

C H A P. XVI. sembly, 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, by 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 valuation 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 ascertain damages, &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 land 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 December 27.

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.

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, the same, are void without the leave of the legislature: And whereas it is represented to the general assembly, that whilst the lands called East Nottingham and West Nottingham, lying in Cæcil county, were held to be within the bounds of Pennsylvania, and subject to the government thereof, a patent was granted, by the proprietary of Pennsylvania, for forty acres of land lying in the said East Nottingham, to four persons, as trustees, for the use of the society of the people called Quakers, and that the said land has been ever since held to their use; and that a certificate for five acres and one hundred and twelve perches of land lying in the said West Nottingham, which were originally taken up under the government of Pennsylvania, and have ever since been peaceably held for the use of the said society, has been returned to the land-office, with the treasurer's endorsed receipt for the money by law directed to be paid for the same, but a patent could not constitutionally be granted for the same to the use of, or in trust for, the said society.