

CHAPTER 232.

Dec. Ses. 1816.

Passed Feb. 4.

An act to lay out and open a Road in Montgomery and Anne-Arundel Counties.

Commissioners appointed to survey and lay out road.

Sec. 1. *Be it enacted by the General Assembly of Maryland,* That Henry C. Gaither, John H. Riggs, Beal Gaither, Thomas Hood, and Nicholas Worthington, of John, or a majority of them, be, and they are hereby appointed commissioners, to survey and lay out at the expense of the petitioners, or other persons interested therein, a road not exceeding forty feet in width, in the best and straightest direction, taking all circumstances into consideration, from the town of Unity, in Montgomery county, to the establishment of Caleb Bentley and Company, known by the name of Triadelphia, and thence crossing the Patuxent into Anne-Arundel county, to intersect the road from Roxbury mills to Elk-Ridge Landing, at or near the point where the road from Dennis Dorsey's touches the same; and the said commissioners shall make out a plot of such part of said road as lies in Montgomery county, and return the same to the clerk of the county court, and also of that part of said road which lies in Anne-Arundel county, and return the same to the clerk of that county court, to be recorded respectively amongst the records of said counties; and the road, when so opened at the expense of the petitioners or others interested therein, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be thereafter deemed to be a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be kept in said counties.

2. *And be it enacted,* That in case of death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, then the remaining commissioners, or a majority of them, shall be and they are hereby authorised and directed to fill up such vacancy or vacancies.

Vacancies.

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 through whose land the said road may pass, and the said valuation shall be made, and the damages paid, or secured to be paid, to the person or persons aggrieved, before the said commissioners shall proceed to open and clear the same; *Provided,* that if any person or persons through whose land the said road shall pass, or his, her, or their guardian or trustee, shall conceive him, her or themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall be lawful for any justice of the peace of the county in which such part of the road may lie, on application of any person or persons interested, to issue his warrant, under his hand and seal, directed to the sheriff of said county, commanding him to summon twelve disinterested freeholders, to appear on a certain day to be appointed by the said justice, on the land of the person making the application, and the said freeholders having first made oath, or affirmation, before some justice of the peace for the said county, that they will, without favour, affection or partiality, assess the damages sus-

Damages to be ascertained.

Proviso.