

rection as the situation of the ground will admit, and best answer the purposes of this act, from Christopher Walker's mill, in Anne-Arundel county, until it intersects the Frederick turnpike road at or near the said seven mile stone; and the said road, when so surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Baltimore county court, and shall be deemed and taken to be a public road for ever thereafter, and kept up, amended and repaired, as all other public roads in the said county.

3. AND BE IT ENACTED, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be paid; or secured to be paid, by the said petitioner, before the said commissioners shall proceed to open the said road; *provided always*, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to any constable of Baltimore county, to summon five freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear, on a day by them to be appointed, on the premises; and the said commissioners are hereby authorised to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioner shall have had at least five days previous notice; and such inquisition shall be final and conclusive between the parties.

Damages to be ascertained.

Proviso.

4. AND BE IT ENACTED, That the said commissioners shall not lay out or open the said road through the buildings, gardens, or orchards, of any person, without his or her consent.

Road not to go through buildings, &c.

CHAP. XVIII.

*An Act authorising Cornelius Howard Gist, late Collector of Baltimore county, to complete his Collections.* Lib. JG. No. 3, fol. 382. Passed Dec. 19.

CHAP. XIX.

*An Act to relinquish the right of this state to the Tract of Land therein mentioned.* Lib. JG. No. 3, fol. 384. A Private Act. Passed Dec. 19.

The states' right to a tract of land called "Bear Range," was by this act released and confirmed to Upton Bruce, his heirs and assigns.

CHAP. XX.

*An Act to lay out and open a Road from Jesse Tomlinson's, on Braddock's Old Road, to Matthew Ball's, on George's Creek.* Lib. JG. No. 3, fol. 385. Passed Dec. 19.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Allegany county, that a road to lead from or near Jesse Tomlinson's, on Braddock's Old Road, to cross Savage river near the Falls, and from thence the most advantage-

Preamble.