

same proceedings shall and may be thereon had as is provided by the first section of the act passed in seventeen hundred and eighty five, chapter eighty.

CHAP. CXLVI.

*An Act to lay out and open a Road in Baltimore County.* Lib. TH. No. 3, fol. 485.

Passed Dec 28

1. BE IT ENACTED, by the General Assembly of Maryland, That Thomas Meredith, Abraham Slade and David Gorsuch, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorised and empowered to lay out and open a road, commencing in the Old York Road at the place where the road leading to Elisha and David Gorsuch's mills intersects the said Old York Road, and from thence to the said Baltimore and York turnpike road, near the widow Margaret Calder; and the said commissioners, or a majority of them, shall make out a plot of said road, and return the same to the clerk of Baltimore county court, to be recorded among the records of said county; and the said road when opened and recorded as aforesaid, and the valuation herein after directed to be made shall have been paid or secured to be paid, shall for ever thereafter be deemed a public highway, and kept in repair as public roads in said county are kept in repair.

Commissioners appointed to lay out and open a road.

2. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall lay out the said road from the calls before mentioned, in the straightest and best direction that the nature of the ground will admit of, and with as little inconvenience to the landholders through whose land the said road may pass as possible.

To be laid out with as little inconvenience to landholders as possible

3. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value, if required, what damages may be sustained by any person or persons over whose land the said road may pass, taking into consideration the advantages and disadvantages, (if any;) and the valuation shall be made, and the amount thereof paid as aforesaid, to the parties respectively interested, before the said commissioners, or a majority of them, 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, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, 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 disinterested freeholders of the county, to appear on a day by the said justice to be appointed, on the land of the person or persons as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath before said justice of the peace that they will, without favour, affection or partiality, assess the damages sustained by the person or persons at whose request or for whose benefit 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, of which the said commissioners, or a majority of them, shall have had

Damages to be ascertained.

Providos.