

III. **And be it enacted,** That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said petitioners, before the said commissioners shall proceed to open the said road; provided always, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners; or any two of them, to issue their warrant to the sheriff of the county, to summon twelve freeholders of the county, not interested in the premises; and qualified to serve as jurors in the county court; to appear, on a day by them to be appointed, on the premises; and the said commissioners are hereby authorized to administer an oath to every person so summoned, that he will without favour, affection, prejudice or partiality, assess the damages sustained by the persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioners, or some one of them, shall have at least five days previous notice; and such inquisition shall be final and conclusive between the parties.

C H A P.  
XXXVI.  
Who shall ascertain damages, &c.

IV. **And be it enacted,** That the said commissioners shall not lay out or open the said road through the buildings, gardens or orchards, of any person, without his or her consent.

Road not to go through buildings, &c.

## C H A P. XXXVII.

An additional supplement to the act, entitled, An act for the removal of the seat of justice from Melville's warehouse to Pig-Point, in Caroline county.

Passed December 30.

**B**E it enacted, *by the General Assembly of Maryland,* That Messieurs William Richardson, William Potter, George Martin, Henry Downes, Christopher Driver, Joshua Driver and John Bennett, are hereby constituted commissioners, to execute and perform the trusts reposed in them by this act; and in case any of the said commissioners should die, refuse to act, or remove out of the said county, the others, or a major part of them, shall elect some other fit and proper person or persons of the said county in the room of him or them so dying, refusing to act, or removing out of the said county.

Commissioners appointed, &c.

II. **And,** whereas it is represented to this general assembly, that the owners of the land contiguous to Denton, in Caroline county, are desirous that a village should be surveyed and laid out, with convenient streets, lanes and alleys; therefore, **Be it enacted,** that the said commissioners, or a majority of them, are hereby authorized and empowered, with the consent of the proprietor or proprietors aforesaid, to survey and lay out any quantity of land, not exceeding fifty acres, including the public square called Denton, in Caroline county, and the lands thereto contiguous, and the same, when surveyed, to be erected into a village, and to be called and known by the name of Denton; and such village, when surveyed and laid out, to divide into lots, which lots shall be numbered and bounded by stones, at every corner of the same; and the said commissioners, or a majority of them, are hereby authorized and empowered to survey and lay out a sufficient number of streets, not exceeding fifty feet wide, as also a sufficient number of alleys, not exceeding twenty feet wide, through the said village, for the public convenience; and so soon as the rightful proprietor or proprietors of the said lands shall execute a deed or deeds of bargain and sale to the said commissioners, in trust for the use and benefit of the inhabitants of the said county, for such land so laid out for streets and alleys, the same shall become, and for ever thereafter be deemed, public highways to all intents and purposes.

Who are to survey land, &c.

III. **And be it enacted,** That the said commissioners, or a majority of them, shall return a correct and accurate certificate and plot of survey of the said village, streets and alleys, to the clerk of Caroline county court, to be by him recorded

Return a certificate, &c.