

CHAP. 88.

Passed Jan. 4, 1807

An Act for the relief of Ephraim Furnis and Littleton Furnis, of Worcester County. Lib. TH. No. 1, fol. 282.

CHAP. LXXXVIII.

CHAP. LXXXIX.

Passed Jan 2, 1807
+ 1807, ch. 45.

A Supplement to the act,† entitled, An act to lay out and open a Road from the Pennsylvania line to the Susquehanna Canal, in Cecil County. Lib. TH. No. 1, fol. 282.

Preamble.

WHEREAS by the act to which this is a supplement it is provided, that the commissioners named therein are empowered to ascertain and value the damages any person or persons over whose lands the said road may or will pass, and the valuation so made by the commissioners aforesaid is final and conclusive, by which law, some of the persons interested conceive themselves greatly injured, being deprived of any appeal from said commissioners assessment and valuation of damages; therefore,

Persons conceiv-
ing themselves
aggrieved by va-
luation of dama-
ges, jury may be
summoned &c.

2. BE IT ENACTED, by the General Assembly of Maryland, That if any person or persons over whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or themselves, aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace, on his or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the party or parties interested; and the said jurors, when so met, and having each first taken an oath before a justice of the peace, that they will, without favour, affection, partiality or prejudice, 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, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive; *Provided always*, that in case the damages or valuation allowed by said inquisition shall not exceed the allowance which shall have been made by the commissioners, the party applying for said jury shall pay all costs incurred by reason of such application, but if, on the contrary, the damages or valuation allowed by said jury shall exceed the allowance made by the commissioners, in that case the original petitioners for said road shall pay all costs incurred by said jury; *And provided also*, that before the levy court of said county shall appropriate any public money towards repairing and keeping in order the said road, they shall be satisfied of the necessity and usefulness of the same to the public, and will thereby be the better enabled to ascertain the proportion of money the said road may be entitled to.

Provided.

Part of an act re-
pealed.

3. AND BE IT ENACTED, That so much of the act to which this is a supplement as is contrary to, or inconsistent with, the provisions of this act, be and the same is hereby repealed.