

or injury shall be done, or nuisance committed, except in such counties where the same hath been already otherwise vested.

IV. AND BE IT ENACTED, That all damages recovered in any suit instituted under this law, and all fines imposed and received under this law, shall be paid over to the sheriff of the county for the time being where such damages are recovered, or fine imposed, to be applied for the benefit of such county as other public monies are applied.

Damages, &c.
to be paid to
the sheriff, &c.

V. AND BE IT ENACTED, That each and every sheriff shall pay over such damages, or fine, by him received, in such manner as the justices of the levy court of his county shall direct, and that the bond given by him as sheriff shall be liable for, and may be put in suit for, the recovery of the same, in the same manner as it might be put in suit for any other public monies for which the said sheriff may or might be responsible.

To be by him
paid over, &c.

VI. AND BE IT ENACTED, That any person having any claim against any county for any real property possessed by any county, and which by this act is vested in the justices of the levy court of such county, may commence and prosecute his action at law for the same, by issuing a summons, directed to the justices of the levy court, and sending with such summons a declaration or short note, expressing the cause of action, and such person may declare against the said justices of the levy court in the same manner as he might against any individual for the same cause, and the attorney-general, or his deputy, shall appear and plead thereto, and the issue shall be made up, and the jury shall try the same, and if they find for the plaintiff, a writ of possession shall issue for the recovery of the possession of real property, and if damages are found for the plaintiff, the justices of the levy court of said county where such issue shall be tried shall, at their next sitting after the trial of such issue, levy such sum of money so as aforesaid recovered, with costs of suit, on the assessable property of such county, and shall cause the same to be paid over to the said plaintiff, or his order, in the same manner as other public charges are assessed and paid over.

Any person
may sue, &c.

C H A P. LXXIV.

An ACT to lay out, open and change, a road leading from Owing's and Paul's mill to Elk Ridge Landing.

Passed January
19, 1805.

WHEREAS it is represented to this general assembly, by the petition of John Dorsey, Larkin Dorsey and Richard Dorsey, of Elk Ridge, that the road leading from Owing's and Paul's mill to Elk Ridge Landing runs through their lands, to their great injury, and is very circuitous: And whereas a respectable number of citizens living contiguous thereto have consented to and requested the contemplated change and alteration; and it appearing reasonable and proper to this general assembly to advance the interests of individuals, when no public inconvenience would result therefrom; therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That Thomas Beale Dorsey, of Caleb, John Spurrier and Thomas Worthington, of John, of Anne-Arundel county, or a majority of them, be and they are hereby appointed commissioners to survey, lay out, open and change, at the expence of the petitioners, or other persons interested therein, who may subscribe to pay the expence, a road, not exceeding thirty feet in width, in a convenient direction from the upper part of Elisha Brown's plantation, where it joins the lands of the petitioners, to intersect a public road leading to Elk Ridge Landing at a place called Sandy Bottom; and the said road, when so opened at the expence of the petitioners, or others interested, shall be deemed a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be repaired in said county.

Commissioners
appointed, &c.

III. AND BE IT ENACTED, That the said commissioners, or a majority of them, may appoint a collector, who is hereby empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of opening said road, and such subscribers are hereby directed to pay their several subscriptions to the collector appointed as aforesaid; and if any person shall neglect or refuse, when applied to by the said collector, to pay his subscription money, the said collector may and he is hereby authorised to sue for, recover and receive the same; and the said money, when received, shall be applied, under the direction of the commissioners aforesaid, or a majority of them, to the purpose of this act; provided, the said collector, before he receives any money, shall give his bond to the state, in the penalty of two hundred pounds, conditioned to pay the monies received by him, as such, to the order of the commissioners aforesaid, or a majority of them.

Who are to ap-
point a collec-
tor, &c.