

said, appoint a supervisor or supervisors to open the same, and shall levy on the assessable property of said county a sum of money, not exceeding two hundred and fifty dollars, for that purpose; and the said road, when opened as aforesaid, shall be taken for, and is hereby declared to be, a public road in said county, and shall be repaired as other public roads are repaired in said county; *Provided nevertheless*, that nothing herein contained shall authorise the said commissioners to lay out the said road through the yard, garden, orchard or meadow, of any person, without the consent of the owner thereof; *And provided also*, that the said road shall not be opened through the lands of any minor or minors without the consent of his, her or their guardian or guardians.

Proviso.

Damages to be ascertained.

4. AND BE IT ENACTED, That the commissioners aforesaid, or any three or more of them, shall and they are hereby directed to apply to any justice of the peace for the county aforesaid, who shall issue his warrant, under hand and seal, directed to the sheriff of said county, commanding him to summon five freeholders, disinterested as to the lands, and not connected with any person through whose lands the said road may pass, to appear at a place and on a day by him to be appointed, and after taking the following oath, or affirmation, as the case may be, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," shall proceed to ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass by opening and clearing the same, and shall return the damages by them assessed to the clerk of the said county, and the damages so assessed shall be conclusive.

CHAP. LXI.

*An Act to authorise the laying out a public Road from the Ford on the Little Falls of Gunpowder, near a Mill known by the name of the Dutch Mill, to intersect the York Road near Josiah Hitchcock's old Blacksmith's Shop, in Harford County.* Lib. JG. No. 3, fol. 450.

Passed Dec. 19.

WHEREAS a public road, leading from the ford on the Little Falls of Gunpowder, near a mill known by the name of the Dutch Mill, to intersect the York road near Josiah Hitchcock's old blacksmith's shop, will be a great public convenience, and is essentially necessary; therefore,

Preamble.

2. BE IT ENACTED, *by the General Assembly of Maryland*, That Jacob Rutledge, Izard Hope and Josiah Carter, or any two of them, be and they are hereby appointed commissioners to lay out a public road, beginning at a ford on the Little Falls of Gunpowder, near the mill known by the name of the Dutch Mill, and to run in a direction so as to intersect the York road near Josiah Hitchcock's blacksmith's shop; and in laying out the said road, the said commissioners are directed to take into view as well the disadvantages which may result to individuals over whose land the said road run, as the convenience of the public, so as to lay out the said road with as little injury to private property as will comport with the public convenience.

Commissioners appointed to lay out road.