

CHAP. 51. of the public, so as to lay out the said road with as little injury to the private property as will comport with the public convenience.

Plot of the road to be recorded.

3. **AND BE IT ENACTED**, That the said commissioners, or a majority of them, are hereby directed to return a plot of said road, when surveyed, marked, bounded and laid out as aforesaid, to the clerk of the county, to be by him recorded, which road, when laid out and cleared, shall be deemed and taken a public road for ever thereafter, and shall be kept up and repaired as all other public roads in said county are; *Provided*, that nothing herein contained shall in any manner authorise the said commissioners to lay out or open the said road through the buildings, gardens, orchards or meadows, of any person or persons, without his, her or their consent.

Proviso,

CHAP. LII.

Passed Jan 25 1866

An Act to lay out and make a public Road in Frederick County. Lib. TH. No 1, fol. 52.

Preamble,

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Frederick-town, in Frederick county, that great inconveniencies arise from the want of a public road leading from East-street, opposite to the end of the third street, in said town, through a lot of Samuel Lilly, and colonel Baker Johnson's land, to the road leading from the east end of Church-street to the said colonel Baker Johnson's mill; and the prayer of the said petition appearing reasonable, therefore,

Commissioners appointed to lay out and open a road.

2. **BE IT ENACTED**, by the General Assembly of Maryland, That Lawrence Brengle, David Markey and Henry M. Cleary, be and they are hereby appointed commissioners to lay out and open, at the expense of the petitioners, a road, not exceeding thirty feet in width, from East-street opposite to the end of Third-street, through a lot of Samuel Lilly, parallel to the south line of said lot, and thence with the same course through colonel Baker Johnson's land, to intersect a road leading from the east end of Church-street to colonel Baker Johnson's mill, and the said road, when so laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Frederick county court, and shall be deemed and taken a public road for ever thereafter, and kept up, amended and repaired, as all other public roads in said county.

Damages to be ascertained.

3. **AND BE IT ENACTED**, That the aforesaid commissioners, or any two of them, shall ascertain and value what damages may be sustained by the person or persons through whose land the said road may pass by opening the same, and the said valuation shall be made before the said commissioners proceed to open the same; *Provided always*, that if any person or persons through whose land the said road shall pass, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of Frederick county, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders, having first made oath before some justice of the peace,

Promiss.