

III. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening and extending the same, and the said valuation shall be made before the said commissioners shall proceed to open and extend the same; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Somerset county, on application by any person interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders shall respectively repair to some magistrate of the said county, and take the following oath, or affirmation, 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 damages 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," and shall return the damages by them assessed to the said justice of the peace, and the damages so assessed and returned shall be conclusive; and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners, and the said commissioners shall pay, or secure to be paid, the amount of the said valuation or damages to the respective parties entitled to receive the same, out of the monies to be raised and collected from the subscriptions to the said road, within the space of six months after the ascertainment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned; provided, that the said road shall not go through any houses, meadows, gardens or orchards, unless with the consent of the owner thereof.

C H A P.
LXI.
And ascertain
damages, &c.

C H A P. LXII.

An ACT to lay out and make a public road in Anne-Arundel county.

Passed 20th of
January, 1808.

WHEREAS it is represented to this general assembly, by a number of inhabitants of Anne-Arundel county, that they labour under great inconvenience for want of a public road from the Priest's bridge, on Patuxent river, by Philip H. Hopkins's mill, from thence through the lands of Cornelius Duvall and John Duvall, thence through Rachel Hall's farm, so as to intersect the great road leading from Annapolis to the Governor's bridge at or near the corner of Rachel Hall's orchard; and the prayer of the said petitioners being reasonable, therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Hall, 3d, John Duvall and William Merriken, or a majority of them, be and they are hereby appointed commissioners, and are authorised and empowered to lay out and open a public road from the Priest's bridge, on Patuxent river, by Philip H. Hopkins's mill, and from thence through the land of Cornelius Duvall and John Duvall, thence through Rachel Hall's farm, so as to intersect the great road leading from Annapolis to the Governor's bridge at or near the corner of Rachel Hall's orchard, but not so as to pass through any garden, orchard or meadow, without the consent of the proprietor or proprietors thereof; and the said road, when so laid out, shall be and the same is hereby declared a public highway, and to be kept up and repaired in the same manner as other public roads in said county.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value, if required, what damages may be sustained by any person or persons through whose lands the said road may pass, by opening the same, and the damages so assessed shall be paid, or secured to be paid, before the said commissioners shall proceed to open the said road; provided always, that if the person or persons who may conceive themselves benefitted by the opening and clearing said road, shall neglect or refuse to pay, or secure to be paid, the damages assessed by the said commissioners, then and in such case this act shall be null and void to all intents and purposes.

Who shall as-
certain the da-
mages, &c.

C H A P. LXIII.

An ACT authorising Robert Leatherbury, of Somerset county, to complete his collection.

Passed 20th of
January, 1808.

WHEREAS it is represented to this general assembly, by the petition of Robert Leatherbury, late sheriff of Somerset county, that from various causes he has not been able to complete his collection within the time limited by law, and that there is still due to him, as sheriff of said county, considerable sums of money, and praying that a law may pass to enable him to collect the same; therefore,

Preamble.