

kept in repair as other public roads in said county are.

3. 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 land the said road may pass, taking into consideration the advantages and disadvantages if any; and the damages so ascertained shall be levied and assessed as other county charges are, and shall be paid over to the persons respectively, through whose lands the said road may pass; *Provided*, that no person shall be entitled to receive damage on account of the road passing through his lands who was a petitioner for the same.

DEC. SESS.
1814.

Damages to be ascertained & amount levied.

Proviso.

4. AND BE IT ENACTED, That the commissioners, before they proceed to act, shall take an oath before some justice of the peace, that they will without favor or affection, partiality or prejudice, value and assess the damages sustained by any person or persons through whose land the said road shall pass, agreeably to the provisions of this act. And if any of the commissioners herein named shall die, resign or refuse to act, the remaining commissioners, or a majority of them shall be and they are hereby authorised to supply such vacancy, by appointing another person or persons.

Oath—vacancies—how to be supplied.

CHAPTER 37.

An act to reinstate in the county court of Alleghany county, the proceedings of a case therein mentioned.

Passed Jan. 13, 1815.

Sec. 1. BE IT ENACTED by the General Assembly of Maryland, That Alleghany county court, be and they are hereby directed and empowered to reinstate the proceedings on an appeal from a decision of the levy court of the said county granting a private road to David Shriver, through the land of David Lynn and to reconsider and revise the same, it being represented that the subject in controversy was not fully brought before said county court.

Proceedings to be reinstated.

2. AND BE IT ENACTED, That the court aforesaid, be and they are hereby authorised and empowered to admit and receive all such testimony as would have been legal and admissible upon the consideration and trial of the said case before the levy court of said county, any law to the contrary notwithstanding. *Provided always*,

Testimony may be admitted.

Provisos.

3. AND BE IT ENACTED, That the present road as laid out by the levy court, shall be free for the use of the said David Shriver until a final decision shall be made in the premises; and *provided also*, that should the road be located in another or different direction, the said David Lynn shall not be entitled to any damages for either of said roads.

County court may allow costs.

4. AND BE IT ENACTED, That upon a revision of the said case, the county court shall allow to the said

Road shall be free.