

JOHN HENRY, Esquire, Governor.

1797.

now-Hill, near Mary Parker's on the west side of said river, to the Queponco road on the east side of said river, and passes near Elisha Purnell's plantation, has been opened and repaired at the expence of individuals, but is of great public convenience, and have petitioned that the said road should be considered a public road, and repaired as such; and the prayer of the petition appearing to this general assembly reasonable and just, therefore,

C H A P.  
LXXXV.

II. *Be it enacted, by the General Assembly of Maryland, That Messieurs William Morris, Elisha Purnell and James Houston, be and are hereby appointed commissioners for the purposes of this act; and the said commissioners, or a majority of them, are hereby authorized to open and clear, at least twenty feet wide, the said road, and the said road, so opened and cleared, (after the valuation herein after directed to be made, or the damages herein after directed to be assessed, shall be paid or secured to the individuals concerned,) shall be recorded among the records of Worcester county, and shall for ever thereafter be deemed a public road, and shall be kept in repair in the same manner as other public roads are kept in said county.*

Commissioners appointed, &c.

III. *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 through whose lands the said road may pass by opening and clearing the same, and the said valuation shall be made and paid before the commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors shall conceive him, her or themselves aggrieved by the valuation of the said commissioners, or shall be an infant, *feme-covert*, or *non compos mentis*, it shall and may be lawful for the said commissioners, on the application of any person interested, to apply to any justice of the peace for Worcester county, who shall thereupon issue his warrant, under hand and seal, to the constable of the hundred wherein such lands may be, commanding him to summon twelve freeholders, disinterested in the said road, and not related to the owner or owners, to appear on a day by him to be appointed on the said lands, at which time such freeholders, so summoned, shall respectively appear before such justice, and take the following oath, or affirmation, viz. "I, A. B. do swear, or affirm, that I will honestly value the damage and injury sustained by C. D. by opening a road through the lands of the said C. D. in pursuance of this act, having regard to all the conveniencies and disadvantages attending the same;" and shall return an inquisition of such damages by them assessed to the clerk of the county court of Worcester, and the damages so assessed shall be conclusive.*

Damages to be ascertained, &c.

IV. *And be it enacted, That the persons who may conceive themselves interested or benefitted by said road, are hereby required to pay into the hands of the commissioners aforesaid, for the use of the person or persons in whose favour such valuation may be made, immediately upon laying out the road aforesaid, whatever damages be as aforesaid adjudged to the party sustaining such damages, and in case of failure of payment as aforesaid, this act to be null and void, but in case of compliance with the provisions of this act, the said road to be considered public road, and to be kept up as other public roads in said county.*

To be paid to the commissioners, &c.

C H A P. LXXXVI.

Further supplement to an act, entitled, An act to empower Sarah Buchanan, executrix of Archibald Buchanan, deceased, Alexander Cowan, Thomas Sim Lee, Daniel of St. Thomas Jenifer and Benjamin Nicholson, to sell and dispose of certain lands for the purposes herein after mentioned.

Passed January 20.

**W**HEREAS it is represented to this general assembly, that the trustees in the said act mentioned took upon themselves the trust by the said act reposed in them, and according to the directions of the said act make sale of the lands therein mentioned; and that all the trustees in the act mentioned are since dead, except Thomas Sim Lee, Esquire, and the before-mentioned

Preamble.