

nient direction to intersect the state's road leading to the mouth of Savage river ; and the said roads, when so laid out, opened, cleared and completed, shall be recorded among the records of Allegany county court, and hereafter deemed public roads, and shall be kept in repair in the same manner as other public roads in the said county are kept in repair.

IV. **And be it enacted,** That the said commissioners respectively, or any two of them, shall ascertain, value and determine, the damage done and sustained by any person or persons through whose land the said roads, or either of them, shall pass, by laying out and opening the roads aforesaid, and make their return thereof, under their hands and seals, to the justices of Allegany county court, at their next sitting after the passage of this law, and the said valuation shall be made before the said commissioners shall proceed to open and clear the same ; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Allegany county, and they are hereby required so to do on application of any person or persons interested, to issue his warrant, directed to the sheriff of the county, commanding him to summon twelve freeholders, disinterested as to the said road or roads, to appear, on a day by him to be appointed, on the land of the person or persons making application as aforesaid ; and the said freeholders shall respectively repair to some magistrate of the said county, and take the following oath, or affirmation, to wit: " I, A. B. do swear, or affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening the road or roads (as the case may be,) through the land of the said C. D. in pursuance of this act," and shall return the damages by them assessed to the clerk of Allegany county ; and the damages so assessed by the said freeholders, or a majority of them, and returned, shall be conclusive.

Who shall ascertain damages, &c.

V. **Provided nevertheless, and be it enacted,** That all costs, charges and expences, attending the laying out, marking and bounding, the aforesaid roads, shall be paid by the said petitioners.

Provido.

C H A P. XXXIII.

An ACT for the relief of Elam Bailey, of Baltimore county.

Passed December 28.

WHEREAS it is represented to this general assembly, that the turnpike road leading from Baltimore-town to Ellicott's lower mills, runs through the lands of Elam Bailey, and that the valuation of the damages sustained by him in the premises was made by a jury in his absence, and without any previous notice being given him of the time and place appointed for the meeting of such jury : And whereas the said Elam Bailey further representeth, that he hath been greatly injured in his property by the said turnpike road running through his land, and that he is also aggrieved by the valuation of the jury so made in his absence ; and this general assembly, being desirous of affording relief,

Preamble.

II. **Be it enacted, by the General Assembly of Maryland,** That the commissioners of review of the turnpike roads in Baltimore county, on the application of the said Elam Bailey, may issue their warrant, directed to the sheriff of Baltimore county, commanding him to summon and return a jury of good and lawful men of his county, to be and appear before one or more justices of the peace for the said county, on the land of the said Elam Bailey, at a certain day in the said warrant expressed, giving the said Elam Bailey five days previous notice ; which jury, upon their oath, to be administered by some justice of the peace, shall inquire what damages the said Elam Bailey will sustain by reason and occasion of carrying such road over and through his said land ; and the said jury are hereby required to consider the convenience and benefit, and the disadvantages, if any, by reason of such road passing through such land ; and the said sheriff shall return the inquest of the jury, under his and their hands and seals, to the commissioners of review.

Commissioners may issue their warrant, &c.