

lay out and open in Anne-Arundel county, and return the same to the clerk of Anne-Arundel county court, to be by him recorded among the records of said county, and they shall also make out a plot of that part of the road which they shall lay out and open in Prince-George's county, and return the same to the clerk of said county, to be by him recorded among the records of the county; and the said road, when so laid out and opened, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the person or persons through whose land the said road may pass, the said road shall be thereafter deemed to be a public road for ever, and shall be kept in repair as other public roads in said counties; *Provided*, that the said commissioners shall not run the said road through the buildings, yards, orchards, gardens or meadows, of any person or persons, without the consent of the owner thereof.

*Proviso.*

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 over whose land the said road may pass by opening the same, and the valuation shall be made before the said commissioners, or a majority of them, shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, who do not hold lands through which the said road may pass, to appear, on a day by the said justices to be appointed, on the land of the person or persons making application as aforesaid, and the said freeholders, having first made oath before said justice of the peace, that they will, without favour, affection 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 land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners, or a majority of them, shall have at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive, and the party or parties in whose favour the valuation ascertained by the said commissioners, or a majority of them, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners, or a majority of them, and the said commissioners shall pay, or secure the same to be paid, out of the monies levied for the purpose of making the said road, before they shall proceed to affect the lands and tenements of the person or persons concerned.

Damages to be ascertained.

*Proviso.*

4. AND BE IT ENACTED, That after the valuation herein directed to be made shall have been paid, or secured to be paid, to the person or persons entitled to the same, the said commissioners, or a majority of them, shall cause the said road to be cleared and grubbed, and shall have power to employ such labourers as may be necessary to complete the same, and shall also have power to contract with and employ any person or persons to build a bridge over the

Road to be cleared and grubbed.