

C H A P.
LII.

to keep the same in such repair as it is the duty of the supervisors by law to do, then such person or persons, so contracting, shall be subject to the same penalties as supervisors of public roads in the said county in like cases now are, to be recovered and applied in the same manner; and every person or persons, so contracting with the justices of the levy court, shall give bond to the state of Maryland, with such security as the justices of the levy court shall approve of, and in such sum or penalty as they shall require, for the performance of such contract, and such contractors shall have and exercise all the powers which supervisors of public roads in said county now have, or may or can exercise in virtue of the act to which this is a supplement, except the powers given by the eighteenth section thereof.

Persons to be
appointed, &c.

II. AND BE IT ENACTED, That in all cases where any road shall be let out to be completed or repaired on contract, it shall and is hereby declared to be the duty of the levy court to appoint some fit and proper person or persons to view such road, and report to them whether the same shall have been completed according to the terms of such contract, before the said court shall be authorised, in virtue thereof, to pay for the same; provided that nothing herein contained shall prevent the levy court from making such advances of money to such contractor or contractors, for completing or repairing the said roads, as they, in their discretion, shall think necessary.

C H A P. LIII.

Passed 7th of
January, 1804.

An ACT to lay out and open a road from the town of Westminster, in Frederick county, to the city of Washington and George-town.

Preamble.

WHEREAS it is represented to this general assembly, by the petitions of sundry inhabitants of Frederick, Baltimore, Anne-Arundel and Montgomery counties, that it would be of great advantage to themselves, and the public in general, to have a road laid out and opened from Westminster, in Frederick county, to the city of Washington and George-town; therefore,

Commissioners
appointed, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That Jacob Shearman, of Frederick county, James Hood and George Ellicott, of Baltimore county, Samuel Welch and Samuel Thomas, of Anne-Arundel county, and Thomas Moore and Nathan Musgrove, of Montgomery county, or a majority of them, be and they are hereby appointed commissioners to survey, lay out and open, at the expence of the petitioners, or other persons interested therein, who may subscribe to pay the expence, a road, not exceeding thirty feet in width, in the best and straightest direction, taking all circumstances into consideration, from Westminster, in Frederick county, to the city of Washington and George-town; and the said commissioners shall make out a plot of that part of the road through Baltimore county, and return the same to the clerk of the county court, to be recorded among the records of said county; they shall also make out a plot of that part of the road through Anne-Arundel county, and return the same to the clerk of Anne-Arundel county court, to be recorded among the records of said county; they shall likewise make out a plot of that part of the road through Montgomery county, and return the same to the clerk of Montgomery county court, to be recorded among the records of said county; and the said road, when so opened at the expence of the petitioners, or others interested, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be thereafter deemed 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 counties.

How vacancies
are to be filled.

III. AND BE IT ENACTED, That in case of the death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, the remaining commissioners, or a majority of them, shall and they are hereby authorised and directed to fill up such vacancy or vacancies.

A treasurer to
be appointed,
&c.

IV. AND BE IT ENACTED, That the said commissioners, or a majority of them, may appoint a 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 said treasurer, to pay his subscription money, the said treasurer may and he is hereby authorised to sue, recover and receive the same; and the said monies, when received, shall be applied, under the direction of the commissioners aforesaid, or a majority of them, to the purpose of this act.

Who shall give
bond, &c.

V. AND BE IT ENACTED, That the treasurer to be appointed as aforesaid, before he shall receive any money subscribed, or to be subscribed, for the purpose aforesaid, shall give his bond, in the pe-