

1795.

L A W S of M A R Y L A N D.

C H A P. XXXI.

Passed December 24.

An ACT to lay out and open a public waggon road from Hughes's coaling ground, on the south mountain, to intersect the road, at or near Joseph Staley's, leading to Frederick-town.

Preamble.

WHEREAS sundry inhabitants of Frederick-town and county, by their petition, have set forth, that great inconveniencies arise from the want of a public waggon road leading from Hughes's coaling ground, on the south mountain, to Frederick-town, and have prayed that a road be laid out in the said direction, and the prayer thereof appearing to this general assembly reasonable; therefore,

Commissioners appointed, &c.

II. Be it enacted, by the General Assembly of Maryland, That Henry Leatherman, Thomas Beatty, David Delawder, Daniel Gaver and John Smay, or any three of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the petitioners, a road, not exceeding thirty feet in width, in such direction as they shall conceive will best answer the intention of this act, beginning at or near Hughes's coaling ground, on the south mountain, and to intersect the road, near Joseph Staley's, leading to Frederick-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, and kept up, amended and repaired, as all other public roads in the said county.

Who shall ascertain the damages, &c.

III. And be it enacted, That the said commissioners, or any three of them, 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 as above directed 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 three 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, and no way interested or related to the party or parties so complaining, to appear, on a day to be by them appointed, on the premises, and to give notice thereof to the party or parties, 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, 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, orchards or meadows, of any person, without his, her or their consent.

C H A P. XXXII.

Passed December 24.

An ACT to revive and aid the proceedings of the orphans court of Calvert county, and to call and adjourn the same.

Preamble.

WHEREAS it is represented to this general assembly, that the orphans court of Calvert county stood adjourned until the second Tuesday in June, seventeen hundred and ninety-five, and that no one of the justices of said court attended to call the same according to adjournment as aforesaid, whereby all process and proceedings in the said court were discontinued; for remedy whereof,

Rules, &c. revived, &c.

II. Be it enacted, by the General Assembly of Maryland, That all the rules, judgments, entries, acts, process and proceedings, depending in the said court on the second Tuesday of June aforesaid, shall be and the same are hereby revived, and shall be in the same state and condition, to all intents and purposes, as the same would have been in if the said court had met on the second Tuesday of June