

CHAP. 68. and receive the same; and the said monies, when received, shall be applied under the direction of the commissioners aforesaid, or a majority of them.

To give bond.

3. AND BE IT ENACTED, That the treasurer to be appointed as aforesaid, before he shall receive any money subscribed, or to be subscribed, for the purpose aforesaid, shall give his bond, in the penalty of two thousand pounds current money, to the state of Maryland, conditioned to apply the monies received by him as such under the direction of the commissioners aforesaid, or a majority of them.

Damages to be ascertained.

4. 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 him, her or 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 aforesaid, 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 justice 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 had 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 treasurer, on an order drawn on him by the said commissioners, or a majority of them; and the said commissioners shall direct the treasurer aforesaid to pay, or secure the same to be paid, out of the monies raised, or to be raised and collected from the subscribers to the said road, within the space of six months after the assessment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned, and upon the payment of the money to the person or persons through whose land the said road is intended to pass, the said commissioners may open the said road through such person or persons land; *Provided*, that the said road shall not pass through any house, yard, garden, meadow or orchard, unless with the consent of the owner or owners thereof.

Proviso.