

2. BE IT ENACTED, by the General Assembly of Maryland, That William Hoffman, junior, Henry Wareham and George Faire, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorised and empowered to survey and lay out, at the expense of the petitioners, a road not exceeding thirty feet in width, in the best and straightest direction the nature of the ground will admit of, from the Pennsylvania line, nearly against Hedrick's tavern, to Simmermon's, thence to John Keeth's, thence to intersect the road laid out from the end of the Falls turnpike road, at or near Fronk's mill, and the said commissioners shall make a plot of the road so as aforesaid directed to be laid out and opened, and return the same to the clerk of Baltimore county court, to be recorded among the land records of said county; and the said road, when so laid out and opened at the expense of the petitioners, and the valuation herein after directed shall be paid, or secured to be paid, to the individuals concerned, shall be thereafter deemed to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Commissioners appointed to lay out a road.

3. AND BE IT ENACTED. That the commissioners, or a majority of them, shall ascertain and value, if required, what damages may be sustained by any person or persons over whose lands the said road may pass, by opening the same, taking into consideration the advantages and disadvantages, if any, and the valuation shall be made 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 may 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 any justice of the peace of said county, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, uninterested in the opening of the said road, to appear on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath, before some justice of the peace, that they will, without favour, affection 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 land, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, of which the said commissioners, or a majority, shall have at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive; *Provided*, that the said road shall not pass through any house, yard, garden, orchard or meadow, without the consent of the owner or owners thereof.

Damages to be ascertained.

Provisos.

## CHAP. CVI.

*An Act relating to Constables Fees of Talbot County.* Lib. TH. No. 2, fol. 577. Passed Dec 24.

WHEREAS it has been represented to this general assembly, by the constables of Talbot county, that they have been uniformly in

Preamble: