

aforesaid, and not prohibited as aforesaid, when specially sent for, to come into any part of this state, and administer or prescribe medicine, or perform any kind of surgical operation, for the relief of the person or persons to whose assistance he may be sent for as aforesaid.

C H A P.
LV.

C H A P. LVI.

An ACT to open a road from below a point of rocks in the Catoctin mountain to widow Kemp's mill.

Passed 31st of
Dec. 1801.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Frederick county, that it would be of great advantage to themselves and the public in general, to have a road opened from below a point of rocks in the Catoctin mountain, on the Patowmack river, by captain Whiteneck's tavern, then in the straightest direction that the nature of the ground and other circumstances will admit by or near Late's mill unto or near the widow Kemp's mill, in Frederick county; therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That Samuel S. Thomas, Joseph Smith and Christian Kemp, of Frederick county, or any two of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the petitioners, or any part of them, particularly interested therein, a road, not exceeding thirty feet in width, in the best and straightest direction, from below the aforesaid point of rocks in the Catoctin mountain, on the Patowmack river, by captain Whiteneck's tavern, thence in the straightest direction that the nature of the ground and other circumstances will admit by or near Late's unto or near the widow Kemp's mill, in Frederick county; and the said road when so opened at the expence of the petitioners as aforesaid, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be recorded among the records of Frederick county court, and be thereafter deemed to be a public road for ever.

Commissioners appointed, &c.

III. AND BE IT ENACTED, That the said commissioners may appoint one of their number as treasurer, and give him a certificate, under their hands, of his appointment, who is hereby enjoined and empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of opening the said road, and such subscribers are hereby directed to pay their several subscriptions to the treasurer appointed as aforesaid; and if any person shall neglect or refuse, when applied to by the aforesaid treasurer, to pay his subscription money, the said treasurer may and he is hereby authorised to sue for, recover and receive the same; and the said monies, when received, shall be applied by the commissioners, or any two of them, to the purpose of this act.

Who may appoint a treasurer, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose land the said road may pass, by opening the same, and the said valuation shall be made before the said commissioners shall proceed to open the same; 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 aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of the said county of Frederick, on application of the party interested, to issue his warrant, under hand and seal, directed to any constable of the 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, having first made oath before some justice of the peace, that they will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners shall have had at least five days previous notice, and shall return the damages so assessed, to the said justice of the peace, and such inquisition and valuation shall be final and 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 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 assessment 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, yards, meadows or orchards, unless with the consent of the owner thereof.

And ascertain damages, &c.

C H A P.