

1804.

NOVEMBER.

L A W S O F M A R Y L A N D.

C H A P.  
XXVIII.  
And ascertain  
damages, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening the same, and the said valuation shall be made before the said commissioners shall proceed to open the same; 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 any justice of the peace of the said county of Caroline, 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 any 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; provided, that the said road shall not go through any houses, gardens, yards, meadows or orchards, unless with the consent of the owner thereof.

Passed January  
5, 1805.

C H A P. XXIX.

## An ACT to lay out and open several roads in Queen-Anne's county therein mentioned.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Queen-Anne's county, that they suffer great inconvenience for the want of a public road from doctor Whittington's gate, in said county, to lead through Double creek to the lower red lion mill, and thence to the public road leading towards the head of Chester, and also for want of another public road leading from the said new road, to pass by Double creek meeting-house to the road leading from Church-Hill to the head of Chester; therefore,

Commissioners  
appointed, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That Charles Vandeurin, Richard E. Harrison, Edward Wright, William B. Hackett and William Jacobs, or a majority of them, be and they are hereby appointed commissioners to survey, lay out, open and clear, two roads, each road not exceeding thirty feet wide, clear of ditches, one of the said roads beginning at or near doctor Whittington's gate, near the Church-Hill road in said county, to lead through Double creek to the lower red lion mill, and thence to the public road leading towards the head of Chester, and the other road to begin at the most convenient part of the new road above mentioned, and to pass by Double creek meeting-house to the road leading from Church-Hill to the head of Chester, in said county; and the said roads, when surveyed, laid out, opened and cleared as aforesaid, and the valuation herein after directed to be made, or the damages herein after directed to be assessed, shall be paid, or secured to be paid, to the person or persons entitled to the same, shall be recorded among the records of Queen-Anne's county, and shall for ever thereafter be deemed as public highways, and shall be kept in repair in the same manner as other public roads are kept in said county; provided that the said commissioners shall not lay out or open the said roads, or either of them, through the buildings, gardens, meadows or orchards, of any person or persons, without his, her or their consent.

Who shall as-  
certain da-  
mages, &c.

III. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, be and they are hereby authorised and directed to ascertain and value what damages may be sustained by any person or persons through whose lands the said roads may pass, by opening and clearing the same as aforesaid, and the said valuation shall be made and paid, or secured to be paid, before the commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors shall conceive him, her or themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for the said commissioners, or a majority of them, on the application of any person interested, to issue their warrant, under their hands and seals, to the constable of the hundred where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by them to be appointed, on the said lands, at which time such freeholders