

C H A P
LV.

Who may ap-
point a treasu-
rer, &c.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, may appoint one of their number as treasurer, who is hereby 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 money, when received, shall be applied, under the direction of the commissioners aforesaid, or a majority of them, to the purpose of this act; provided the said treasurer, before he receives any money, shall give his bond to the state, in the penalty of two hundred pounds, conditioned to pay the monies received by him, as such, to the commissioners aforesaid.

And ascertain
damages, &c.

IV. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons over whose land the said road may pass, by opening the same, and the valuation shall be made before the said commissioners, or a majority of them, shall proceed to open the said road; provided always, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon five freeholders, who do not hold lands through which the said road may pass, to appear, on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid; and the said freeholders, having first made oath before said justice, that they will, without favour, affection or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the said road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly, and such inquisition and valuation shall be final; and the party or parties in whose favour the valuation ascertained as aforesaid, shall be entitled to receive the same from the said treasurer, on an order drawn on him by the said commissioners, or a majority of them, and upon the payment of the money, or securing the same to be paid, to the person or persons through whose land the said road is intended to pass, the said commissioners may open the said road through such person or persons land; provided that the said road shall not pass through any house, yard, garden, meadow or orchard, unless with the consent of the owner or owners thereof.

C H A P. LVI.

Passed 7th of
January, 1804.

An ACT to repeal part of the act of assembly therein mentioned.

Parts of an act
repealed.

BE IT ENACTED, by the General Assembly of Maryland, That all such parts of the act, entitled, An act for making an addition to the town of Havre-de-Grace, and to improve the navigation of the river Susquehanna, and for other purposes, passed at November session, seventeen hundred and ninety-five, as relate to the laying out into lots, and annexing the same to said town, part of the lands called Convenience and Brother's Lot, which are contained within the following description, metes and bounds, and which lie on the south and west sides of the following streets and lines, to wit: Beginning for that part of Brother's Lot at the point where the south side of Alliance street intersects the old town of Havre-de-Grace, and running then westerly, with Alliance-street, and on the south side thereof, to its intersection with Allegany-street, at a point twenty feet distant from the east side thereof, then northerly, with Allegany-street, and twenty feet distant from the east side thereof, till it intersects the north line of the said tract of land called Brother's Lot, and also all that part of the addition to the said town, being part of the tract of land aforesaid called Convenience, which lies on the west side of a line running twenty feet distant from the east side of Ohio-street, be and the same are hereby repealed.

Right vested,
&c.

II. AND BE IT ENACTED, That the right and title to the land contained within the limits aforesaid be and the same is hereby vested in the several proprietors, their heirs or assigns, as tenants in common, according to their respective rights and interests, as fixed by their articles of association of the sixteenth day of May, seventeen hundred and ninety-seven, and in the same manner as if the aforesaid law had never passed; provided that nothing herein contained shall affect, or be construed to affect, any right or interest acquired since the passage of said act in any of the lots of ground hereby excluded from the town of Havre-de-Grace.