

CHAP. 29.

Damages to be ascertained.

3. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons through whose lands the said road may pass, by opening and clearing the same, and the said valuation shall be made and paid 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, or shall be an infant, *feme-covert*, or *non compos mentis*, it shall and may be lawful for the said commissioners, on the application of any person interested, to apply to any justice of the peace for the county of Worcester, who shall thereupon issue his warrant, under his hand and seal, to the constable of the hundred wherein such lands may be, commanding him to summon twelve freeholders, disinterested in the said road, to appear, on a day to be by him appointed, on the said lands, at which time such freeholders, so summoned, shall respectively appear before such justice, and take the following oath, or affirmation, to wit: "I, A. B. do swear, or affirm, that I will honestly value the damage and injury sustained by C. D. by opening a road through the lands of the said C. D. in pursuance of this act;" and shall return an inquisition of such damages by them assessed to the clerk of the county court of Worcester, and the damages so assessed shall be conclusive.

Persons interested in said road to pay damages adjudged.

4. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefited by such roads, are hereby required to pay into the hands of the commissioners aforesaid, for the use of the person or persons in whose favour such valuation may be made, immediately upon laying out 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 of compliance with the provisions of this act, the said roads to be considered as public roads, and to be kept up as public roads in said county.

CHAP. XXX.

Passed Dec. 31.

An Act to open a Road from the Town of Emmitsburgh, in Frederick County, to Caldwell's Lane on the Pennsylvania line. Lib. JG. No. 4, fol. 382.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of the town of Emmitsburgh, in Frederick county, and its vicinity, that it would be of great advantage to themselves, and the public in general, to have a road opened from said town of Emmitsburgh, in the county aforesaid, on a straight a direction as the nature of the ground will admit, to meet a road leading from Gettysburg, in the commonwealth of Pennsylvania, at Caldwell's lane on the Pennsylvania line; therefore,

Road to be opened at expense of petitioners.

2. BE IT ENACTED, by the General Assembly of Maryland, That John Huston, Peter Troxel and Patrick Reid, of Frederick county, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expense of the petitioners, or any part of them, particularly interested therein, or any person or persons who may contribute thereto, a road, not exceeding thirty feet in width, in the best and straightest direction that the nature of the ground and other circumstances will admit of,