

**CHAP. 38.** the petitioner, or in such manner as they, or a majority of them, may think proper, so as to remove the said road off the aforesaid lot of land, and to cause the said road, and the alterations thereof, to be surveyed, and a plot of such alteration, with a certificate of the courses thereof, to be returned to the levy court of said county; and the said road, so altered and made sufficiently passable for wagons, carts and carriages, shall for ever thereafter be deemed and taken as a part of the public road aforesaid, and kept in repair as other public roads in said county are.

Expenses to be paid by Thomas Saulsbury

**3. AND BE IT ENACTED,** That all the expenses incurred in the laying out and opening of the said road, as prayed for, shall be paid by the said Thomas Saulsbury.

**CHAP. XXXIX.**

Passed Dec 23

*A Supplement to an Act(a), entitled. An act to open a Road in Frederick County. Lib. TH. No. 2, fol. 467.*

(a) 1808, ch. 16. See 1818, ch. 131.

Preamble.

**WHEREAS** Levin Hays, John Getzindanner, Godfrey Leatherman, Lewis Rowsawn, Jacob Staley, George Marker and Philip Bear, commissioners, appointed by the original acts to which this is a supplement, to lay out and open a road therein mentioned, at the expense of Frederick county, and doubts are entertained in what manner the damages should be valued or ascertained and paid to those whose lands the said road shall pass through; therefore,

Commissioners to ascertain damages that may be sustained

**2. BE IT ENACTED,** by the General Assembly of Maryland, That the commissioners aforesaid, or a majority of them, shall value and ascertain the damages that may be sustained by any person or persons through whose lands the said road may pass, by opening of the same, and the damages so ascertained, or in the event of their being ascertained by a jury, shall be levied and assessed as other county charges are, and shall be paid over to the said person or persons entitled to the same.

Persons concerning themselves aggrieved by such ascertainment, may have jury summoned

**3. AND BE IT ENACTED,** That if any person or persons through whose lands the said road shall pass, or his, her or their guardian or trustee, conceive himself, herself or themselves, aggrieved by such valuation or assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of said county, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice shall be given to the party or parties interested; and the said jurors, when so met, and having each first taken an oath before some justice of the peace, that he will, without favour or affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition or valuation shall be final and conclusive; but should the jury award a smaller sum for damages than the commissioners had previously done, then in that case the person or persons at whose instance the inquisition was held, shall pay all