

CHAP. 5. on of the said commissioners, it shall and may be lawful for any justice of the peace for Worcester county, on application by any person interested, to issue his warrant, under hand and seal, directed to any constable of the said 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 shall respectively repair to some magistrate of the said county, and take the following oath or affirmation, to wit: "I, A. B. do swear or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damage and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," and shall return the damages by them assessed to the said justice of the peace, and the damages so assessed and returned shall be 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 amount of the said valuation or damages to the respective parties entitled to receive the same, out of the monies to be raised and collected from the subscriptions to the said road, within the space of six months after the ascertainment of such valuation or damages, and before they shall proceed to affect the lands and tenements of the person or persons concerned; *Provided*, that the said road shall not go through any houses, gardens, meadows or orchards, unless with the consent of the owner thereof.

Proviso.

Passed Dec. 31.

CHAP. VI.

*An Act for changing part of the Divisional Road between Somerset and Worcester Counties.* Lib. JG. No. 4, fol. 5.

Preamble.

WHEREAS it is represented to this general assembly, by the petition of Benjamin Hitch, of Somerset county, that he is possessed of a tract of land lying and being in Somerset and Worcester counties, through which the divisional road of Somerset and Worcester counties now runs, to the great injury of the said Benjamin Hitch: And whereas it appears that changing the said road will be beneficial to the said Benjamin Hitch, and promote the convenience of the public; therefore,

Commissioners appointed to lay out road.

2. BE IT ENACTED, by the General Assembly of Maryland, That Ebenezer Handy, James Bennett, William Pollitt, of Thomas, David Cathell and Thomas Fookes, be and they are hereby appointed commissioners, or any three or more of them are hereby authorised to change, lay out and open, at the expense of the said Benjamin Hitch, in the most convenient manner, a public road, leading through the lands of the said Benjamin Hitch, in the direction the divisional road of the said counties now runs, from Salisbury to Stevens's Ferry, so far as the said Hitch's lands extend, if necessary; and the said road, when so laid out and completed at the expense of the said Benjamin Hitch, shall be recorded in the records of Somerset and Worcester county courts, and shall be deemed and taken for ever thereafter as the divisional line of said counties, and as a public road, and shall be kept in repair as other public roads are kept up in said counties.