

3. AND BE IT ENACTED, That the commissioners aforesaid or a majority of them, shall ascertain and value if required what damages may be sustained by any person or persons over whose land the said road may pass by opening the same, and the valuation shall be made before the said commissioners or a majority of them shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners or a majority of them, it shall and may be lawful for any justice of the county on application of the party interested, or his, her or their guardian or trustee to issue his warrant under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders who do not hold lands through which the said road may pass, to appear on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made, and the said freeholders having first made oath before the said justice of the peace that they will without favor, affection or partiality assess the damages sustained by the person or persons at whose request or for whose benefit, 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 or a majority of them shall have had at least five days 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 a majority of them, or the damages assessed by the said freeholders shall be made, shall be entitled to receive the same from the said petitioners 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, and upon the payment of the money or the securing the same to be paid as aforesaid to the person or persons through whose land the said road is intended to pass, the said commissioners may open the said road through such person or persons' land; *Provided*, that the said road shall not pass through any house, yard, garden, meadow or orchard unless with the consent of the owner or owners thereof.

DEC. SESS.
1815.

Damages.

Proviso.

CHAPTER 90.

An act for introducing a supply of water into the Town of Emmitsburgh.

Passed Jan. 15, 1816.

SEC. 1. BE IT ENACTED by the General Assembly of Maryland, That a company be and they are hereby incorporated and made a body politic, for the purposes hereinafter mentioned, and that the said body politic shall be known and distinguished by the appellation of The President and Directors of the Emmitsburgh Water Company, and shall have full and ample power and authority to do, perform and execute, all and every matter and thing which a similar corporation may or rightfully can do, and shall have succession during the contin-

Style—eff
in law.