

C H A P. XLIII.

An ACT to lay out and open two public roads in Cæcil county.

Passed 23d of
Dec 1808.

WHEREAS sundry respectable inhabitants of Cæcil county have preferred a petition to this general assembly, praying that two public roads be made in said county; and the prayer of the said petitioners appearing reasonable, therefore,

Preamble

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of Cæcil county levy court be and they are hereby authorised, upon application of a respectable number of the inhabitants of said county, if the said court, upon consideration of all circumstances, shall be of opinion that such roads would be of advantage to said county, to appoint five commissioners, which said commissioners, or a majority of them, are hereby authorised to survey, lay out and open, said roads. one to commence at Thomas Wallace's mill, on Octorara creek, thence to the south-west corner of the Nottingham lot lands, then along and with the south end of said lots, until it intersects the public road leading from Creswell's ferry, on the Susquehanna river, to the brick meeting-house in East Nottingham, the other to commence on the last above-mentioned road, at or near John Brooke's gate, thence to the public road leading from the aforesaid Creswell's ferry to Lancaster, at or near the presbyterian meeting-house, on said road, in as straight a direction as the nature of the ground will admit, and with as little injury to the individuals over whose land the same may pass as may comport with public convenience; provided, the said roads shall not be laid out through the garden, yard, meadow or orchard, of any person or persons, without his, her or their consent, in writing, first had and obtained; and a plot of said roads, when so laid out and confirmed, together with a certificate of the courses of the same, shall be returned to the clerk's of Cæcil county, there to be recorded.

Justices, on application, to appoint commissioners, &c.

III. AND BE IT ENACTED, That when the plot of said roads shall have been confirmed and recorded as aforesaid, it shall and may be lawful for the levy court of said county, to levy upon the assessable property in said county, a sum of money such as they shall deem necessary, under all circumstances, and to appoint an overseer or overseers to open and clear said roads, agreeably to the plots and certificate aforesaid, who shall give bond in like manner as other overseers of public roads in said county are directed to give bond, and the said roads, when opened and cleared as aforesaid, shall be, and the same are hereby declared to be, for ever thereafter, public roads, and shall be kept in repair as other public roads in said county.

And levy money, &c.

IV. AND BE IT ENACTED, That the said commissioners shall be entitled to receive the sum of two dollars for every day they shall severally attend to discharge the duties required by this act, which is hereby directed to be levied, collected and paid, as other county charges are levied, collected and paid.

Allowance to commissioners

V. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every of the persons through whose lands the said roads may pass, by opening the same, and the damages so ascertained, or in the event of their being ascertained by a jury, shall be levied and assessed as other county charges are, and shall be paid over to the said persons respectively over whose lands the said roads may pass.

Damages to be ascertained, &c.

VI. AND BE IT ENACTED, That if any person or persons through whose lands the said roads shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or 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 said county, of his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice at least shall be given to the party or parties interested, and the said jurors when so met, and having each first taken an oath before some justice of the peace, that he will, without favour, affection, prejudice or partiality, assessed the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid roads through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive; but should the jury award a smaller sum for damages than the commissioners had previously done, then and in that case the person or persons at whose instance the inquisition was held shall pay all the legal costs and charges of said inquisition.

Persons aggrieved may apply to a justice, &c.