

county, on application by any person interested, to issue his warrant, under 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 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, gardens, meadows or orchards, unless with the consent of the owner thereof.

C. H. P. XIV.

C H A P. XV.

An ACT to enable the select vestry of Saint-Michael's parish, in Talbot county, and James Tilghman, of Chester-town, in Kent county, to make an exchange of certain lands.

C. H. P. De- cember 27.

WHEREAS the select vestry of Saint-Michael's parish, in Talbot county, and James Tilghman, of Chester-town, in Kent county, have represented to this general assembly, by their petition and memorial, that the said select vestry are seized and possessed, in fee-simple, of a plantation, consisting of glebe lands belonging to the said parish, lying chiefly on the south side of a creek, in the said parish, called Fausbey Creek, but partly on the north side of the same, and the branches thereof; and the said James Tilghman is seized and possessed, in fee-simple, of an adjoining plantation, lying chiefly on the north side of the said creek, and the branches thereof, but partly on the south side of the same; that the said plantations, and the lands belonging to them, are so intersected by the said creek, and by roads running through them, as, in their present situation, to be very inconvenient to the owners and possessors, but may be rendered commodious and convenient by an exchange of parts of the said plantations and lands; and this general assembly, upon due consideration, having determined the said application to be reasonable and proper,

Preamble.

II. Be it enacted, by the General Assembly of Maryland, That the select vestry of the said parish for the time being, and the said James Tilghman, shall, by virtue of this act, be enabled and empowered to make such exchange of parts of the said lands and plantations, as the said select vestry, or a majority of them, and the said James Tilghman, may think commodious and convenient to their several plantations aforesaid respectively, and to make and execute proper deeds for the lands exchanged, to be acknowledged and recorded according to the laws of this state; of which lands so taken in exchange respectively, the said select vestry, and the said James Tilghman, shall, by virtue of such deeds and this act, be seized in fee-simple, the said select vestry to them and their successors, and the said James Tilghman to him and his heirs and assigns, for ever.

Selected vestry, &c. may make an exchange, &c.

C H A P. XVI.

An ACT to lay out and open a road to and from the mill of Joshua Howard, on Sam's creek, in Frederick county.

C. H. P. De- cember 27.

WHEREAS Joshua Howard, by his petition to this general assembly, hath set forth, that he has erected a valuable mill on Sam's creek, in Frederick county, and that the road law, passed last session of as-

Preamble.