

Dec. Ses. 1826

Damages to be  
ascertained.Jury to be sum-  
moned when  
parties consi-  
der themselves  
aggrieved.Road not to be  
opened thro'  
any yard, &c.

Passed Jan. 4.

Road to be laid  
out, &c.

2. *And be it enacted*, That the commissioners aforesaid, or a majority of them, shall value and ascertain the damages that may be sustained by any person or persons through whose lands the said road may pass, by opening of the same, and the damages so ascertained, or in the event of their being ascertained by jury, shall be paid over to the person or persons entitled to the same.

3. *And be it enacted*, That if any person or persons through whose land the said road may pass, or his or their guardian or trustee, conceive himself, herself or themselves, aggrieved by such valuation or assessment of damages by said commissioners, it shall and may be lawful for a justice of the peace of the county in which said land is, on his or their application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, 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 shall be given to the party or parties interested; and that the said jurors, when so met, and having each first taken an oath before some justice of the peace for such county, that he 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 lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages if any, and such inquisition or valuation shall be final and conclusive; but should the jury award a sum as small or smaller for damages than the commissioners had previously done, then and in that case the person or persons at whose instance it was held, shall pay all the legal costs and charges of said inquisition; but if on the contrary they should award a larger sum, then the costs of such inquisition shall be paid by the petitioners.

4. *And be it enacted*, That the said road shall not be opened through any orchard, yard or garden, without the consent of the owner.

## CHAPTER 44.

An act to lay out a Road near Peter Hoffman's Mill, in Baltimore County.

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That William Matthews, John Shauke, and Philip Rhule, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorised to lay out and open, at the expense of the petitioners, or any person or persons who may think proper to contribute thereto, a road not exceeding thirty feet in width, in the best and straightest direction that the nature of the ground will admit of, beginning at a county road near Hoffman's paper mill, from thence by the said mill until it intersects the Pennsylvania line, at or near to where a county road crosses said line leading to York-Town, in Pennsylvania, and also at or near David Rinehart's; and the said road, when laid out and opened, and the valuation hereinafter directed to be made shall have taken place, and a plot thereof made out and returned to the