

C H A P.
XXIII.

ence to the inhabitants of said county residing near the same, and that the present situation of the dam renders his said mill insecure; and prayed that an act may pass authorising him to erect a mill-dam in a more eligible situation, and where the public highway now passes through his land, and that a new road may be laid out in the place of the one to be stopped up by erecting the said mill-dam, at the expence of him the said John Wilson; and the said petition appearing to this general assembly to be reasonable, and that the same will be of public utility,

Road may be
stopped up,
&c.

II. **Be it enacted**, by the General Assembly of Maryland, That the said John Wilson, his heirs or assigns, shall be and hereby are authorised and empowered to stop up the public road leading through the land of the said John Wilson, by his said mill, and to enclose the same and erect a mill-dam, or any other improvement, upon the same, which will most effectually secure the said mill from the weight of water and freshes.

Commission-
ers appointed,
&c.

III. **And be it enacted**, That Messieurs Nathaniel Comegys, Moses Briscoe, John Brooks, William Thomas and Oliver Smith, shall be, and they, or any three of them, hereby are appointed commissioners to lay out and open a public road by the mill of the said John Wilson, in such direction as they shall judge best, in the place and stead of the road to be stopped up by the said John Wilson as aforesaid; and the said road, when so laid out and opened, and the valuation herein after directed to be made, shall have taken place, and the damages assessed paid, or secured to be paid, to the persons concerned, shall be returned to, and recorded in, Kent county court, and shall, for ever thereafter, be deemed and taken to be a public road.

Who may af-
fess damages,
&c.

IV. **And be it enacted**, That the said commissioners, or any three of them, shall assess and value what damages shall be sustained by any person or persons through whose land the said road shall pass, which shall be paid, or secured to be paid, to the individuals concerned, before the said commissioners shall proceed to open the said road; but in case any person or persons interested as aforesaid, or his, her, or their guardian or trustee, shall conceive themselves aggrieved by such valuation of the said commissioners, it shall and may be lawful for any magistrate of Kent county, upon application, to issue his warrant to any constable of the county, to summon nine freeholders, disinterested as to the matter in dispute, to appear, on a day to be by him appointed, on the premises; and after having made oath, or affirmation, that he will honestly, faithfully, and without favour, affection, prejudice or partiality, assess and value the damages sustained by any person or persons through whose land the said road shall be opened, shall thereupon proceed to assess and value the damages accordingly, which valuation shall be final and conclusive; and the damages so assessed shall be paid, or secured to be paid, to the individuals concerned, before the said commissioners shall open the said road.

Their allow-
ance.

V. **And be it enacted**, That each of the said commissioners shall be entitled to receive the sum of seven shillings and six-pence, from the said John Wilson, for every day they shall be employed in virtue of this act.

Road not to
go through
houses, &c.

VI. **And be it enacted**, That the said commissioners shall not lay out or open the said road through the houses, gardens or orchards, of any person or persons, without the consent of the owners thereof.

C H A P. XXIV.

Passed De-
cember 27.

An ACT to improve and repair the streets in Elizabeth-town, in Washington county, and for other purposes therein mentioned.

Preamble.

WHEREAS the inhabitants of Elizabeth-town, in Washington county, by their petition to this present general assembly, have set forth, that the streets in said town are frequently in a bad condition, and at times rendered almost impassable, by means of many of the inhabitants of said town raising the ground before their own houses, and thereby turning the water, with a view to their private convenience only, and the ground and houses of some have