

## CHAP. 44.

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 hundreds where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by them 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 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 of assembly," and shall return an inquisition of such damages so assessed to the clerk of Baltimore county court, and the damages so assessed shall be conclusive.

To be paid by persons benefited.

4. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by the aforesaid road, 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 road aforesaid.

On neglect so to do, old road declared public.

5. AND BE IT ENACTED, That if the person or persons who may conceive themselves benefitted by the opening and clearing the said road, shall neglect or refuse to pay, or secure to be paid, the damages which may be assessed, to the person or persons through whose lands the same may pass, then and in such case the old road leading from Monkton mills, and passing through a gate on the west side of John Orrick's plantation, and intersecting the main York road at or near the Piney Hill, and heretofore used as a private road, shall and the same is hereby declared to be a public highway, and to be kept up and repaired in the same manner as other public roads in the said county.

## CHAP. XLV.

Passed Jan 20 1808. *An Act to open and make public a Road to Graceham, in Frederick County.* Lib. TH. No. 1, fol. 350.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Graceham, and its neighbourhood, that great inconvenience arise from the want of a public road leading from Apple's church to Graceham, and have prayed that a law may pass authorising them to open the same; and the prayer of the said petitioners appearing reasonable, therefore,

Commissioners appointed to lay out and open a road.

2. BE IT ENACTED, by the General Assembly of Maryland, That Frederick Eichelberger, Christian Harebaugh and Samuel Ogle, be and they are hereby appointed commissioners, to lay out and open, at the expense of the petitioners, a road not exceeding thirty feet in width, to commence at a road near Apple's church, leading through Smith's Gap in the South mountain, thence passing by a large spring, commonly called Coppersmith's Spring, thence passing through the lands of Casper Young and George Seise, to the north end of a line of a tract of land called 'The Resurvey on Content, thence