

CHAP. 61. court, and be 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 are directed to be kept in said county.

Treasurer to be appointed—subscriptions to be paid to him.

2. AND BE IT ENACTED, That the said commissioners may appoint one of their number as treasurer, who is hereby enjoined and empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of opening and extending 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 to pay the subscription money, the said treasurer, or any one of the said commissioners in the name of the whole, may and is hereby authorised to sue for, recover and receive, the same; and the said monies, when received, shall be applied by the said commissioners, or any two of them, to the purpose of this act.

Damages to be ascertained.

3. 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 and extending the same, and the said valuation shall be made before the said commissioners shall proceed to open and extend the same; and in case any proprietor or proprietors, or their guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for any justice of the peace for Somerset county, on application by any person interested, to issue his warrant, under his 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 shall respectively repair to some magistrate of the said county, and take the following oath, or affirmation, to wit: "I, A. B. do swear, or solemnly, sincerely and truly declare and affirm, that I will honestly and faithfully estimate and value the damages and injury sustained by C. D. by opening a road through the land of the said C. D. in pursuance of the directions of this act," and shall return the damages by them assessed to the said justice of the peace, and the damages so assessed and returned shall be 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 receive 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 ascertainment 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, meadows, gardens or orchards, unless with the consent of the owner thereof.

Engrise.

CHAP. LXII.

Passed Jan²⁰ 1806 *An Act to lay out and make a public Road in Anne-Arundel County.*

Lib. TH. No. 1. fol. 372.

Preamble,

WHEREAS it is represented to this general assembly, by a number of inhabitants of Anne-Arundel county, that they labour under