

C H A P.  
XLIV.

selves, aggrieved by the valuation of the said commissioners, it shall and may be lawful for the said commissioners, or a majority of them, on the application of any person interested, to issue their warrant, under their hands and seals, to the constable of the hundreds where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by them appointed, on the said lands; at which time and place such freeholders, so summoned, shall respectively appear before the said commissioners, and take the following oath, to wit: "I, ———, do swear, that I will honestly, without prejudice or partiality, value the damages and injury that may be sustained by opening a road through the lands of ———, in pursuance of this act of assembly," and shall return an inquisition of such damages so assessed to the clerk of Baltimore county court, and the damages so assessed shall be conclusive.

To be paid by the persons benefited, &c.

IV. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by the aforesaid road, are hereby required to pay, or secure to be paid, into the hands of the commissioners aforesaid, or some one of them, for the use of the person or persons in whose favour such valuation may be made, previous to laying out and opening the road aforesaid.

On neglect, old road declared public, &c.

V. AND BE IT ENACTED, That if the person or persons who may conceive themselves benefitted by the opening and clearing the said road, shall neglect or refuse to pay, or secure to be paid, the damages which may be assessed, to the person or persons through whose lands the same may pass, then and in such case the old road leading from Monkton mills, and passing through a gate on the west side of John Orrick's plantation, and intersecting the main York road at or near the Piney Hill, and heretofore used as a private road, shall and the same is hereby declared to be a public highway, and to be kept up and repaired in the same manner as other public roads in the said county.

C H A P. XLV.

Passed 20th of January, 1808.

An ACT to open and make public a road to Graceham, in Frederick county.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Graceham, and its neighbourhood, that great inconvenience arise from the want of a public road leading from Apple's church to Graceham, and have prayed that a law may pass authorising them to open the same; and the prayer of the said petitioners appearing reasonable, therefore,

Commissioners appointed, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That Frederick Eichelberger, Christian Harebaugh and Samuel Ogle, be and they are hereby appointed commissioners, to lay out and open, at the expense of the petitioners, a road not exceeding thirty feet in width, to commence at a road near Apple's church, leading through Smith's Gap in the South mountain, thence passing by a large spring, commonly called Coppersmith's Spring, thence passing through the lands of Casper Young and George Seise, to the north end of a line of a tract of land called The Resurvey on Content, thence running reverse with said line to intersect the main road leading from Hagar's-town through Charlton's Gap to Baltimore, and the said road, when so laid out and opened, and the valuation hereafter directed to be made shall have taken place, shall be deemed and considered as a public road, and be kept open and repaired as all other public roads in said county.

Who shall ascertain the damages, &c.

III. AND BE IT ENACTED, That the aforesaid commissioners, or any two of them, shall ascertain and value what damages may be sustained by the person or persons through whose land the said road may pass by opening the same, and the said valuation shall be made before the said commissioners proceed to open the same; provided always, that if any person or persons, through whose land the said road shall pass, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of Frederick county, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon five freeholders, disinterested as to the said road, to appear on a day by him to be appointed, on the land of the person making application as aforesaid; and the said freeholders, having first made oath before some justice of the peace, that they 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 land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners shall have at least five days previous notice, and shall return the damages so assessed to the said justices 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 the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said commissioners, and the said commissioners shall pay, or secure to be paid, the