

man, Nicholas Holtz, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorised, as commissioners, to lay out and open, at the expense of the county, a road not exceeding sixty feet in width, from the north east corner of George Lease's lot, number one, part of Tasker's Chance, or from any other point or place of said lot, which lies on the west side of the present road, as they may deem most proper, to pass from thence in a direct line to enter Frederick Town, at or near the north end of Market-street, so as to do as little injury as possible to the lands or lots through which the same may pass, taking into view the public convenience and expense; and that the said road, when so laid out and completed, shall be recorded among the land records of said county, and thereafter deemed and taken to be a public road, and shall be kept in repair as other public roads in the said county are directed to be.

2. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall value and ascertain the damages that may be sustained by any person or persons through whose lands the said road may pass, by opening of the same, and the damages so ascertained, or in the event of their being ascertained by jury, shall be levied and assessed as other county charges are, and shall be paid over to the person or persons entitled to the same.

Damages to be assessed.

3. AND BE IT ENACTED, That if any person or persons through whose land the said road may pass, or his or their guardian or trustees, conceive himself, herself or themselves, aggrieved by such valuation or assessment of damages by said commissioners, it shall and may be lawful for a justice of the peace of said county, on his or their application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice shall be given to the party or parties interested; and that the said jurors, when so met, and having each first taken an oath before some justice of the peace for 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 aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition or valuation shall be final and conclusive; but should the jury award the same or a less sum for damages than the commissioners had previously done, then and in that case the person or persons at whose instance it was held, shall pay all the legal costs and charges of said inquisition, but if on the contrary they should award a larger sum, then the costs of such inquisition shall be paid by the county.

Jury to be summoned when parties consider themselves aggrieved.

4. AND BE IT ENACTED, That the said commissioners before they proceed to act, shall take an oath before some justice of the peace, that they will, without favour, partiality or prejudice, assess the damages sustained by the person through whose land the said road may pass, by reason of opening the same.

Commissioners to take an oath.