

Dec. Ses. 1817

each of the clerks of the levy courts of Anne-Arundel, Montgo-

mery, and Frederick counties; and if the levy court of said counties, 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 respective counties; and the said commissioners shall appoint a supervisor 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.

Vacancies—
assessment of
damages.

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 vacancies; 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, conceive 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 application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, commanding him to summon twelve disinterested freeholders, to meet upon the premises on a certain day, of which at least ten days notice shall be given to the parties interested; and the said jurors, when so met, and having each first taken 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 previously 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 inquisition, 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.

—to be paid
before road is
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.

Oath—Com-
pensation.

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.