

Passed Jan 7, 1810

*An Act to lay out and open a Road from the Mouth of Bernard Gilpin's Lane, to intersect the old Road leading to Montgomery Court-House at or near Anne Slater's Plantation. Lib. TH. No. 2, fol. 401.*

Preamble.

WHEREAS sundry inhabitants of Montgomery county have, by petition to this general assembly, prayed that a road may be opened from the mouth of Bernard Gilpin's lane, to intersect the old road leading to Montgomery court house at or near Anne Slater's plantation; and the same appearing reasonable, therefore,

Commissioners appointed to lay out and open road.

2. BE IT ENACTED, by the General Assembly of Maryland, That Samuel Thomas, Bernard Gilpin, William Thomas, John Nealde and Washington Owens, or any three of them, be and they are hereby appointed commissioners to survey, lay out and open, a road, from the mouth of Bernard Gilpin's lane, to intersect the old road leading to Montgomery court house at or near Anne Slater's plantation, at the expense of the petitioners, not exceeding thirty feet in width; and a plot of said road, when laid out and opened, together with a certificate and courses of the same, shall be returned by the petitioners to the levy court of Montgomery county, to be there recorded; and the said road, when opened, shall for ever thereafter be deemed and taken to be a public highway, and repaired in the same manner as other public roads in said county are repaired.

To estimate damages.

3. AND BE IT ENACTED, That on application of the party or parties interested, the said commissioners, or any three of them, 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 ascertained and assessed, shall be paid, or secured to be paid, by the said petitioners, before the commissioners appointed by this act shall proceed to open the same; *Provided always*, that 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, it shall and may be lawful for the said commissioners, or any three of them, to issue their warrant to the sheriff of the county, to summon twelve disinterested freeholders of said county, to appear on the premises on a day by them to be appointed; and the commissioners are hereby authorised to administer an oath, or affirmation, to every person so summoned, that he will, without favour, affection, partiality or prejudice, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening said road through his, her or their land; and the persons so summoned, sworn or affirming, shall thereupon proceed to value and assess the damages accordingly, of which the said petitioners, or some one of them, shall have five days previous notice at least, and such inquisition shall be final and conclusive between the parties.

Proviso.

Not to be laid out through buildings, &c.

4. AND BE IT ENACTED, That the said commissioners shall not lay out or open the said road through the buildings, gardens, yards, orchards or meadows, of any person or persons, without his or their consent.