

C H A P.  
CXLVIII.

III. AND, whereas the road from Gravelly hill on the Reister's-town turnpike road, to Philemon Barnes's plantation on the Frederick county line, is obstructed by fences, and it appearing to this general assembly that the persons owning the lands where the obstructions are would be materially injured, and it being reasonable that damages should be allowed where actually sustained, therefore, BE IT ENACTED, That on the application of any person or persons conceiving himself, herself or themselves injured, by reason of removing the obstructions now existing on the road leading from Gravelly hill to Philemon Barnes's plantation, to the levy court of Baltimore county, they, or a majority of them, are hereby authorised and required to appoint five persons, freeholders in, and residents of, the county aforesaid, to value and ascertain the damages, on oath, that such person or persons may sustain, taking into consideration all the advantages and disadvantages, if any, which shall be final, and return such valuation to the clerk of Baltimore county court; and the levy court of Baltimore county, at their next annual levy, are authorised and required to levy the amount of said damages on the assessable property of said county, to be collected and paid over to the respective persons to whom the said damages, if any, shall be awarded, in the same manner as other county charges are levied, collected and paid.

Court, on application, to appoint five persons, &c.

Justices to appoint persons, &c.

IV. AND BE IT ENACTED, That the said justices of the levy court, upon the application of any person or persons through whose land the new location of the said public road from the city of Baltimore to the town of Belle-Air, in Harford county, shall pass, stating himself to be injured thereby, be and they are hereby authorised and required to appoint five persons, freeholders and residents of Baltimore county aforesaid, to value and ascertain, on oath, the damages sustained by such person or persons as aforesaid, taking all advantages and disadvantages into consideration, a statement of which valuation shall be returned, in writing, under the hands and seals of the persons making the same, to the office of the clerk of Baltimore county; and the said justices of the levy court are hereby required to levy the amount of such damages upon the assessable property of said county, and cause the same to be collected in the same manner that other county levies are, and when collected, the same shall be paid over to the person or persons authorised to receive the same.

C H A P. CXLIX.

Passed 20th of January, 1808.

An ACT for the benefit of John Schnebly, Jacob Schnebly, David Schnebly, and the children of Jacob Barnett, of Washington county, devisees of doctor Henry Schnebly, late of said county.

Preamble.

WHEREAS it is represented to this general assembly; that doctor Henry Schnebly, late of Washington county, died seized of, and entitled to, a considerable estate in fee-simple, leaving as his heirs one grandson, to wit: Daniel Schnebly, the son of Henry Schnebly, then dead; three sons, to wit: John Schnebly, Jacob Schnebly and David Schnebly, now living, and ten grandchildren, the descendants of his deceased daughter, Elizabeth Barnett; that the said doctor Henry Schnebly made his last will and testament, in writing, duly executed, wherein and whereby he devised to his grandson, Daniel Schnebly, son of Henry, certain lands therein specified, in tail, and certain personal property, to which devise he added words excluding the said Daniel from any further participation in his estate, and devised other parts of his estate to his sons John, Jacob and David, and to his ten grandchildren, the descendants of Elizabeth Barnett, respectively, by which said last four before-mentioned devisees he meant to pass fee-simple estates to the respective devisees, but from the inaccuracy of the expression in said will, it is apprehended that the same only gives life estates to the devisees respectively named; to remedy which the said heirs have presented a petition to this general assembly, praying that an act may pass enlarging the estates respectively devised in and by the said will to John Schnebly, Jacob Schnebly, David Schnebly, and the children of Elizabeth Barnett, into estates in fee-simple, which is thought reasonable, in as much as the deviser has made an equal distribution of the residue of his estate, not devised to his grandson Daniel Schnebly, between his three sons aforesaid, and the children of his deceased daughter Elizabeth; therefore,

Devise to be taken as a devise in fee-simple, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That the devise in the will aforesaid of him the said doctor Henry Schnebly, late of Washington county, of certain lands to his son John Schnebly, by name, shall be deemed and taken, to all intents and purposes, as a devise to him the said John Schnebly, and his heirs, in fee-simple; that the devise in the said will of certain lands to the children of the testator's late daughter, Elizabeth Barnett, shall be deemed and taken, to all intents and purposes, as a devise to them, the said children of Elizabeth Barnett, deceased, and their heirs, in fee-simple, as tenants in common; that the devise in the said will of certain lands to the said testator's son, Jacob Schnebly, by name, shall be deemed and taken, to all intents and pur-