

CHAP. 43. to Sarah Falconer, and the heirs of Elizabeth Massey, deceased, whereon Richard Simmonds now lives; and one other road to begin at such part of the road leading from the Blue Ball to said mill as the commissioners shall direct, and to run from said road, in such direction as they shall think best, until it shall intersect the road leading from Sudler's cross roads, by Hemsley Massey's, to Well's warehouse, in said county; and the said roads, when surveyed, laid out, opened and cleared as aforesaid, and the valuation herein after directed to be made, or the damages, if any, herein after directed to be assessed, shall be paid, or secured to be paid, to the person or persons concerned, shall be recorded among the records of Queen-Anne's county, and shall for ever thereafter be deemed public highways, 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 roads, or any of them, through the buildings, gardens, meadows or orchards, of any person, without his or her consent.

Damages to be ascertained.

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 roads, or either of them, may pass, by opening and clearing the same, and the said valuation shall be made and paid, or secured to be 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, 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 and place such freeholders, so summoned, shall respectively appear before the said commissioners, and take the following oath, to wit: "I, ———, do swear, that I will honestly, without favour, prejudice or partiality, value the damages and injury that may be sustained by opening a road through the lands of ———, 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.

Persons interested to pay damages.

4. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by such road or roads as aforesaid, are hereby required to pay, or secure to be paid, 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, previous to laying out and opening the said roads as aforesaid, or either of them, as the case may be, whatever damages be as aforesaid adjudged to the party sustaining such damages, and in case of failure of payment, or security as aforesaid, this act to be null and void, but in case of compliance with the provisions of this act, the said road or roads respectively to be considered as public highways, and to be kept up in the same manner as other public roads in said county.