

## CHAP. 78.

Commissioners appointed to lay out and open a road.

2. BE IT ENACTED, by the General Assembly of Maryland, That John Hosslebaugh, Nathan Stevenson and Daniel Evans, be and they are hereby appointed commissioners to survey, lay out, clear and open, at the expense of those persons who shall conceive themselves benefitted thereby, a road not exceeding thirty feet in width, beginning at the angle of the Reister's-town turnpike road, near the seat of Edward Johnson, in the nearest and best direction to Isaac Green's mill, upon Jones's Falls, thence with said Green's present road to intersect the Falls turnpike road, and thence by the nearest and best route to the York turnpike road, at or near the residence of Rosseter Scott.

Who may contract with proprietors for land over which it may pass.

3. AND BE IT ENACTED, That the said commissioners, or a majority of them, are hereby empowered to contract with the proprietor or proprietors of the land over which the said road may pass, and in case they cannot agree, then and in that case the said commissioners, or a majority of them, shall forthwith issue a warrant, under their hands, and directed to the sheriff of the said county, commanding him to summon twelve good and lawful men of the county, not interested in the land, or connected with the parties, to be and appear on the premises, on a certain day by him to be appointed, and in case the number of twelve shall not attend, the said sheriff shall summon other persons, qualified as aforesaid, until that number do attend, and the said sheriff shall then and there empanel the jury, and administer to them the following oath, or affirmation, as the case may require, to wit: "I, — — —, do swear, (or affirm), that I will well and truly, without favour, affection, prejudice or partiality, ascertain the damages that will be sustained by the proprietor or proprietors of the land, in consequence of the passage of a road laid out in virtue of this act, according to the best of my judgment; so help me God;" and the contracts by the commissioners, or inquisition of the jury, as the case may be, together with a plain plot of the said road, and a certificate of the courses of the same, shall be returned to the clerk of the county court, to be there recorded, and on the payment of the sum of sums of money contracted for, or ascertained as aforesaid, the proprietor or proprietors through whose lands the said road shall pass, and upon payment or tender of such damages by any person or persons to the proprietor or proprietors aforesaid, the said road shall be recorded among the records of Baltimore county court, and be hereafter deemed and taken to be a public road for ever, and shall be kept in repair as other public roads in said county are directed to be kept; *Provided*, that if the said road shall run on the bed of any public road heretofore laid out, and now in use, such person or persons through whose lands the said public road now passes, shall not be entitled to receive any compensation for damages herein before directed to be paid; *Provided also*, that the said road shall not pass through any enclosed yard, garden, orchard or meadow, without the consent of the owner or owners.

Proviso.