

C H A P.
XXVII.

leave the Morgan-town road on the ridge between Aza Beall's and William Coddington's, and from thence to the line that divides the state of Maryland and Virginia, near the lands of John Forrest, and have prayed that a road may be laid out and opened in said direction at their expence, which appearing to this assembly reasonable; therefore,

Commissioners
appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Jesse Tomlinson, George Lynn and Basil Israel, or any two of them, be and they are hereby appointed commissioners to survey and lay out, at the expence of the petitioners, a road, not exceeding thirty feet in width, from the Morgan-town road, on the ridge between Aza Beall's and William Coddington's, to the dividing line between Virginia and Maryland, near the lands of John Forrest, in the direction that will best suit the situation of the ground; and a plot of the said road, when surveyed and laid out, together with a certificate of the courses of the same, shall be returned by the commissioners to Allegany county levy court, to be recorded; and the said road, when opened at the expence of the petitioners, shall for ever thereafter be deemed and taken to be a public highway, and repaired and improved in the same manner as other public roads in the said county.

Damages to be
ascertained, &c.

III. AND BE IT ENACTED, That in case the petitioners, and any person or persons through whose land the road may pass, cannot agree upon the damages sustained by such person or persons, the said commissioners, upon application of the party or parties interested, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, who shall take an oath before some justice of the peace of the said county before they proceed to value the damages aforesaid, that they will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such valuation shall be made by reason of opening the aforesaid road through his, her or their land; and the said commissioners shall assess and value the damages accordingly, of which the said petitioners, or some one of them, shall have at least five days previous notice, and such valuation shall be final and conclusive between the parties, and the same, when so assessed, shall be paid, or secured to be paid, to the said petitioners, before they shall proceed to open the said road.

Not to go thro'
buildings, &c.

IV. AND BE IT ENACTED, That the commissioners shall not lay out or open the said road through the buildings, gardens, orchards or meadows, of any person without his or her consent.

C H A P. XXVIII.

Passed 3d of
Jan. 1800.

AN ACT to make public a certain road in Talbot county. Lib. JG.

No. 3. fol. 272.

Preamble:

WHEREAS there is a certain part of the road now leading from Easton, in Talbot county, to the river Choptank, through the land of William Akers, which is private, and the same is wished to be made public; therefore,

Road declared
public, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the road which now leads from Easton to the river Choptank, opposite the town of Cambridge, through the land of William Akers, be, and the same is hereby declared to be, a public highway, and that the same shall be recorded among the records of Talbot county.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That James Goldsborough, Samuel Dickinson and Henry Martin, are hereby appointed commissioners, to meet on the said road on or before the first day of May next, at which time the said commissioners shall proceed to value such damage as in their opinion shall accrue to the said William Akers from the road so passing through his land being made public, and that as soon as the valuation of such damage shall be ascertained by the said commissioners, or a majority of them; it shall be returned by them, under their hands, to the levy court of Talbot county; and the said levy court are hereby empowered to levy on the assessable property of said county, such sum or sums of money as shall be returned by the said commissioners to be the value of the damage sustained by the said Akers from the road being made public, and that the sums so levied shall be put in the hands of the sheriff of Talbot county for collection; and the said sheriff shall be entitled for his services to the sum of six *per cent.* on the amount of the money so assessed; and as soon as the said money shall be collected, it shall be paid by the said sheriff to the said Akers, as a compensation for such damage.

How vacancies
are to be filled.

IV. AND BE IT ENACTED, That in case of the death, resignation, or refusal to act, of any of the said commissioners, the remainder of them may proceed to appoint such other commissioners as they may