

CHAP. 35.

and other circumstances, will admit, until it intersects a new road leading or passing by Solomon Richardson's dwelling house, in Caroline county; therefore,

Commissioners appointed to survey and lay out a road.

2. BE IT ENACTED, by the General (a) of Maryland, That Sethnell Evitt, William Summers, Abraham Evitt, James Keene and Joseph Anthony, or any three of them, be and they are hereby appointed commissioners, to survey, lay out, open and clear, at the expense of the petitioners, or any part of them particularly interested therein, a road, not exceeding thirty feet in width, to commence at or near a red house, the property of Daniel Swiggott, on the main road leading from the Three Bridges to Collin's Cross Roads, and to run in the best and straightest direction that the nature of the ground, and other circumstances will admit, until it intersects a new road leading from, or passing by, Solomon Richardson's dwelling-house, in Caroline county; and the road so opened at the expense of the petitioners as aforesaid, and the valuation hereon after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be recorded among the records of Caroline county court, and thereafter deemed and taken to be a public road for ever, and shall be kept in repair in the same manner as other public roads in said county.

(a) The word *Assembly* omitted in the engrossed law and record.

Treasurer to be appointed—his duty.

3. 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 three of them, to the purpose of this act.

Damages to be ascertained.

Proviso.

4. AND BE IT ENACTED, That the commissioners aforesaid shall ascertain and value what damages may be sustained by any person or persons through whose lands 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 Caroline, 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 any 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 at least