

XXXIV. AND BE IT ENACTED, That immediately after the election of vestrymen on the next Spring Easter Monday, as herein before directed; the act, entitled, An act for the establishment of select vestries, and all the supplementary acts thereto, shall be and hereby are repealed.

C. H. A. P. XXIV. Acts repealed.

C. H. A. P. XXV.

An ACT for the establishment of a new public road in Somerset county.

Passed Jan. 15.

WHEREAS it is represented to this general assembly, by the petition of fundry inhabitants of Somerset county, that considerable inconvenience is experienced from the want of a new public road, to lead from the main road near Samuel Green's fence until it intersects the public road leading from Little Creek towards the mouth of Rewastico, near the plantation of John Killum; therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Russell, James Weatherly, Horatio Stayton, Arthur Dashiell, junior, and William Bettworth, be and they are hereby appointed commissioners, or any three or more of them, are hereby authorized to lay out and open as aforesaid, at the expence of the subscribers to the said road, a public road, in the most convenient direction, not exceeding thirty feet wide, from or near Samuel Green's fence, in Somerset county, to a place near the plantation of John Killum; 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 be paid 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, and shall be kept in repair in the same manner as other public roads are directed to be kept in said county.

Commissioners appointed, &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 three of them, to the purposes of this act.

Who are to appoint a treasurer, &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 his hand and seal, directed to any constable of the county, commanding him to summon twelve good and lawful men, disinterested as to the said road, to serve as a jury, to appear on a day by him the said justice of the peace to be appointed, on the land of the person making application as aforesaid, and the said persons summoned as jurors shall respectively repair to some justice of the peace 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 an act of assembly," and shall return the damages by them assessed to the said justice of the peace, and such return shall be conclusive; and the party or parties in whose favour such valuation is ascertained by the said commissioners, or damages assessed by the jury aforesaid, 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 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.

And ascertain damages, &c.

C. H. A. P. XXVI.

An ACT for the relief of Joseph Forrest, of George-town, Patowmack, and Thomas Earle, of Queen-Anne's county.

Passed Jan. 16.

WHEREAS it is represented to this general assembly, by the petition of Joseph Forrest, of George-town, and Thomas Earle, of Queen-Anne's county, that by a variety of losses and misfortunes in trade as copartners, they have been rendered unable wholly to satisfy the debts for which they are answerable, and that many of their creditors live in Great-Britain, and will be impracticable for them to obtain the assent to their discharge of two thirds in amount of all their creditors, as the agents of their British creditors have been applied to and do not themselves authorized to give their assent, without the knowledge of their principals: And whereas the said Joseph Forrest and Thomas Earle have prayed that a special act may pass in their favour; therefore,

Preamble.

BE IT ENACTED, by the General Assembly of Maryland, That upon the application of the said Joseph Forrest and Thomas Earle to the chancellor, by petition in writing, offering to deliver up all their estate, in possession, reversion or remainder, for the benefit of their creditors, and according to the said petition a schedule of their property and debts, the said schedule comprising distinct and separate lists of the property and debts belonging to them in their own right, and all property and debts belonging to their copartnership, and a list of their creditors, so that they can ascertain the same, on oath, the chancellor shall direct notice of such application to be given and published in such manner as he shall think expedient, and appoint a certain day

Chancellor, on application, to direct notice, &c.