

C H A P.
II.

the expence of the subscribers of the said petition, a waggon road, in the most convenient direction, not exceeding thirty-three feet wide, from or near Christian Bower's mill, on Big Pipe Creek, in Frederick county, by Ox Moor's mills, on Patapsco falls, to intersect the great public road leading from Westminster-town to Baltimore; and the said road, when so laid out and opened, and cleared and completed at the expence of the said subscribers, and after the valuation herein after directed to be made, or the damages hereby directed to be assessed, shall be paid or secured to the individuals concerned, shall be recorded among the records of Frederick and Baltimore county courts, 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 such respective counties.

Who may ap-
point a trea-
surer, &c.

III. **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 laying out and clearing 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 his subscription money, the said treasurer, or any of the said commissioners in the name of the whole, may and is hereby authorized 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 purposes of this act.

And ascertain
damages, &c.

IV. **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 and clearing the same, and the said valuation shall be made before the said commissioners shall proceed to open and clear 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 Frederick or Baltimore counties, as the case may be, on application by any person interested, to issue his warrant under hand and seal, directed to any constable of the county, as the case may be, 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 one of the said counties, as the case may be, 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 damage 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, garden, meadow or orchard, unless with the consent of the owner thereof.

C H A P. III.

An ACT for the benefit of Barbara Hall.

Passed De-
cember 19.

Preamble.

WHEREAS it hath been represented to this general assembly, by the petition of Barbara Hall, of Washington county, widow of Thomas Henry Hall, late of the said county, deceased, that the said Thomas Henry Hall did, by his last will and testament, bearing date the fifth day of November, *anno Domini* one thousand seven hundred and eighty-eight, appoint her