

1799.

C H A P.  
LXXVIII.

garden or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crop growing in such field.

Compensation  
to be made, &c.

IV. AND BE IT ENACTED, That when the commissioners who may be appointed under this act shall have discharged all the duties required of them in virtue of such appointment, the levy court aforesaid shall order to be made to the said commissioners respectively, out of the monies to be levied as by this law directed, such reasonable compensations as to the said court shall seem meet, and the said commissioners respectively shall thereafter be discharged.

Money to be  
levied, &c.

V. AND BE IT ENACTED, That the levy court of said county shall and they are hereby authorized to levy annually, until said road or roads is or are completed, on the assessable property of said county, a sum not less than eighty dollars, nor exceeding two hundred dollars, for the purpose of defraying the expence of clearing and improving said road or roads, which monies shall be collected as all other public charges are by law directed to be collected.

Court, on ap-  
plication, to  
appoint per-  
sons, &c.

VI. AND, whereas the road leading from Ninian Cockran's store, at Genning's run, up Will's creek, by John Tomlinson's mill, in Allegany county, to the Pennsylvania line, established by an act passed at November session, one thousand seven hundred and ninety-seven, runs through the land of John Tomlinson, much to his injury as it is represented; therefore, BE IT ENACTED, That the county court of Allegany county be and they are hereby authorized, upon the petition of John Tomlinson, to appoint three discreet persons, freeholders in the said county, commissioners, to view, survey and plot, the road so applied for, through the land of said Tomlinson, and make return thereof to the court at their next meeting, who, on receiving such plot, shall examine the same, and all the evidence that shall be offered for or against the said road, as returned, and may reject or confirm the same, or may direct the commissioners to alter and amend the said plot, and when so amended, may reject or confirm the same, and when confirmed and opened as the said county court shall direct, shall be deemed a public road.

Road declared  
public, &c.

VII. AND, whereas sundry inhabitants of Allegany county, by their petition to this general assembly, have represented, that there has been a road laid out from a tract of land called Bear Camps; through Selby's Port, to the Virginia line, in a direction to Morgan-town, at a place called Jennings Cabin, and has been kept in repair as a public road for several years past; and as the establishing of the same as a public road would greatly administer to the convenience of the public, they have prayed that the same may be made a public road, which appears to this general assembly reasonable; therefore, BE IT ENACTED, That the road in Allegany county leading from Braddock's road, at a tract of land called Bear Camps, as aforesaid, through Selby's Port, to the Virginia line, at a place called Jennings Cabin, be and the same is hereby declared, deemed and taken to be, a public road for ever, and hereafter to be kept up and repaired as other public roads are in said county, any law to the contrary notwithstanding.

C H A P. LXXIX.

Passed 3d of  
Jan. 1800.

An ACT to prevent unnecessary delay and expence, and for the further advancement of justice, in the court of chancery.

Defendant,  
nonresident, be-  
ing summoned,  
a day to be li-  
mitted, &c.

BE IT ENACTED, by the General Assembly of Maryland, That in case any defendant in a cause instituted, or hereafter to be instituted, in the court of chancery, resides, or shall reside, out of the state, and a summons from the said court hath been or shall be served upon the said defendant, and the service hath been or shall be proved to the satisfaction of the chancellor, the chancellor is hereby authorized, by order, to limit a certain day, on or before which the said defendant shall appear in person, or by a solicitor, and put in a good and sufficient answer to each interrogatory contained in the bill, or plea or demurrer to the same, and if a copy of the said order shall be inserted agreeably to the chancellor's directions, in some convenient news-paper, or personally served on the defendant at least three months before such day limited, and the defendant shall not have so appeared and answered, the chancellor shall, at discretion, either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and shall finally decree as to him shall seem consistent with the established principles of equity, in the same manner as if the defendant had appeared and answered, and depositions had been taken in the usual manner.

A day to be li-  
mitted, &c.

II. AND BE IT ENACTED, That in any cause instituted, or hereafter to be instituted, in the court of chancery, if an attachment for want of appearance or answer shall have been or shall be duly