

LAWS OF MARYLAND.

1861.

CHAP. IX.

CHAP. 9,

An Act to open a Road from Barnsville, in Montgomery County, to Zachariah Maccubbin's Mill, and thence to intersect the Main Road leading from Frederick-Town to George-Town, at or near Log-Town. Lib. TH. No. 1, fol. 8.

Passed Jan 25, 1861

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Montgomery county, that they experience great inconvenience for want of a road from Barnsville to Zachariah Maccubbin's mill, and thence to intersect the main road leading from Frederick-town to George town, at or near Log-town, and praying a law may pass appointing commissioners to open a road, at the expense of the county, on the most direct course from Barnsville to Zachariah Maccubbin's mill, and thence to Log-town; and it appearing that the same would be of great public convenience, therefore,

Preamble.

2. BE IT ENACTED, by the General Assembly of Maryland. That Hezekiah Veatch, Thomas Howard, John Wailes, Greenbury Howard, Godshall Douglas, Charles Wharton and John Henderson, be and they are hereby appointed commissioners for that purpose, and any three of them are hereby authorised to lay out and open, at the expense of Montgomery county, a road not exceeding thirty feet wide, from Barnsville to Zachariah Maccubbin's mill, and thence to intersect the main road leading from Frederick-town to George-town, at or near Log-town, in said county, in the most convenient direction they may think proper; and the said road, when so laid out and completed, shall be recorded among the records of said county, and be thereafter deemed and taken to be a public road, and shall be kept in repair as other public roads in said county are directed to be kept.

Commissioners appointed to lay out and open a road.

3. AND BE IT ENACTED, That the commissioners aforesaid shall and they are hereby directed to apply to any justice of the peace for the county aforesaid, who shall issue his warrant, under hand and seal, directed to any constable of the said county, commanding him to summon five freeholders, disinterested as to the lands, and not connected with any person through whose lands the said road may pass, to appear at a place and on a day by him to be appointed, and after taking the following oath, or affirmation, as the case may be, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," shall proceed to ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening and clearing the same, and shall return the damages by him assessed to the clerk of the said county, and the damages so assessed shall be conclusive, and after the valuation so made the said commissioners shall proceed to open and clear the same; provided, that the said road shall not pass through any houses, gardens, orchards or meadows, unless with the consent of the owner thereof.

Damages to be ascertained.

4. AND BE IT ENACTED, That the clerk of the said county at the next levy court following, shall lay the damages so assessed before the said court, and the justices of the said court shall levy upon the assessable property of the said county, the damages so ad-

Amount of damages to be levied.