

direction; not exceeding forty feet wide, from or near Venable's mills, on Barren-creek, in Somerset county, to a place called Dean's Landing, on Nanticoke river; and the said road, when so laid out and completed at the expence of the said subscribers, and after the valuations herein after directed to be made, or the damages hereby directed to be assessed shall be paid, or secured to the individuals concerned, shall be recorded among the records of Somerset 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 said county.

Who may appoint a treasurer, &c.

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 his subscription money, the said treasurer, or any one 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.

And ascertain damages, &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 land 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 for Somerset 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.

CHAP. 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. Lib. JG. No. 1. fol. 390.

Passed 27th of Dec. 1791.

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 plantation and lands; and this general assembly, upon due consideration, having determined the said application to be reasonable and proper,

Preamble.

II. Be