

or banks, or other moneyed institution as he may select, upon the terms and conditions prescribed by the second section hereof.

The residue yet recoverable to be deposited.

SEC. 4. *And be it enacted*, That the residue of the state's share of the surplus revenue of the United States now received, or that may hereafter be received by the treasurer of the western shore, shall be deposited in some incorporated bank or banks in Baltimore or elsewhere in this state, at the discretion of the treasurer of the western shore, upon condition that the said banks shall pay an interest of at least five per centum per annum, and give such security for the re-payment thereof, as the treasurer of the western shore shall approve, subject to the future control and appropriation of the next general assembly, the interest accruing thereon to be distributed amongst the several counties of this state and the city of Baltimore, for the support and encouragement of common school education in this state in the same manner and proportions as said fund is now distributed.

On interest.

Subject to next general assembly
The accruing interest to be distributed for education.

CHAPTER 255.

AN ACT to authorize the Owner or Owners of any Mill, Factory, Distillery, Quarry, or Lime-kiln, situated within the distance of five hundred yards from any Rail Road now made, or which may hereafter be constructed, to apply to the County Courts, the Levy Court, or to the Commissioners of the County, as the case may be, to lay out and open a Private Road or Way from such Mill, Factory, Distillery, Quarry or Kiln, to the most convenient place for intersecting such Rail Road.

See 1832, ch. 292, ante page 1090.

On application.

SEC. 1. *Be it enacted, by the General Assembly of Maryland*, That it shall and may be lawful for the owner or owners of any mill, factory, distillery, quarry or lime-kiln, situated within the distance of five hundred yards from any rail road now made or which may hereafter be constructed, to apply to the county court, the levy court, or to the commissioners of the county, as the case may be, to lay out and open a public or private road or way, from such mill, factory, distillery, quarry or kiln, to the most convenient place for intersecting such rail road; and upon any such application, it shall be the duty of any county court, levy court, or county commissioners, having authority to open private roads or ways in any of the counties of this state, if after an investigation of the rights and interests of all the parties concerned, they shall think proper to proceed to have laid out and opened, a public or private road or way from any such mill, factory, distillery, quarry or kiln, to any rail road as aforesaid, in the same manner as other public or private roads or ways may be opened in any of the counties of this state, respectively.

Authority granted.

On examination, &c.

To open roads.

Damages in case of rail tracks.

SEC. 2. *And be it enacted*, That if any owner or owners as aforesaid, shall state in an application for a private road or way,