

public that now runs from the farm of Charles Sewel through the lands of Samuel T. Wright, Nathan Godwin and William Clayton, to the farm of John Chairs, junior, or so much thereof as has not heretofore been made public; therefore;

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2. BE IT ENACTED, by the General Assembly of Maryland, That Philip Fideman, William Hackett, Samuel Nichols, Joshua Kennard and John Watson, be and they are hereby appointed commissioners to survey, lay out, open and clear, a road, not exceeding thirty feet wide clear of ditches, beginning for the road to be laid out on the public road leading from Church Hill to Centre-Ville, at or near the place where the road was formerly laid down, through the land now belonging to Charles Sewel, and running with or near the old road, in such direction as they shall think best, until it intersects the public road at or near the farm of John Chairs, junior, in said county; and the said road, (when surveyed, laid out, opened and cleared as aforesaid, and the valuation herein after directed to be made, or the damages herein after directed to be assessed, shall be paid or secured to the person or persons concerned,) shall be recorded among the records of Queen-Anne's county, and shall for ever thereafter be deemed a public highway, and shall be kept in repair in the same manner as other public roads are kept in said county; *Provided*, that the said commissioners shall not lay out or open the said road through the buildings, gardens, meadows or orchards, of any person, without his or her consent.

Commissioners appointed to lay out road.

Proviso.

3. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, be and they are hereby authorised and directed to ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening and clearing the same, and the said valuation shall be made and paid, or secured, before the commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors shall conceive him, her or themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for the said commissioners, or a majority of them, on the application of any person interested, to issue their warrant, under their hands and seals, to the constable of the hundred where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by them to be appointed on the said lands, at which time such freeholders so summoned shall respectively appear before the said commissioners, and take the following oath, to wit: "I, A. B. do swear, that I will honestly, without favour, prejudice or partiality, value the damages and injury sustained by opening a road through the lands of C. D. in pursuance of this act," and shall return an inquisition of such damages to the clerk of the county court of Queen-Anne's county, and the damages so assessed shall be conclusive.

Damages to be ascertained.

4. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by such road are hereby required to pay into the hands of the commissioners aforesaid, or some one of them, for the use of the person or persons in whose favour such valuation may be made, immediately upon laying out and opening the road aforesaid, whatever damages be as aforesaid adjudged to the party sustaining such damages, and in case of failure of payment as aforesaid, this act to be null and void, but in case

Persons interested in road to pay damages.