

1. BE IT ENACTED, by the General Assembly of Maryland, That Robinson 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.

Commissioners appointed to open road.

Proviso.

2. 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 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 person or persons entitled to the same.

To ascertain damages.

3. AND BE IT ENACTED, That if any person or persons through whose lands the said road may pass, or his or their guardian or trustee, conceive himself, herself, or themselves aggrieved by such valuation or assessment of damages by said commissioners, it shall and may be lawful for any justice of the peace of said county, on his or their application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, 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 that 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 it was held, shall pay all the legal costs and charges of said inquisition; but if, on the contrary, they should award a larger sum, then the costs of such inquisition shall be paid by the county.

Persons conceiving themselves aggrieved by such valuation, may have jury summoned.

4. AND BE IT ENACTED, That the said commissioners before they shall proceed to act, shall take an oath before some justice of the peace, of the same tenor and effect as is heretofore directed to be taken by the jurors.

Commissioners to take an oath.

5. AND BE IT ENACTED, That no person or persons through whose land the said road shall pass, and who have agreed or signed the petition for the same, shall be entitled to any damages by this act.

Persons having signed petition shall not be entitled to damages.