

FRANCIS THOMAS, ESQUIRE, GOVERNOR.

1841.

burg to Greenfield mills, thence from some point on said road to the mouth of Colemore Offut's lane, and from thence to intersect the road leading from Barnesville to the mouth of the Monocacy river, in Montgomery county; and the said commissioners or a majority of them, shall make out a plat of that part of the road through Frederick county, and return the same to the clerk of the county court of Frederick county, to be recorded among the records of said county; and they shall also, in like manner, make out a plat of that part of the road through Montgomery county, and return the same to the clerk of Montgomery county court, to be recorded among the records of said county; and the said road when so opened, shall be thereafter deemed to be a public road forever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said counties.

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SEC. 2. *And be it enacted*, That the expenses of surveying and opening that part of said road in Frederick county, shall be paid by Frederick county; and the expenses of surveying and opening that part of said road in Montgomery county, shall be paid by Montgomery county; and the levy court or commissioners of said counties, as the case may be, are hereby authorized and required, on receiving from the commissioners appointed or a majority of them, an account on oath or affirmation of the said expenses, including an allowance of two dollars a day to the commissioners for their services, to levy the same on the assessable property of said counties respectively, to be collected as other county charges are now collected.

Opening road to be paid by Frederick county.

Surveying road to be paid by Montgomery.

SEC. 3. *And be it enacted*, That the said commissioners or a majority of them, shall value and ascertain the damage that may be sustained by any person or persons through whose land the said road may pass, taking into consideration the advantages and disadvantages, (if any,) and the damages so ascertained, shall be levied and assessed as the other county charges in said counties are; and shall be paid by the counties wherein such damages may be sustained, to the persons thereunto entitled.

Commissioners shall value damages.

SEC. 4. *And be it enacted*, That the said commissioners before they proceed to act, shall take an oath or affirmation before some justice of the peace, that they will without favor, partiality or prejudice, assess the damages sustained by the person or persons through whose lands the said road may pass.

Oath.