

## CHAP. 165.

make, or cause to be made, a plot of said road when opened as aforesaid, and shall make a return of the said plot, together with a certificate of the courses of the said road, to the clerk of Queen-Anne's county, to be recorded among the records of said county; and when the same shall have been laid out, cleared and opened, as directed by this act, the said road shall for ever thereafter be deemed free for ingress, egress and regress, to the said farm of the petitioner, from the said public road leading from the Beaver Dam road, to Sudler's Cross Roads.

Vacancies, how to be supplied.

3. AND BE IT ENACTED, That if any of the commissioners named in this act shall die, resign or refuse to act, the remaining commissioners, or a majority of them, shall, and they are hereby authorised to supply such vacancy by the appointment of another person.

Commissioners shall ascertain damages.

4. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, taking into consideration the advantages and disadvantages, if any, and the same, when so assessed, shall be paid or secured to be paid by the said Moses Ruth, to the person or persons entitled to receive the same, before he shall proceed to open the same.

Persons aggrieved may have jury summoned to ascertain damages.

5. 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 representative, shall conceive himself or herself aggrieved by such valuation and assessment of damages by said commissioners, it shall and may be lawful for any justice of the peace, on his or her application, to issue his warrant directed to the constable of the hundred, commanding him to summon twelve disinterested men, qualified to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the parties interested; and the said jurors, when so met, and having each taken an oath before some justice of the peace, that he will, without favour, 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 said road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly; and such inquisition and valuation shall be final and conclusive between the parties respectively; *Provided*, that the said road shall not be opened through the buildings, gardens, yard or orchard, of any person, without his or her consent.

Proviso.

## CHAP. CLXVI.

Passed Jan 4, 1812 *An Act to authorise the Levy Court of Washington County to appoint Commissioners to alter, straighten, open and amend, a Road therein mentioned. Lib. TH. No. 3, fol. 218.*

Commissioners to be appointed to lay out road. Its width Expenses to be levied on county. Supervisors.

1. BE IT ENACTED, by the General Assembly of Maryland, That the levy court of Washington county are hereby authorised and empowered to appoint three commissioners, to straighten, open and amend, the road leading from Boonsborough to Funk's town, if in their opinion the same be necessary and conducive to the public convenience of the inhabitants of said county; which commissioners, when so appointed, or a majority of them, shall be empowered