

XXI. AND BE IT ENACTED, That the said president and managers of the said turnpike road for the time being, shall and may, and they are hereby authorised and empowered, to grant, demise, and to farm let, to any person or persons with whom they can agree, the tolls and duties which they, by virtue of this act or their own by-laws, are authorised to demand and receive for passage in, upon and along, the said road, at any such gate or turnpike, over or upon the same, or any part of the same, for any term not exceeding seven years, under such rents, reservations and conditions, as the said president and managers, at any meeting of their board, shall agree upon, which grants and demises shall have the construction, force and effect, as other like grants and demises made between private persons have and receive at law.

C H A P.
XCI.
Tolls may be granted, &c.

XXII. AND, whereas it would be unjust and improper to extend the said turnpike so as to make the same intersect the York-town turnpike, and by that means affect the interest of those persons who may become stockholders in the said York-town turnpike, by drawing off from said road any portion of the trade that now passes down the said road into Old-town, in the city of Baltimore, and although this legislature is aware that the powers of all and every future legislature will be co-equal and commensurate with their own, and that the acts of the present legislature may be repealed, changed and abolished, by future legislatures, if in their wisdom they may see proper so to do, yet this present legislature, wishing to declare the grounds and principles upon which this law is passed, and to obviate any injury or injustice to the rights of such persons as may become proprietors of the said York-town turnpike, do for these reasons solemnly and explicitly declare, that the turnpike road hereby authorised and established, is granted upon the faith and condition that the same shall not hereafter be further extended in a direction to intersect the said York-town turnpike, and thereby injure the rights of those persons who may be in any manner interested therein; provided nevertheless, and it is hereby enacted and declared, that it shall and may be lawful, with the approbation and consent of the company of the York-town turnpike, to cause a communication to be opened from the mill owned by Patterson and Stricker, upon Jones's Falls, until the same shall intersect the York-town turnpike at or near a stone bridge opposite the old mill of Josiah Pennington, situated upon the said stream called and known by the name of Jones's Falls.

Road granted upon condition, &c.

XXIII. AND BE IT ENACTED, That if the before-mentioned company shall not proceed to carry on the said work within two years from the passing of this act, and shall not complete the same in three years thereafter, the right of the said company to the said road shall revert to the state.

When to be proceeded on, &c.

C H A P. XCII.

An ACT relating to stray black cattle in Allegany county.

WHEREAS an inconvenience is found from the want of a regular mode prescribed by law, whereby strays of the aforesaid description may be taken up, and compensation made for the injury done by said strays; therefore,

Passed January 19, 1805.
Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That whenever any black or horned cattle shall break into any enclosure, or otherwise be found trespassing and astray, the party aggrieved, or owner or occupier of the land whereon such stray shall be found, may forthwith and immediately thereon procure from a justice of the peace, or a justice of the levy court, a warrant, directed to two such disinterested judicious persons as one of the justices aforesaid shall appoint, to appraise and value the stray cattle as aforesaid upon oath, at the true value thereof in money, according to their best judgment, and to administer an oath unto them for that purpose accordingly, which warrant and oath, either of the justices aforesaid are hereby respectively authorised to issue and administer; and it shall further be the duty of the persons so as aforesaid authorised, to make out a certificate of the valuation by them affixed, together with a description of the stray beast, setting forth its age, colour and marks, natural and artificial, which certificate and warrant shall, within fifteen days from the date of the warrant, be, by the party taking up such stray, lodged with the clerk of the county, who shall enter the same in a book for that purpose to be kept, for which he shall be paid, at the time of receiving the certificate, twenty-five cents; and the person so taking up shall also cause an advertisement, giving a description of such stray, to be set up at the most public places within his neighbourhood, or publish the same in some news-paper, within the time afore limited for the return of the warrant; provided nevertheless, that no beasts belonging to persons of the neighbourhood where they shall be found, and which are not more than seven miles from their owners dwelling, shall be considered as strays under this act.

Stray cattle to be appraised, &c.

III. AND BE IT ENACTED, That if the owner of any such stray beast appear within one year next after such notice of the taking up given to the county clerk as aforesaid, and make out his right

Owner to have restitution, &c.