

pointed by ballot for the purpose aforesaid by the house of which they are respectively members, on the seventh day of the meeting of the general assembly.

C H A P.
XI.

III. And be it enacted, That the said forfeitures shall be deducted out of the allowances of the respective persons incurring the same on the journal of accounts, if sufficient, or if they shall not be entitled to such allowance, or a sufficiency thereof, the clerk of each house shall transmit, from time to time, to the sheriffs of the counties respectively, a true and perfect account of all forfeitures incurred by this act, or the balance thereof, to be collected in the same manner as the county tax, and transmitted by the several sheriffs to the treasurer of his respective shore.

Forfeitures to be deducted, &c.

C H A P. XII.

An ACT to extend the public road leading from Herring Creek, in Worcester county, to the north end of Synepuxent.

Passed December 26.

WHEREAS it has been represented to this general assembly, by the petition of Isaac Purnell and John Fassitt, of Worcester county, that they sustain very great inconveniences for want of the extension of the public road that leads to the bridge that is built on a branch of Herring Creek until it intersects the public road that leads to the north end of Synepuxent; therefore,

Preamble.

II. Be it enacted, by the General Assembly of Maryland, That the justices of Worcester county court shall be and they are hereby invested with full power and authority to grant or reject any petition for the extension of the said road, preferred by any person or persons whatsoever.

Justices may grant petitions, &c.

III. And be it enacted, In case the said justices shall think proper to grant the prayer of any petitioner or petitioners for the extension of the said road, that then and in such case the said justices shall order a commission to issue to five discreet persons, not interested in any lands which may be affected by the extension of the said road, nor related to any proprietor of such lands, or the petitioner or petitioners for said road, empowering them, or any three of them, to survey, lay out and open, at the expence of such petitioner or petitioners, a road not exceeding thirty-three feet wide, in such direction as the situation of the ground will admit, and best answer the purposes of this act, from the bridge erected on a branch of Herring Creek until it intersects the public road that leads to the north end of Synepuxent; and the said road, when so surveyed, laid out and opened, and the valuation herein after directed to be made shall have taken place, shall be recorded in Worcester county court, and when finished and received by the court, shall be deemed and taken to be a public road for ever thereafter, and kept up, amended and repaired, as all other public roads in the said county.

And order a commission, &c.

IV. And be it enacted, That the said commissioners shall ascertain and value what damages may be sustained by any person or persons through whose lands the said road shall pass, and the same, when so assessed, shall be paid, or secured to be paid, by the said petitioner or petitioners, before the said commissioners shall proceed to open the said road; provided always, that if any person or persons, through whose lands the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace, upon the application of the person or persons aggrieved, to issue his warrant to the sheriff of the county, commanding him to summon twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear, on a day by the said justice to be appointed, on the premises; and the said sheriff is hereby authorized to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land; and the persons so summoned and sworn shall thereupon

Commissioners to ascertain damages, &c.