

are hereby appointed commissioners, and they, or a majority of them, are hereby authorised to lay out and open a road, not exceeding thirty feet in width, at the expense of the petitioners, from Moses Freeland's Mill, in the straightest and best direction the ground will admit of, to intersect the turnpike road at the town of Hampstead, and with as little inconvenience to the landholders through whose land it may pass as possible; and the said road, when so laid out and opened, and a plot thereof made out and returned to the clerk of Baltimore county court, there to be recorded among the records of said county, shall be deemed and taken as a public highway, and kept in repair as other public roads are in said county; *Provided*, the said commissioners shall not lay out the said road through any orchard, yard, or garden, without the consent of the owner or owners thereof.

Dec. Ses. 1816

Proviso.

Damages to be ascertained.

2. *And be it enacted*, That the said commissioners, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, taking into consideration the advantages, if any, and the same, when so assessed, shall be paid, or secured to be paid, by the person or persons who may apply to have the said road laid out and opened as aforesaid, to the person or persons entitled to receive the same, before he or they shall proceed to open said road.

3. *And be it enacted*, That if any person or persons through whose lands the said road shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or themselves, aggrieved by such valuation and assessment of damages by the said commissioners respectively, it shall and may be lawful for any justice of the peace, on his, her, or their application, to issue his warrant under his hand and seal, directed to any constable of said county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice shall at least be given to the party or parties interested; and the said jurors when so met, and having each first taken an oath before some justice of the peace, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any; and such inquisition and valuation shall be final and conclusive between the parties respectively.

Jury may be summoned when persons conceive themselves aggrieved.

CHAPTER 178.

An act to increase the allowance to Sheriffs for keeping Prisoners in Gaol, and finding them Victuals, in the several Counties therein mentioned.

Passed Feb. 3

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That it shall and may be lawful for the sheriffs of Dorchester, Cæcil, Kent, Caroline, Calvert, Montgomery, Saint-Mary's, Charles, and Somerset counties, to ask, demand and receive, for keeping prisoner in gaol, and finding him victuals, thirty cents

Thirty cents per day allowed