

*An Act to lay out and open a Road in Anne-Arundel County.* Lib.

TH. No. 3, fol. 505.

Passed Dec. 29.

Preamble.

WHEREAS, it is represented to this general assembly, by the petition of sundry inhabitants of Anne-Arundel county, that they are subject to great inconvenience for want of a public road leading from Anne-Arundel Manor to West River; therefore,

1. BE IT ENACTED, by the General Assembly of Maryland, That Edward Hall, (of West River,) Gassaway Pindelil, Thomas Sellman, Benjamin Allein and John Thomas, of Anne-Arundel county, be and they are hereby appointed commissioners to survey, lay out and open, a road not exceeding twenty feet in width, in the best and straightest direction, taking all circumstances into consideration, from the public road on Anne-Arundel Manor, to West River; and the said commissioners shall make a plot of the road so as aforesaid directed to be laid out and opened, and return the same to the clerk of Anne-Arundel county court, to be recorded among the land records of said county; and the said road, when opened, shall for ever thereafter be deemed and taken to be a public highway, and repaired in the same manner as other public roads in said county.

Commissioners appointed to lay out and open a road

2. AND BE IT ENACTED, That in case of death, resignation, disqualification or refusal to act, of any of the commissioners aforesaid, the remaining commissioners, or a majority of them, shall and they are hereby authorised and directed to fill up such vacancy or vacancies.

Vacancies, how to be supplied.

3. AND BE IT ENACTED, That on application of the party or parties interested, the said commissioners, or any three of them, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same when so ascertained and assessed shall be paid or secured to be paid by the said petitioners, before the commissioners appointed by this act shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages, it shall and may be lawful for the said commissioners, or any three of them, to issue their warrant to the sheriff of the county, to summon twelve disinterested freeholders of said county, to appear on the premises on a day by them to be appointed; and the commissioners are hereby authorised to administer an oath to every person so summoned, that he will without favour, affection, partiality or prejudice, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening said road through his, her or their land; and the persons so summoned and sworn, shall thereupon proceed to value and assess the damages accordingly, of which the said petitioners, or some one of them, shall have five days previous notice at the least, and such inquisition shall be final and conclusive between the parties.

Damages to be ascertained.

Proviso:

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

Fee'd no to be laid out through buildings, &c.