

Dec. Ses. 1821.

chapter fifty-two, to widening and straighten any old road heretofore laid out as a public road; and the proceedings in all cases of an application to the levy court for opening a new road or for vacating or altering any old road, shall be the same as regulated or provided for by the said act of seventeen hundred and ninety-four, except that of ascertaining damages to land-holders over whose land any road may be laid.

2. AND BE IT ENACTED, That the commissioners that may be appointed under the provisions of this act to lay out any road, or to straighten, alter or amend any old road, shall ascertain what damages the land-holder or land-holders over whose land any such road may be laid, shall sustain, if any, taking into consideration the advantages and disadvantages that shall arise from any road having been laid through or over their lands, and make the same a part of their return to the levy court; and in case any land-holder shall think himself or herself aggrieved by the decision of such commissioners, the levy court shall issue their warrant to the sheriff of their county, directing him to summon five discreet and sensible men of their county, not interested or related to the parties, to meet on a certain day to be named in said warrant, on the premises, who shall assess such damages under all circumstances as aforesaid, as they shall in their judgement think the land-holder or land-holders entitled to, (if any;) or if the levy court shall think the county injured by the decision of any commissioners, they shall issue their warrant as aforesaid to the sheriff, who shall proceed in the same manner as in case of a land-holder's application; and in case the jury shall levy greater damages than the commissioners had done for the land-holder, then and in that case the county shall pay all costs accruing by such jury having been convened; otherwise the costs shall be paid by the person or persons at whose instance the warrant was issued.

3. AND BE IT ENACTED, That the levy court of Harford, Baltimore or Cecil counties, as the case may be, shall, and they are hereby authorised to levy such sum or sums of money on the assessable property of their county, as they in their judgement shall find necessary for opening any road, and paying such damages as the land-holders may sustain by reason of any road passing through or over their lands, that may be laid out and opened under the provisions of this act and the aforesaid act of seventeen hundred and ninety-four.

4. AND BE IT ENACTED, That the commissioners appointed under the provisions of this act, shall be entitled to two dollars per day for every day that they shall necessarily attend to the duties required by this act.

5. AND BE IT ENACTED, That the act entitled, An act to regulate the manner of obtaining and altering public roads in this state, passed at December session eighteen hundred and eighteen, chapter eighty-nine, be and the same is hereby repealed so far as the same relates to the counties herein named; *Provided always*, That any proceedings heretofore begun under the provisions of the act of eighteen hundred and eighteen, may be proceeded on, and shall have the same effect as if the above mentioned act had not been repealed.

Damages.

Cost to be levied.

Compensation.

Repeal.

Proviso.