

C H A P.
XXXVIII.
Commission-
ers to ascer-
tain damages,
&c.

VI. *And be it enacted*, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be transmitted, levied and paid, in the manner aforesaid: Provided always, that if any person or persons, through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves to be aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to any constable of the county, to summon twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on any day by them to be appointed, on the premises; and the said commissioners, or either of them, are hereby authorized to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly; and such inquisition shall be final and conclusive between the parties.

Costs to be
paid by petiti-
oners.

VII. *And be it enacted*, That all costs and charges which may attend the laying out, opening and streightening, the aforesaid roads, shall be at the expence of the said petitioners.

Road not to
go thro' build-
ings, &c.

VIII. *And be it enacted*, That the said commissioners shall not lay out or open the said roads through the buildings, gardens or orchards, of any person or persons, without his, her or their consent.

To be kept in
repair.

IX. *And be it enacted*, That the said roads, when opened as aforesaid, shall be kept in repair in the same manner as all other public roads are in the said county.

C H A P. XXXIX.

Passed De-
cember 28.

An ACT for resurveying and laying out anew Salisbury-town, in Somerset county, and for other purposes.

Preamble.

WHEREAS it is represented to this general assembly, that the plot of the said town, made by virtue of an act of assembly passed for the purpose of locating the same, cannot be found, and the boundaries and limits of the streets, lanes and alleys, as well as many of the lots thereof, are unknown, whereby the titles of the proprietors thereof are precarious and uncertain, and it is prayed that the same may be laid out anew, which appears to this general assembly to be reasonable and proper;

Commission-
ers appointed,
&c.

II. *Be it enacted, by the General Assembly of Maryland*, That Esme Bayly, Francis H. Waters, James Polk, John Leathbury, James Bennet, Gabriel Slacomb and Benjamin Dennis, be and they are hereby appointed commissioners, who shall, on or before the tenth day of May next, meet at Salisbury aforesaid, and having so met, the said commissioners, or any three of them, shall have full and ample power and authority to direct the surveyor of Somerset county for the time being, to survey and make out an exact plot of the town, and shall ascertain and limit the extent of the lots, streets, lanes and alleys thereof, most agreeably to their original location according to the best evidence that can be obtained.

Who may if-
sue summons,
&c.

III. *And be it enacted*, That the said commissioners, or any four of them, are hereby authorized and required, having first given ten days notice of the time and place of their meeting, to issue summons for such persons as may be applied for by any of the proprietors aforesaid, who are hereby required to attend, under the penalty of twenty shillings current money for every neglect or refusal, and to examine them upon oath, or affirmation, touching and concerning their knowledge of the bounds, limits and extent, of any of the lots, streets, lanes and alleys, of the said town, and to establish the same accordingly.

IV. *And*