

1811.

to be therein expressed ; which said freeholders, upon their oaths, to be administered by some justice of the peace, shall inquire and ascertain what damages, if any, said Smithson has sustained by reason of the said road having been located and opened through his lands ; and the said freeholders are hereby required to consider the convenience, benefit, advantages and disadvantages occasioned by opening said road ; and the constable shall return the verdict of said jury, or of the majority of them, under their hands and seals, to the levy court of Harford county, who shall levy the amount of damages (if any) therein expressed, on the assessable property of said county, to be collected and paid to said Smithson or his order.

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CHAPTER 10.

Passed Dec. 27, 1811. *An Act to lay out and open a Road in Frederick county.*

Preamble.

WHEREAS, it is represented to this General Assembly, by the petition of sundry inhabitants of Middletown Valley, Frederick county, that they labor under great disadvantage for want of a public road to convey their produce to the turnpike : *Therefore,*

BE IT ENACTED *by the General Assembly of Maryland,* That Robison Eastburn, Lewis Bierley and John Toup be, and they are hereby appointed commissioners, and they or a majority of them are hereby authorised, as commissioners, to lay out and open, at the expense of said county, a road not exceeding twenty-five feet in width, from near the mouth of John Toup's lane to Bierley's mill, thence to intersect the main road leading from Hager's Town to Frederick, in the most convenient place, between Poffenberger's smithshop, and where James Neale now lives, so as to do as little injury as possible to the lands through which it may pass : *Provided,* That the said road shall not pass through any houses, gardens, orchards or meadows, without the consent of the owners thereof, and that the said road when so laid out and completed, shall be recorded among the land records of said county, and be thereafter deemed and taken to be a public road, and shall be kept in repair as other roads in said county are directed to be.

Appointing commissioners to open said road at the expense of the county—its width, direction, &c.

Commissioners shall ascertain the damages

AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall value and ascertain the damages that may be sustained by any