly, have represented, that there has been a road laid out from a tract of land called Bear Camps, through Selby's Port, to the Virginia line, in a direction to Morgan-town, at a place called Jenning Cabin, and has been kept in repair as a public road for several years past; and as the establishing of the same as a public road would greatly administer to the convenience of the public, they have prayed that the same may be made a public road, which appears to this general assembly reasonable; therefore, BE IT ENACTED, That the road in Allegany county leading from Braddock's road, at a tract of land called Bear Camps, as aforesaid, through Selby's Port, to the Virginia line, at a place called Jenning's Cabin, be and the same is hereby declared, deemed and taken to be, a public road for ever, and hereafter to be kept up and repaired as other public roads are in said county, any law to the contrary notwithstanding.

C H A P. LXXIX.

Passed 3d of
Jan. 1800.

An ACT to prevent unnecessary delay and expence, and for the further advancement of justice, in the court of chancery. Lib. JG. No. 3. fol. 331.

Defendant,
not resident, be-
ing summoned,
a day to be li-
mited, &c.

BE IT ENACTED, by the General Assembly of Maryland, That in case any defendant in a cause instituted, or hereafter to be instituted, in the court of chancery, resides, or shall reside, out of the state, and a summons from the said court hath been or shall be served upon the said defendant, and