

and the said commissioners, or any three of them, are hereby authorized to lay off and open as aforesaid, at the expence of the subscribers to said petition, a good road, sufficient for the passage of any carts or waggons; not exceeding thirty-three feet wide, from the town of Federalburgh, on the north-west fork of Nanticoke river, in Dorchester county, to Cratcher's ferry in the said county; 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, and the damages hereby directed to be assessed shall be paid, or secured, to the individuals concerned, shall be recorded among the records of Dorchester county court, 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 the said county.

C H A P.
XLVIII.

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 the sum subscribed, 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.

Who may ap-
point a trea-
surer, &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 of Dorchester county, on application by any person interested, to issue his warrant, under hand and seal, directed to any constable of the county aforesaid, 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 justice of the peace for 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 damages and injury sustained by C. D. in pursuance of the directions of this act;" and shall return the damages by them assessed to the said justices 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 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.

And ascertain
damages, &c.

C H A P. XLIX.

An ACT to authorize the register of the land-office to issue a patent to Salathiel Fitchett for lot number six in Nanticoke manor.

Passed De-
cember 28.

WHEREAS it hath been represented to this general assembly, by the petition of John Henry, administrator of John Brown, John Eccleston and Salathiel Fitchett, that the late John Brown, of Dorchester county, purchased the lot number six, of the commissioners for the preservation and sale of confiscated British property, lying in Nanticoke manor, which, by various

Preamble.