

they are hereby appointed commissioners, and they, or a majority of them, are hereby authorised and empowered to lay out and open a road, not exceeding forty feet in width, from the ferry on the Potomac, below the mouth of Antietam, commonly known by the name of M. Shan's or Taylor's ferry, from thence to Macpherson's and Brien's iron works, and from thence to Crampton's Gap, on the South Mountain, on the straightest and best direction the nature of the ground will admit of, and with as little inconvenience to the landholders as possible; and the said road, when so laid out, and a plot thereof made out and returned to the clerk of Washington county court, to be recorded among the records of said county, shall for ever thereafter be deemed a public highway, and kept in repair as other public roads are in said county.

CHAP. 74.

2. 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 lands the said road shall pass, taking into consideration the advantages and disadvantages, (if any,) and the same when so assessed shall be paid by the parties who are interested in opening of said road, or by any person who may contribute thereto.

Damages to be ascertained.

3. AND BE IT ENACTED, That if any person or persons, or his, her or their guardian, through whose land the said road shall pass, shall conceive himself, herself or themselves, aggrieved by such valuation of damages made as aforesaid, it shall and may be lawful for any justice of the peace of said county, upon application, to issue his warrant under his hand and seal, to any constable of said county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet on the premises on a certain day, of which six days notice at least shall be given to the interested parties; and the said jurors, when so met, and having each first taken an oath before some justice of said county, 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, and shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, (if any,) and such inquisition shall be conclusive and final, and the damages, (if any,) shall be paid over as aforesaid; *Provided*, nothing herein contained shall in any manner authorise the said commissioners to lay out or open the said road, through the buildings, gardens, orchards or meadows, of any person or persons, without his, her or their consent.

Persons aggrieved by such valuation, may have jury summoned.

Provido.

CHAP. LXXV.

*An Act to lay out and open a Road therein mentioned in Cecil County.* Lib. TH. No. 3, fol. 406.

Passed Dec 16

WHEREAS sundry respectable inhabitants of West Nottingham Hundred, Cecil county, by their petition to this general assembly, pray that a road may be opened and made from or near George Mercer's meadow, wherein a public road is already laid out, to Rock Run, to pass by James Rowland's mill, until it intersects a road from George Kidd's store, towards Creswell's ferry; and the prayer of said petitioners appearing reasonable, therefore,

Preamble