

C H A P.
XXXVI.

may be lawful for any justice of the peace of the county in which such aggrieved persons reside, on application of the party interested, to issue his warrant, under hand and seal, directed to any constable of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear, on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders, having first made oath before some justice of the peace, that they 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, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners shall have had at least five days previous notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive; and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners; and the said commissioners shall pay, or secure to be paid, the amount of the said valuation or damages to the respective parties entitled to the same, out of the monies to be raised and collected from the subscriptions to the said road, within the space of six months after the assessment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned.

Proviso.

V. *Provided*, That the said road shall not go through any houses, gardens, yards or orchards, unless with the consent of the owner thereof.

C H A P. XXXVII.

Passed December 22.

An ACT to lay out and open a road to and from the mills of Joshua Askew, on the main falls of Patapsco river, in Anne-Arundel county.

Preamble.

WHEREAS Joshua Askew, by his petition to this general assembly, hath set forth, that he has erected large and commodious grist and fulling mills on the main falls of Patapsco river, and prayed that a law might pass to lay out, open and establish, a public road from the road leading from Frederick-town to the town of Baltimore, by Ellicott's upper mills, to commence at the aforesaid main road at or about David Cumming's new buildings, and from thence to his said mills, and from his mills again unto the aforesaid main road leading to Baltimore-town, to intersect it at about two miles westward of Ellicott's upper mills; and the prayer of the said petitioner being thought reasonable,

Commissioners appointed, &c.

II. *Be it enacted, by the General Assembly of Maryland*, That Charles Fox, Joseph Evans and John Cord, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the said Joshua Askew, a road not exceeding twenty feet in width, in such direction as they shall conceive will best answer the purposes of this act, from the road leading from Frederick-town to Baltimore-town, to the mills of the said Joshua Askew, on the main falls of Patapsco, and from thence to intersect the aforesaid road to Baltimore-town; and the said road, when so surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Anne-Arundel county court, and shall be deemed and taken to be a public road for ever thereafter.

Damages to be ascertained, &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 Joshua Askew, 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

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