

C H A P. XII. Charles county, to Leonard-town, in Saint-Mary's county, which lies between Allen's-Fresh and Pile's Creek, is become almost impassable for carriages, on account of its passing over hilly and broken grounds, which render it extremely difficult to keep the said road in repair, and that the same may be much amended by changing the course thereof; and praying an act may pass empowering the justices of Charles county court to appoint commissioners to view and amend the same; and it appearing reasonable to this general assembly that the prayer of the petitioners should be granted; therefore,

Justices to appoint commissioners, &c.

II. Be it enacted, by the General Assembly of Maryland, That the justices of Charles county court be and they are hereby authorized and empowered to appoint three commissioners, for the purpose of reviewing and amending that part of the public road leading from Port-Tobacco, in Charles county, to Leonard-town, in Saint-Mary's county, which lies between Allen's-Fresh and Pile's Creek; and that the said commissioners, or any two of them, be and they are hereby authorized and directed to alter the course of the said road, and amend the same, by carrying it over such grounds as they shall think will render the same of more public utility.

Who are to ascertain damages, &c.

III. 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 Charles county, on application by any person interested, to issue his warrant under hand and seal, directed to any constable of the 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 justices of Charles county court, and the damages so assessed and returned shall be conclusive.

To be assessed on property, &c.

IV. And be it enacted, That the justices aforesaid, at their next levy court, shall levy, on the assessable property of the inhabitants of said county, the sum so adjudged by the commissioners or freeholders aforesaid to be the damages sustained by the person or persons through whose lands the said road shall run, and such sum, when collected, shall be paid by the said justices to the person or persons sustaining such damages; provided that the said road shall not go through any houses, garden, meadow or orchard, unless with the consent of the owner thereof.

### C H A P. XIII.

#### An ACT for the relief of Benjamin Rogers.

Passed December 19. Preamble.

**W**HEREAS it appears to this general assembly, that Benjamin Rogers, of Baltimore county, some time in or about the year of our Lord one thousand seven hundred and seventy, contracted with the commissioners of the late proprietary for the purchase of a part of the reserved lands in Baltimore county, at the price of twenty pounds for each hundred acres, and so *pro rata*: And whereas it further appears, that under the said contract patents were granted to the said Benjamin for sixteen hundred and ten acres of the said reserved land, and that upon a settlement between him and the said commissioners, there remained due to the said Benjamin one hundred and forty-three and a half acres, with which he was charged, and for which no patent hath yet issued; and that the said Benjamin also hath overpaid, and left in the hands