

CHAP. 5.

their judgment the convenience of the public will be thereby more effectually promoted, upon the terms, and subject to the provisions of the act passed at November session eighteen hundred and nine, to which this is a supplement.

CHAP. VI.

Passed Nov. 14. An Act to lay out and open a Road in Cecil County. Lib. TH. No. 3, fol. 350.

Commissioners appointed to survey and lay out road.

1. BE IT ENACTED, by the General Assembly of Maryland, That Ephraim Mitchell, Levi Tyson and Frisby Henderson, or a majority of them, are hereby appointed commissioners to survey and lay off a public road, beginning at a point to be designated by the commissioners, not more than three quarters of a mile, in an easterly direction, from Archibald Dysart's tavern, in Cecil county, on the road leading to New-Ark, and running thence through the lands of Stephen Hay's heirs, and the lands of Thomas Garrett, and by said Garrett's fulling mill, till it intersect the road located by the people of Pennsylvania, into a road leading to the said mill; Provided, that the same shall not be laid out to run over the orchard, garden, yard or meadow, of any person, without the consent of the owners thereof.

Proviso.

Overseer to be appointed—levy authorized.

2. AND BE IT ENACTED, That the levy court of said county be, and are hereby empowered, at the next court thereafter, to appoint an overseer or overseers to open and clear said road according to the designation made by the aforesaid commissioners, and to levy such sum of money as in the discretion of said court shall be considered reasonable, for the purpose of clearing and opening said road as aforesaid; and the said road, when surveyed, laid out and opened as aforesaid, shall be deemed a public road, and shall be kept in repair as other public roads in said county are.

Compensation of commissioners and overseers.

3. AND BE IT ENACTED, That the said commissioners shall be entitled to receive, as a compensation, the sum of two dollars for every day they shall attend for the discharge of the duties required of them by this act; and the said overseer or overseers shall receive the same compensation which the overseers of public roads respectively receive; which compensation shall be respectively levied, collected and paid, in the same manner that other county charges are.

Thos. Garrett not to receive compensation for damages

4. AND BE IT ENACTED, That the said Thomas Garrett shall not be entitled to ask or receive any compensation for any damage sustained by opening of the said road.

Damages to be ascertained.

5. AND BE IT ENACTED, That the commissioners, or a majority of them, shall ascertain and value if required, what damages may be sustained by any person or persons, except the said Thomas Garrett, over whose lands the said road may pass, by opening the same, taking into consideration the advantages and disadvantages, if any, and the valuation shall be made before the said commissioners shall proceed to open the said road; Provided always, that if any person or persons, except as aforesaid, through whose land the said road may 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 said county, on application of the party interested, or his, her or their guardian or trustee, to

Proviso.