

C H A P. XXXVIII.

An ACT to extend further the powers of the commissioners of Elizabeth-town, in Washington county.

Passed 20th of Dec. 1808.

BE IT ENACTED, by the General Assembly of Maryland, That the commissioners of Elizabeth-town, in Washington county, are hereby authorised to have all swine and geese impounded by their clerk that shall be permitted by the owners to run at large in the said town, or the additions thereto, and that they shall be kept for the space of five days, notice being given by advertisement at the market-house in said town, immediately on the same being impounded, that unless the owner or owners shall within the space of five days pay to the said clerk fifty cents for each swine, and twelve and an half cents for each goose, and also twelve and an half cents for feeding such swine per day whilst impounded, and that if no owner apply for such impounded swine or geese within five days as aforesaid, the said clerk shall sell at public sale such swine or geese so impounded, and account with the said commissioners for the amount arising therefrom, and for which services he the said clerk shall receive one half of the total sum, and the balance to be applied to the use of the town.

Swine, &c. to be impounded, &c.

II. AND BE IT ENACTED, That the said commissioners shall have power to regulate and determine the width and depth of the water-courses in the said town, and to compel the owners of lots through which the same passes, to keep the same open and in good order, and if any such person through whose lot such water-course may pass, shall refuse to have the same done agreeably to the directions of the said commissioners, after ten days notice, every such person shall forfeit and pay the sum of five dollars, and the commissioners may have the same done and opened, and charge the expense thereof to the owner or owners of such lot through which the same shall pass, and if done by tenants they may retain the expense out of the rents, on a settlement with the owner or owners of such lots.

Commissioners to regulate water-courses, &c.

III. AND BE IT ENACTED, That if any person shall cause any nuisance in the said town, by suffering stagnant water to remain on his or her lots, or by throwing dead carcasses into any of the lots, streets or alleys, of the said town, or additions thereto, shall pay a fine, at the discretion of the commissioners, not exceeding five dollars for each offence; and if such person shall neglect to remove such nuisance, after notice from a commissioner or their clerk, the same may be removed by direction of the commissioners, and the expense attending such removal shall be paid by the person or persons causing the same, the informer of such offence to have one half of the fine above mentioned, and the other half to be applied by the commissioners to the use of the town.

Penalty for suffering nuisances to remain, &c.

IV. AND BE IT ENACTED, That all fines and penalties incurred under this act, and all sums expended by the said commissioners removing obstructions or opening water-courses, shall be recovered in the same manner as all other costs are recoverable by law.

Fines, &c. how to be recovered.

V. AND BE IT ENACTED, That all laws repugnant to, or inconsistent with, the provisions of this act, be and the same are hereby repealed.

Laws repealed.

C H A P. XXXIX.

An ACT to lay out and straighten a road in Baltimore county.

Passed 20th of Dec. 1808. Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Baltimore county, that a road leading from Frederick Smith's, on the York-town road, to the centre of a forty-seven feet street, lately laid out as a cross street by the trustees of Zion church, then from the west end of said street to the Frederick county line, in a direction towards Westminster, in Frederick county, would be of great utility and advantage; therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That John Wampler, Peter Sentz, of Christian, and George Grouce, be and they are hereby appointed commissioners to survey, lay out, straighten and amend, at the expense of such persons who may think proper to contribute thereto, a road, not exceeding thirty feet in width, in the straightest and best direction the nature of the ground will admit, from Frederick Smith's, on the York road, to the centre of a forty seven feet street, lately laid out by the trustees of the German church, then from the west end of said street to the Frederick county line, in the direction to Westminster, in Frederick county, to run near where the old road at present crosses Smith's branch at the foot of Long's meadow; and the road, when so laid out, and the valuation herein after directed to be made shall have taken place, shall be recorded by the clerk of Baltimore county court, and for ever thereafter be deemed and taken for a public highway.

Commissioners appointed, &c.