

cians, or by their successors, in the manner contemplated by this act; that any difficulties, doubts or complaints, as to the proper application of the funds of the said lottery, or the extension of the benefits of said institution, shall be referred to the said commissioners, the decision of whom, or a majority of whom, shall be final and binding on those concerned in such use of the funds or extension of the benefits of said Surgical Institution.

CHAP. 30.

7. AND BE IT ENACTED, That the said commissioners shall fill up all vacancies occasioned by death or resignation in their body, within one month from the occurrence of said vacancies.

Vacancies in board of commissioners.

CHAP. XXXI.

*An Act to authorise the Sale of the Real Estate of Perry E. Noel, of Queen-Anne's County, deceased.* Lib. TH. No. 4, fol. 437. A Private Act.

Passed Dec 30

CHAP. XXXII.

*An Act to lay out and make public a Road in Cecil County.* Lib. TH. No. 4, fol. 459.

Passed Dec 30

1. BE IT ENACTED, by the General Assembly of Maryland, That Samuel Hayes, William Howard, John Evans, (of Robt.) Henry D. Miller and John Pitner, be and they are hereby appointed commissioners for the purposes of this act, and that they, or a majority of them, are hereby authorised and required to survey and lay out a road not exceeding forty feet in width, beginning at the public road leading from Elkton to New London Cross Roads, at or near a school house, called Union School House in New-Munster, thence running northwardly until it intersects the Pennsylvania line near the lane leading from the dwelling house of John Jordan, and in a direction for Septimus Evans's lime-kilns in Pennsylvania, thence continuing northwardly until it intersects the Pennsylvania line, at the termination of the road ordered by the court of Chester county in the state of Pennsylvania, to be laid out from Kimble's tavern to the Maryland line in a direction for Elkton; *Provided*, that the said road shall not be made to pass through the buildings, yards, gardens or orchards, of any person, without the consent of the owner or owners thereof.

Commissioners appointed and authorised to lay out a road.

Proviso

2. AND BE IT ENACTED, That it shall be the duty of the commissioners aforesaid, on or before the first Monday in September next, to cause a plot and certificate of said road to be made, and return the same to the levy court of Cecil county at their first sitting thereafter, whereupon it shall and may be lawful for the levy court of said county to levy upon the assessable property of said county a sum of money, such as they may deem necessary, and to appoint an overseer to open and clear said road agreeably to the plot and certificate aforesaid; and the said road, when opened and cleared as aforesaid, shall be, and the same is hereby declared to be, for ever thereafter, a public road, and shall be kept in repair as other public roads in said county.

Plot thereof to be made and returned.

3. AND BE IT ENACTED, That 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, (petitioners to the general assembly for this road only excepted,) by opening the same, taking into estima-

Damages to be ascertained.