

## CHAP. 165

Commissioners shall not locate any part of said road parallel with the head race of said Ely's mill, unless it be located at least twenty perches northwest of said mill race, unless the consent of the proprietors be first had and obtained; and the said commissioners shall make out a plat of that part of the road through Baltimore county, and return the same to the commissioners of the county, to be recorded as other county roads are recorded; and they shall likewise make out a plat of that part of said road through Carroll county, to be recorded among the records of said county, as other county roads are recorded; and when the said road shall be so opened, it shall thereafter be 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 up in said counties.

Public road

Expense appropriated

Levy directed

Compensation

Value damages

Levy and payment

Oath required

SEC. 2. *And be it enacted*, That the expense of surveying, locating and opening said road shall be paid by Baltimore and Carroll counties, in proportion to the distance it may pass through each county; and the commissioners of Baltimore and Carroll counties are hereby authorised and required, on receiving from the road commissioners aforesaid an account, on oath, of the expenses as aforesaid, including an allowance of two dollars per day to the commissioners for their services, to levy the same in proportion hereinbefore mentioned, on the assessable property of said counties, to be collected and paid over as other county charges are now collected and paid over.

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

SEC. 4. *And be it enacted* That the said road 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 damages sustained by the persons through whose land the said road may pass as aforesaid.