

property of said county a sum of money, such as they may deem necessary, and to appoint a supervisor, to open and clear the said road agreeable to the plot and certificate aforesaid; and the said road, when opened and cleared as aforesaid, shall be, and the same is hereby declared to be, for ever thereafter, a public road, and shall be kept in repair as other public roads in said county are.

3. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every of the persons through whose land the said road may pass, taking into consideration the advantages and disadvantages, if any, and the damages so ascertained shall be levied and assessed as other county charges are, and shall be paid over to the persons respectively, through whose lands the said road may pass; *Provided*, that no person shall be entitled to receive damage on account of the road passing through his lands who was a petitioner for the same.

Damages to be ascertained

Provide

4. AND BE IT ENACTED, That the commissioners before they proceed to act, shall take an oath before some justice of the peace, that they will without favour or affection, partiality or prejudice, value and assess the damages sustained by any person or persons through whose land the said road shall pass, agreeably to the provisions of this act; and if any of the commissioners herein named shall die, resign or refuse to act, the remaining commissioners, or a majority of them, shall be and they are hereby authorised to supply such vacancy by appointing another person or persons.

Commissioners to take an oath

CHAP. XXXVII.

*An Act to reinstate in the County Court of Allegany County the Proceedings of a Case therein mentioned. Lib. TH. No. 4, fol. 266.*

Passed Jan 13, 1815

1. BE IT ENACTED, by the General Assembly of Maryland, That Allegany county court be and they are hereby directed and empowered to reinstate the proceedings on an appeal from a decision of the levy court of the said county, granting a private road to David Shriver, through the land of David Lynn, and to reconsider and revise the same, it being represented that the subject in controversy was not fully brought before said county court.

Proceedings to be reinstated

2. AND BE IT ENACTED, That the court aforesaid be and they are hereby authorised and empowered, to admit and receive all such testimony as would have been legal and admissible upon the consideration and trial of the said case before the levy court of said county, any law to the contrary notwithstanding.

Testimony may be admitted

3. PROVIDED ALWAYS, AND BE IT ENACTED, That the present road as laid out by the levy court, shall be free for the use of the said David Shriver until a final decision shall be made in the premises; *And provided also*, that should the road be located in another or different direction, the said David Lynn shall not be entitled to any damages for either of said roads.

Road declared free for use of David Shriver

Provide

The proviso in the section repealed by 1817, ch. 173.

4. AND BE IT ENACTED, That upon a revision of the said case, the county court shall allow to the said David Shriver such costs as they may adjudge reasonable.

County court may allow costs