

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Richard West, Elijah Vears and Basil Darby, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open a road, from the lower end of William Darnes's lane, nearly as the road now runs, to a lane between John Golden's and Samuel Owing's plantation, and with said lane to the end thereof to a stone, thence with the lines of the lands of Charles Gassaway and the heirs of Samuel Clagett to a stone, thence with or near the lines of the lands of Samuel Clagett's heirs to a stone, thence to the aforesaid mills, nearly as the road now runs, to intersect the public road leading from John Orme's plantation to Montgomery court-house at or near the Union Mills; and a plot of said road, when surveyed and laid out, together with a certificate and courses of the same, shall be returned by the commissioners to the levy court of Montgomery county, to be there recorded; and the said road, when opened, shall for ever thereafter be deemed and taken to be a public highway, and repaired in the same manner as other public roads in said county are repaired.

III. AND BE IT ENACTED, That on application of the party or parties interested, the said commissioners, or any two of them, 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 ascertained and assessed, shall be paid, or secured to be paid, by the said petitioners, before the commissioners appointed by this act 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, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff of the county, to summon twelve disinterested freeholders of said county, to appear on the premises on a day by them to be appointed, and the commissioners are hereby authorised to administer an oath to every person so summoned, that he 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 said road through his, her or their land, and the persons so summoned and sworn shall thereupon proceed to value and assess the damages accordingly, of which the said petitioners, or some one of them, shall have five days previous notice at the least, and such inquisition shall be final and conclusive between the parties.

IV. AND BE IT ENACTED, That the said commissioners shall not lay out or open the said road through the buildings, gardens, yards, orchards or meadows, of any person or persons, without his or their consent.

## C H A P. XXI.

## An ACT for the benefit of the Heirs of William Murphey.

Passed 6th of  
Jan. 1810.

WHEREAS it is represented to this general assembly, by the petition of James Murphey, of Dorchester county, guardian of William Murphey, Mary Murphey, Levin Murphey, Elizabeth Murphey and Britania Murphey, minors, and children of William Murphey, late of the county aforesaid, deceased, that the said William Murphey departed this life intestate, seized, in fee simple, of and in a small tract of land, lying and being in Caroline county, containing about one hundred acres of land, whereon are one house and some other improvements, in a state of decay: And whereas it is represented, that the annual value of the said land is not sufficient to repair and keep up the improvements on the same, and that great advantage would arise to the said William, Mary, Levin, Elizabeth and Britania Murphey, heirs and representatives of the said William Murphey, deceased, in their future maintenance and education, from the passage of a law authorising the sale of the said land; therefore

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the orphans court of Caroline county shall have full power and authority, upon application of the said James Murphey, and on the part of the said minors, and being satisfied that it is necessary, and will be of advantage to the said minors, to order the sale of the said land, upon such terms as the said court may think proper, and to appoint a trustee for the purpose of effecting such sale.

III. AND BE IT ENACTED, That any sale made by the authority of the orphans court of Caroline county, under this act, shall be notified to, and confirmed by, the orphans court of said county, before the conveyance of the property shall be made, and bond, with good and sufficient security, in the name of the state of Maryland, to be approved of by the orphans court of Caroline county, shall be given by the person empowered to sell the lands as aforesaid, for the due execution of the trust to him committed, which bond shall be lodged with the register of wills for the county aforesaid; and the said bond shall be recorded, and be subject to be put in suit by any person or persons interested for and on behalf of the said minors, in the same manner as administration bonds now are.