

1812.

clerk of Queen Anne's county, to be recorded among the records of said county; and when the same shall have been laid out, cleared and opened, as directed by this act, the said road shall forever thereafter be deemed free for ingress, egress and regrees, to the said farm of the petitioner, from the said public road leading from the Beaver Dam road, to Sudler's Cross Roads.

Vacancies may be supplied by the surviving commissioners

AND BE IT ENACTED, That if any of the commissioners named in this act shall die, resign or refuse to act, the remaining commissioners, or a majority of them, shall, and they are hereby authorised to supply such vacancy by the appointment of another person.

Commissioners shall ascertain damages.

AND BE IT ENACTED, That the said commissioners, or a majority of them shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, taking into consideration the advantages and disadvantages, if any, and the same, when so assessed, shall be paid or secured to be paid by the said Moses Ruth, to the person or persons entitled to receive the same, before he shall proceed to open the same.

Persons considering themselves aggrieved may apply to a justice of the peace—he may issue his warrant to summon a jury--their duty.

AND BE IT ENACTED, That if any person or persons through whose lands the said road shall pass, or his, her or their guardian or representative shall conceive himself or herself aggrieved by such valuation and assessment of damages by said commissioners, it shall and may be lawful for any justice of the peace, on his or her application, to issue his warrant directed to the constable of the hundred, commanding him to summon twelve disinterested men, qualified to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the parties interested; and the said jurors, when so met, (and having each taken an oath before some justice of the peace, that he will, without favor, 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 said road through his, her or their land,) shall thereupon proceed to assess and value the damages, accordingly; and such inquisition and valuation shall be final and conclusive between the parties respectively; *Provided*, That the said road shall not be opened through the buildings, gardens, yard or orchard of any person, without his or her consent.