

417.

by appointed commissioners for the purpose of locating, opening and laying off the said road, in such ways and manner as to them, or a majority of them, shall seem meet, so that the same shall not exceed sixty feet in width; and that the trustees of the said bridge company, or a majority of them, for the time being, be and they are hereby appointed commissioners for laying off, opening and carrying into effect, the said road, in such ways and manner as to them shall appear most advantageous, so that the same do not exceed sixty feet in width, and shall cause a location thereof to be made, and the same to be recorded among the records of the territory of Columbia; and the said road shall be a public highway for ever, and kept in repair by said company.

C H A P.
XLIV.

III. **And be it enacted,** That Thomas Beall, of George, Thomas Turner and Joseph Sprigg Belt, or a majority of them, be and they are hereby appointed commissioners to ascertain and value what damage may be sustained by any person or persons through whose land the said road may pass, by opening and clearing the same, and the said valuation shall be made before the trustees aforesaid do proceed to the opening and clearing the same; and in case any proprietor or proprietors, his, her or their guardian or trustee, shall conceive him, her or them aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace of Montgomery county, on application by any person interested, to issue his warrant, under hand and seal, directed to a constable of said county, commanding him to summon twelve freeholders, disinterested as to the said road, to appear on a day by him appointed on the land of the person making application as aforesaid, and then and there respectively, before a justice of the peace of Montgomery county, take and subscribe the following oath, or affirmation, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by the opening a road through the land of the said C. D. in pursuance of the directions of this act;" and shall return the damages by them assessed to the said justice, or any other justice of the peace of said county, and the damages so assessed and returned shall be conclusive; and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damages assessed by the said freeholders, so to be made, shall be entitled to receive the same from the directors of the said bridge company for the time being, and the said directors shall pay the amount of the said valuation or damages to the respective parties entitled to receive the same, within the space of ninety days next after the ascertainment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned.

T. Beall, &c.
appointed,
&c.

IV. **Provided always, and be it enacted,** That the said road shall not be made to pass through any house, yard or garden, without the consent of the owner thereof first had and obtained.

Provido.

C H A P. XLV.

A Supplement to an act, entitled, An act to lay out several turnpike roads in Baltimore county.

Passed December 24.

BE it enacted, by the General Assembly of Maryland, That the commissioners herein after named, or a majority of them, shall cause the road leading from Baltimore-town to York-town aforesaid, first to be opened and cleared for the distance of eighteen miles from Baltimore-town; provided, that nothing herein contained shall be construed to prevent the said commissioners from making such repairs on the said roads already made, as they, in their discretion, from time to time shall deem necessary.

Road first to be opened, &c.

II. **And be it enacted,** That the commissioners of review, or a majority of them, shall, as soon as convenient, review the road directed to be laid out by virtue of an act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, passed at November session, seventeen hundred and ninety, leading from Baltimore-town aforesaid towards Liberty-town, in Frederick county, and confirm the same as laid down

Commissioners to review the road, &c.