

Dec. Ses. 1817

Vacancies—
assessment of
damages.

Proviso.

—to be paid
before road is
opened.Oath—Com-
pensation.

each of the clerks of the levy courts of Anne-Arundel, Montgo-
mery, and Frederick counties; and if the levy court of said coun-
ties, or any one or more of them, are of opinion that the public
convenience require said road, then and in that case it shall and
may be lawful for the said levy court or courts of the said county
or counties, to levy and assess upon the assessable property of
said county, the sums necessary for opening said road in their re-
spective counties; and the said commissioners shall appoint a su-
pervisor or supervisors to open and clear said road, agreeably to
the plots aforesaid; and the said road, when so opened and cleared
as aforesaid, shall be, and the same is hereby deemed and declared
to be, for ever thereafter a public road, and shall be kept in repair
as other public roads in said counties are.

2. *And be it enacted*, That in case of the death, resignation, or
refusal to act, of any of said commissioners, it shall and may be
lawful for the remaining commissioners to fill such vacancy or va-
cancies; and the said commissioners, or a majority of them, shall
value and ascertain the damages that may be sustained by each and
every of the persons through whose lands the said road may pass,
taking into consideration the advantages and disadvantages, if any;
Provided, that if any person or persons through whose land the
said road may pass, or his, or her, or their guardian or trustee, con-
ceive himself, herself or themselves, aggrieved by such valuation
and assessment by said commissioners, it shall and may be lawful
for a justice of the peace of said county, on his, her, or their appli-
cation, to issue his warrant, under his hand and seal, directed to the
constable of the hundred, commanding him to summon twelve dis-
interested freeholders, to meet upon the premises on a certain day,
of which at least ten days notice shall be given to the parties inte-
rested; and the said jurors, when so met, and having each first ta-
ken an oath before some justice of the peace, that he will without
favour or partiality assess the damages sustained by such person or
persons, at whose request the said inquisition was taken, by reason
of opening the aforesaid road through his, her, or their lands, shall
thereupon proceed to assess and value the damages accordingly, and
such inquisition shall be final and conclusive; but should the jury
award a smaller sum as damages than the commissioners had pre-
viously done, then and in that case the person or persons at whose
instance it was held, shall pay all legal costs and charges of said in-
quisition, but if on the contrary they should award a greater sum,
then the costs of such inquisition shall be paid by the county or
persons at whose expense the said road shall be opened.

3. *And be it enacted*, That the said damages shall be paid to
the person or persons entitled to the same, before said road shall
be opened.

4. *And be it enacted*, That the said commissioners shall, before
they proceed to act, take an oath before some justice of the peace,
of the same tenor and effect as is heretofore directed to be taken
by the jurors; and the said commissioners shall be entitled to two
dollars per day for their services in surveying and laying out said
road.

An act to

WHERE
its vicinity
ed a large
for an act
appearing
Therefore.

Sec. 1.
the said s
James Bro
George Bu
James G. I
lingsworth
of the Chu
are hereby
by the nam
my, by whi
shall be c
themselves
lands, ten
effects, by
or persons
whole, the
and tenem
fects, to g
otherwise
as to them
al to the s
sues, arisi
and suppor
ed, comme
any court
whatsoever
perform an
in this sta
trustees, a
common se

2. *And b*
school sha
the county
board mor
them, shall
or vacanci

3. *And b*
or a major
fundament
nary afore
son or per
be a teach

4. *And b*
or a major
such time