

1805.

NOVEMBER.

## L A W S O F M A R Y L A N D.

C H A P.  
LXII.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Welch, Benjamin Quinland and Benjamin Rigdon, be and they are hereby appointed commissioners, and empowered to review the said road leading from Underhill's mill to Baltimore, beginning near a place called The Sandy Bottom, on the road leading from Coop's-town to Haaway's mill, and to streighten the same in such manner, and in such places, until it intersects the Little Falls of Gunpowder at the Rock Ford, as in their judgment will best comport with public convenience, so as the same shall not be streightened to run through the yard, orchard or garden, of any person, without the consent of the owner or owners thereof; and the said commissioners are hereby directed to return a plot of said road, so streightened, to the clerk's office of said county, to be there filed and recorded; provided always, that the levy court for said county, for sufficient cause, may reject said plot and return, and may direct said commissioners to return another plot thereof, and so from time to time, till a plot shall be returned which shall be approved of and confirmed by said levy court.

III. AND BE IT ENACTED, That the levy court of said county, if a plot shall be returned, approved of and confirmed as aforesaid, be and it is hereby empowered, at the next court thereafter, to appoint an overseer or overseers to clear and open said road, according to said plot, and to levy such sum of money, as, in the discretion of said court, shall be considered reasonable, for the purpose of clearing and opening said road as aforesaid; and the said road, when surveyed, laid out, cleared and opened as aforesaid, shall be deemed a public road, and shall be kept in repair as other public roads in said county are kept in repair.

IV. AND BE IT ENACTED, That the said commissioners shall be entitled to receive, as a compensation, the sum of two dollars for every day they shall attend for the discharge of the duties required of them by this act, and the said overseer or overseers shall receive the same compensation which the overseers of public roads respectively receive, which compensations shall be respectively levied, collected and paid, in the same manner that other county charges are levied, collected and paid.

V. AND BE IT ENACTED, That the said commissioners, or a majority of them, when they streighten said road, may and they are hereby authorised to assess the damages sustained by the individuals over whose lands the said road has been or may be streightened, taking in consideration the advantages and disadvantages, if any, and to return such assessment to the aforesaid levy court, to be levied, collected and paid, as other county charges are levied, collected and paid.

VI. AND BE IT ENACTED, That if any person or persons through whose lands the said road has been laid out, pass or shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or themselves, aggrieved by such valuation and assessment of damages made, or to be made, by the said commissioners respectively, it shall and may be lawful for any justice of the peace, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon five disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the party or parties interested, and the said jurors, when so met, and having each first taken an oath before some justice of the peace, 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, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive between the parties respectively; provided, that in case the damages or valuation allowed by said inquisition shall not exceed the allowance which shall have been made by the commissioners, the party applying for said jury shall pay all costs incurred by reason of such application.

C H A P. LXIII.

Passed 25th of  
January, 1806.

An ACT to authorise James Rice and Mary Wolf to dispose of the land therein mentioned.

WHEREAS it is represented to this general assembly, by the petition of James Rice, executor, and Mary Wolf, formerly Mary Rice, executrix, of the last will and testament of William Rice, late of Frederick county, deceased, that the said William Rice departed this life sometime in the year of our Lord eighteen hundred, seized in fee of two small pieces of land, lying in Frederick county aforesaid, one of which tracts is distinguished and known by the name of Lot Number Twenty-nine, containing one hundred and thirty-eight acres, and part of lot number seventy-four, containing ten and three quarter acres of land, both of said pieces of land being part of Monocacy manor; that the said William Rice did, by his will aforesaid, among other things, devise,