

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

CHAP. 20.

Road not to go through buildings &c.

CHAP. XXI.

An Act authorising the Levy Court of Washington County to lay out a Road from Elizabeth-Town, in Washington County, by Barnett's Fording to the Pennsylvania Line. Lib. JG. No. 4, fol. 21. Passed Dec. 31.

1. BE IT ENACTED, by the General Assembly of Maryland, That George Nigh, William Hyser and Josiah Price, be and they are hereby appointed commissioners to lay out and survey a road from Elizabeth-town, in Washington county, by Barnett's fording to the Pennsylvania line, not exceeding forty feet in width, in as straight a line as the nature of the ground and the restrictions herein after mentioned will admit of, and without delay execute, sign and seal, plain plots of the same, with explicit explanations thereof, and make return of such plots and explanations to the levy court of the said county, who on receiving such plots and explanations shall examine the same, together with all the evidence that shall or may be offered for or against the road so returned, and upon consideration of all circumstances, may reject or confirm the said report, and may direct the said commissioners to alter and amend the said plots, confining the said road to the points above mentioned, and when so amended, are hereby ordered to confirm the same, and when so confirmed, shall cause the same to be recorded among the land records of the said county, in testimony of the same being established by law as a public road, and shall direct the said commissioners to mark and bound the said road as confirmed by the said court, and direct a supervisor or supervisors to clear and improve the same in the same manner and on the same terms as other public roads in the said county are by law directed to be cleared and improved, and upon completing the same, the said road shall be deemed a public road, and shall be kept in repair as other public roads in the aforesaid county are by law directed to be kept. Commissioners appointed to lay out road.

2. AND BE IT ENACTED. That upon the said levy court confirming the said road, they shall be and are hereby authorised and empowered, to agree and contract with the person or persons on whose lands the said road may be laid out, for the amount of damages thereby ascertained, not exceeding the rate of ten pounds per acre, but if such agreement should not take place, then the said court shall issue their warrant, directed to the sheriff of the said county, commanding him to summon and return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties concerned, to be and appear before some one of the justices of the said county, on the premises, at a certain day in the said warrant to be expressed, which jury, on their oaths, or affirmation, as the case may be, to be administered by the said justice, shall inquire who are the owner or owners of the said land over which the said road so laid out and ratified shall pass, and what damages such owner or owners will actually suffer from the passage of the said road over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising from the opening and improving

Levy court to agree for damages