

III. AND BE IT ENACTED, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so ascertained and assessed, shall be paid, or secured to be paid, by the said petitioners, before the said commissioners shall proceed to open the said road; provided always, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff of the county, to summon twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on the premises, on a day by them to be appointed; and the said commissioners are hereby authorized to administer an oath to every person so summoned, 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 land; and the persons so summoned and sworn shall thereupon proceed to value and assess the damages accordingly, of which the said petitioners, or some one of them, shall have at least five days previous notice; and such inquisition shall be final and conclusive between the parties.

C H A P.
LXIII.
Damages to be
ascertained, &c.

IV. AND BE IT ENACTED, That the said 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.

Not to go thro'
buildings, &c.

C H A P. LXIV.

An ACT to lay out certain roads from Andrew Gore and James Cooper's mill, in Baltimore county. Lib. JG. No. 3. fol. 312.

Passed 3d of
Jan. 1800.

WHEREAS it appears by the petition of Andrew Gore and James Cooper to this general assembly, that they labour under great inconvenience for want of a road from their mill to the road leading from Elias Brown's plantation to Elk-Ridge Landing, and a road from the said mill to intersect the old road leading from the city of Baltimore to Frederick-town, at or near John Cord's blacksmith's shop, in Anne-Arundel county; and this general assembly thinking the prayer of said petition reasonable,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That Thomas Buifeman, Orlando G. Dorsey, Johnsa Dorsey, Vachel Dorsey, of Vachel, and Henry Cord, or any three of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the said Andrew Gore and James Cooper, a road, not exceeding thirty feet wide, in such direction as the situation of the ground will admit, from Andrew Gore and James Cooper's mill, in Baltimore county, to intersect the road leading from Elias Brown's plantation to Elk-Ridge Landing, and to lay out a road from the said Gore and Cooper's mill to intersect the old road leading from the city of Baltimore to Frederick-town, at or near John Cord's blacksmith's shop, in Anne-Arundel county, and the said roads, when so surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Baltimore county court, and shall be deemed and taken to be public roads for ever thereafter; provided, that nothing herein contained shall be construed to authorize the levy courts of Baltimore and Anne-Arundel counties to apply any part of the money levied in said counties to the repairs of the said roads, or of either of them.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said petitioners, before the said commissioners shall proceed to open the said roads; provided always, that if any person or persons through whose land the said roads shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to any sheriff of the county, to summon twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on a day by them to be appointed on the premises; and the said commissioners are hereby authorized to administer an oath to every person so summoned, that he will, without favour or affection, prejudice or partiality, assess the damages sustained by the person at whose request such inquisition shall be taken, by reason of opening the aforesaid roads through his, her or their lands; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioners shall have had at least five days previous notice; and such inquisition shall be final and conclusive between the parties.

Damages to be
ascertained, &c.