

II. And be it enacted, That the justices of the peace of the said county shall nominate and recommend to the governor and the council three persons, of whom the governor, with the advice of the council, shall appoint and commission one, to be inspector of the said warehouse, in the manner directed in the fifth and sixth sections of an act passed at November session, in the year seventeen hundred and eighty-nine, entitled, An act to regulate the inspection of tobacco, to attend at the said warehouse, shall ascertain his salary, and provide weights and scales for the use of the same at the expence of the proprietor or proprietors aforesaid; and that the said warehouse, when so erected, shall be, in all respects, under the same regulations, and upon the same establishment, as all other warehouses in Anne-Arundel county, excepting only the building and keeping the same in repair as aforesaid.

CHAP.
LII.
Justices to
nominate
three persons,
&c.

C H A P. LIII.

An ACT to lay out certain roads in Anne-Arundel and Montgomery counties.

Passed December 27.

BE it enacted, by the General Assembly of Maryland, That the following roads shall be laid out, surveyed, marked, bounded and cleared, in the manner herein after directed, to wit: One road through Anne-Arundel county, from the turnpike road in Baltimore county until it intersects the road from Frederick-town at the line of Frederick county, near William Hobbs's; one other road from Green's bridge, on Patuxent river, to the mouth of Monocacy, on Patowmack river, through Montgomery county; and one other road from Conrad Myers's ferry, on Patowmack river aforesaid, until it intersects the road from Green's bridge aforesaid to the mouth of Monocacy aforesaid, south-westward of the road leading from Frederick to George-town, in Montgomery county aforesaid; and one other road from Conrad Myers's ferry, on Patowmack river, to the mouth of Seneca, or to intersect the road from George-town to the mouth of Monocacy, by way of Brooke Beall's mill on Watts's branch, in Montgomery county.

Several roads
to be laid out,
&c.

II. And be it enacted, That Michael Pue, John Snowden and Caleb Dorsey, of Thomas Beale, be and are hereby appointed commissioners on the first aforementioned road in Anne-Arundel county; and Francis Deakins, Jeremiah Crabb and Ignatius Pigman, be and they are hereby appointed commissioners on the second aforementioned road; and Lawrence Oneale, Thomas Fletchall and Aquila Johns, be and are hereby appointed commissioners on the third and fourth aforementioned roads in Montgomery county.

Commission-
ers appointed.

III. And be it enacted, That the justices of the peace of Anne-Arundel county, at their levy court to be held next after the first of January next, and thereafter in the last court of the year annually, shall levy a sum of money not exceeding two shillings and six-pence current money on every hundred pounds worth of assessable property in the said county, to be collected in the same manner, at the same times and by the same persons, as other county taxes are collected, and shall be paid quarter yearly into the hands of the commissioners aforesaid, until the said road in said county shall be completed.

Justices to le-
vy money,
&c.

IV. And be it enacted, That the commissioners aforesaid, for each of the roads aforesaid, or a majority of them, shall, within four months after the first day of January next, lay out, survey, mark and bound, the roads for which they are respectively appointed, the first mentioned road of the width of four perches, and the second, third, and fourth mentioned roads, of the width of two perches, and in as streight, direct, and advantageous a manner, as the nature of the ground will admit of, and, without delay, shall execute, sign and seal, plain plots of the same, with explanations thereof, and such plots and explanations shall return to the next county court, to be recorded amongst the records of the county, and shall be thereafter deemed and taken to be public roads for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said counties.

Roads to be
laid out in
four months
after the first
of January
next, &c.

C H A P.
LIII.

How vacancies are to be filled, &c.

V. And be it enacted, That in case of the death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, the county court where such vacancy or vacancies shall happen, shall and are hereby directed to fill up such vacancy or vacancies, and if such vacancy or vacancies shall happen during the recess of such court, then the associate justices shall have the power to fill up such vacancy or vacancies, and such re-appointments shall and may be made from time to time, as often as occasions shall require, until the said roads shall be surveyed, plotted, returned and recorded, as aforesaid; and after the return of any of the roads aforesaid shall be made according to this act, the county court shall respectively order to be paid to the commissioners aforesaid, out of the monies to be appropriated to the purposes of these roads, such reasonable compensation as to them shall seem meet.

Commissioners to appoint supervisors, &c.

VI. And, for the more effectual making of said roads, Be it enacted, That the commissioners aforesaid, in their respective counties, are hereby empowered to appoint one or more supervisor in each county to superintend, direct and contract for, the execution of the same in the most effectual, economical, and expeditious manner; and each and every of the supervisors, so appointed, shall give bond, with sufficient security, to be approved of by said commissioners in the county where said supervisors may be appointed, in a penalty of at least double the estimated amount of one year's assessment for the said road or roads in the county in which he shall be appointed, for the faithful discharge of his trust; and such appointments or re-appointments shall be made, and bonds as aforesaid shall be annually renewed, at the times the monies are to be levied; and the supervisors shall lay before the county court of their county, at the last court in each year, just and true accounts, on oath, or affirmation, of all receipts and expenditures of monies by them received and expended in virtue of their appointments, and shall pay the balances, if any, to their successors, if superseded or displaced; and the said supervisors shall respectively be allowed at the rate of five *per centum* upon the sums of money by them severally received and expended in the execution of this act.

County courts to agree for damages, &c.

VII. And, whereas the laying out of said roads may cause damage to the proprietors of lands through which the same may pass, and it is reasonable and just that compensation be made to those who require the same, Be it enacted, That in every case where the same shall be required of the county court, they shall agree with the party injured for the amount of the damages sustained, not exceeding the rate of three pounds current money *per acre*; but if such agreement does not take place, then the court to whom application shall be made, shall issue their warrant to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men to the said county, to be and appear before one or more of the said justices, on the premises, at a certain day in the said warrant to be expressed; which jury, upon their oath, to be administered by the sheriff aforesaid, shall inquire who is or are the owner or owners of the land over which any such road shall pass, and what damages such owner or owners will actually suffer from the passing of the road over the land as aforesaid, taking into due consideration all conveniences and inconveniences, advantages and disadvantages, arising from such circumstances, whether by the improvement of an old road or in making a new one; and such sheriff shall return the inquest of the jury aforesaid, or of any eight of them agreeing, under their hands and seals, and attested by his official signature, to the next county court to be held for the county wherein such inquest shall have been taken, and the amount of damages therein expressed shall be paid, by order of the said court, out of the monies to be levied as aforesaid and appropriated to such road: Provided, That no new road shall be made through any building, enclosed yard, garden or orchard, against the will of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables, except grass, shall be growing, be laid open until after the season for collecting and securing the crop; but if it be expedient to lay out any such road through an enclosed yard, garden or orchard, and the owner will consent thereto, then the damages sustained

sustained thereby shall be adjusted and paid as in other cases, and the road C H A P. LIII. may be made accordingly.

VIII. And be it enacted, That if any person or persons shall presume to alter or change, or in any manner obstruct or encroach on, any of the said roads, or on any part or parts thereof, or to cut down or destroy, deface or injure, any of the bridges, causeways, boundaries, marks, directions, or other establishment thereon, such person or persons, being thereof convicted in the general or any county court, shall be fined, at the discretion of the court, not exceeding ten pounds, according to the nature and degree of the offence; and all fines imposed in such cases shall be appropriated to the purpose of repairing such damages, and improving the road, and shall be paid to, and accounted for by, the supervisors of the county wherein such damages shall be sustained. Penalty for altering or changing any road, &c.

IX. And be it enacted, That it shall and may be lawful for the supervisors Stones, &c. may be taken, &c. aforeaid, and persons to be employed by them, to take and carry away any stones, gravel, or earth of a firm quality, that may be found on any land adjoining the roads, for which the same may be wanted, without leave of the owner, or making him any compensation therefor; provided, that no stone, gravel, sand or earth, quarried or collected by the owner for his own use or for sale, shall be so taken or applied.

X. And be it enacted, That the commissioners aforeaid, or a majority of Commissioners may appropriate funds, &c. them in each county, shall have power to appropriate the funds arising under this act to the several roads under their direction, and to anticipate the collection of said tax, by permitting, if expedient, the supervisor or supervisors to accept of labour in lieu thereof, and granting certificates to those by whom such labour may be rendered, to be discounted with the collector of his county in discharge of monies due for that particular tax.

XI. And, in order to facilitate the operation of this law, Be it enacted, And contract for erecting bridges, &c. That the commissioners aforeaid, or a majority of them, in their respective counties, may and they are hereby empowered to contract with any person or persons for the erecting of any bridge, or making of any causeway, or for clearing and completing the whole or any part or parts of the said roads in each county under their superintendence, and, in case they make any such contract, that the same be reduced to writing, and the party so contracting shall give bond, with good and sufficient security, for the faithful execution of the same.

XII. And be it enacted, That the monies to be levied in virtue of the act, Monies to be apportioned, &c. entitled, An act to streighten and amend the several public roads in several counties of this state, and for other purposes therein mentioned, passed at November session, seventeen hundred and ninety, shall, upon a due estimate thereof, be apportioned, in equitable proportions, by the county court of Montgomery county, to the roads laid out by this act and the act aforeaid, and it shall be the duty of the commissioners of roads in said county mentioned by this act, to apply the same accordingly, and to render separate and distinct accounts, upon oath, of the expences of each and every road, as vouchers to their respective accounts current with the said county.

C H A P. LIV.

An ACT for the relief of Elizabeth Dorsey, executrix of Thomas Dorsey, late of Anne-Arundel county. Passed December 27.

WHEREAS the general assembly, at their last session, did, by their resolution, Preamble authorise and direct the treasurer of the western shore to cancel all bonds then in the treasury (whereon any balance was due) given by the aforeaid Thomas Dorsey, and other persons in the said resolution mentioned: And whereas it was the intention of the general assembly, by the said resolution, to benefit the said Elizabeth Dorsey and her children, and not the creditors of the said Thomas Dorsey, or any other persons whatsoever: And whereas the same is not sufficiently expressive of the sense and intention of the legislature,

First Public Roads. Rolling Tobacco to MarTcet. Union Turnpike. Washington, Colesville and Ashton. Columbia. The Old Baltimore. River Road. Old Annapolis. Conduit. Old Potomac Company. Subscriptions to said Company. Chesapeake and Ohio Canal. Coal Elevators in Georgetown. First Railroad in the Country. Baltimore and Ohio Railroad. Metropolitan Branch.

The first public roads mentioned in the County, are the roads from Georgetown to Frederick, and from Georgetown to Watts' Branch, provided for in the loan granted to the several Counties for road purposes, by the Act of Assembly, 1774. The next mention is of the road from Frederick to Georgetown, the road from Georgetown to the mouth of the Monocacy, and from the mouth of Monocacy to Montgomery Court House, (in the Act of Assembly', 1790, to straighten and amend the public roads in the several Counties.) The planters at that early period did not use wheeled vehicles, but attached a sapling to each end of a tobacco hogshead, and thus formed a pair of shafts, by which they hauled the hogsheads for shipment to Europe, to Bladensburg, Georgetown, Elk Ridge, and Baltimore, and brought back their supplies of groceries and other necessities on the backs of horses. They even brought their annual supply of herring and shad in this manner. Their clothing and bed linen were chiefly woven from home-grown flax and wool. Their personal travel was done exclusively on horseback.

Roads after this period rapidly multiplied. The turnpike from Rockville to Georgetown, the first paved road in the County, was originally chartered in 1806; but was actually constructed under an amendatory Act, containing the chief provisions of its present charter, passed in 1817.

76 HISTORY OF MONTGOMERY COUNTY.

The Union Turnpike Road, leading from Washington to Brookeville, was chartered in 1840. It has recently built several branch roads.

The Washington, Colesville and Ashton Turnpike road, chartered in 1870.

The Columbia road runs from Washington to Westminster, passing through Brookeville.

The Old Baltimore road runs through the County, commencing on the Monocacy near its mouth.