

2. **BE IT ENACTED**, by the General Assembly of Maryland, That John Comegys, Benjamin Massey, Casparus McGinnis, Doctor Simon Wilmer and Samuel Johnson, or a majority of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expense of the petitioners, a road, not exceeding thirty feet in width, clear of ditches, in as straight and convenient a direction as may be, from a stone marked W H B, standing in or near the main road leading from the head of Chester to the head of Sassafras, in Kent county, through the lands of James Blackeston, Edward Hanson, and others, until it shall intersect the divisional line between this state and the state of Delaware at or near the lands of George C. Saunders.

CHAP. 6.

Commissioners appointed to survey and lay out road.

3. **AND BE IT ENACTED**, That the said commissioners, or a majority of them, shall and they are hereby directed and required to make, or cause to be made, a plot of the said road, when surveyed as aforesaid, and to ascertain and assess the damages that may be sustained by any person or persons through whose lands the same shall pass, and shall make return of the said plot, together with a certificate of the courses of the said road, and their estimate of the damages as aforesaid, to the clerk of Kent county, to be recorded among the land records of the said county, and when the same shall have been returned, and the damages so as aforesaid ascertained shall have been paid, or secured to be paid, the said road shall for ever thereafter be deemed a public highway, and shall be kept in repair as other public roads of Kent county; *Provided always*, that if any person or persons through whose lands the said road shall pass, or his, her or their guardian or trustee, shall think themselves aggrieved by the valuation and assessment of damages to be made by the commissioners as aforesaid, the said commissioners, or a majority of them, shall and they are hereby authorised to issue their warrant to the sheriff of Kent county, to summon twelve freeholders of the said county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on the premises on a day to be appointed, and when the persons so summoned shall convene as aforesaid, some one of the said commissioners shall administer an oath to each of the persons so summoned, that he will, without favour, affection, partiality or prejudice, assess the damages sustained by the person or persons at whose instance and 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 immediately proceed to value and assess the damages accordingly, of which the said petitioners, or some three or more of them, shall have at least five days previous notice; *And provided also*, that the said commissioners shall not lay out or open the said road through the buildings, gardens or orchards, of any person without his or her consent.

A plot of the same to be made— Damages to be ascertained.

Provisos

## CHAP. VII.

*An Act further extending the time for making returns of certain Certificates and Plots.* Lib. JG. No. 4, fol. 211. Passed Jan. 8, 1803

**WHEREAS** it appears that several certificates and plots have not been returned to the land-office of the western shore within the time limited by an act passed at November session, eighteen hun-

Preamble.