

appointed commissioners, to survey, lay out, open and clear, at the expence of the petitioners, or any part of them particularly interested therein, a road, not exceeding thirty feet in width, to commence at or near a red house, the property of Daniel Swiggott, on the main road leading from the Three Bridges to Collin's Cross Roads, and to run in the best and streightest direction that the nature of the ground, and other circumstances will admit, until it intersects a new road leading from, or passing by, Solomon Richardson's dwelling-house, in Caroline county; and the road so opened at the expence of the petitioners as aforesaid, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be recorded among the records of Caroline county court, and 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 in said county.

III. AND BE IT ENACTED, That the said commissioners may appoint one of their number as treasurer, and give him a certificate, under their hands, of his appointment, who is hereby enjoined and empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of opening 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, when applied to by the aforesaid treasurer, to pay his subscription money, the said treasurer may and he is hereby authorised to sue for, recover and receive the same; and the said monies, when received, shall be applied by the commissioners, or any three of them, to the purpose of this act.

Who may appoint 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 lands the said road may pass, by opening the same, and the said valuation shall be made before the said commissioners shall proceed to open the same; provided always, that if any person or persons through whose land 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 of the said county of Caroline, on application of the party interested, to issue his warrant, under hand and seal, directed to any constable of the county, commanding him to summon any 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, having first made oath before some justice of the peace, that they 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, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners shall have had at least five days previous notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and 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 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 assessment 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, yards, meadows or orchards, unless with the consent of the owner thereof.

And ascertain damages, &c.

C H A P. XXXVI.

An ACT authorising the proprietors of the French-town and New-Castle water and land stages to open a road from French-town, in Cæcil county, to intersect the divisional line between this state and the state of Delaware, at a road laid out by the commissioners of New-Castle county, in the state of Delaware.

Passed 3d of Jan. 1807.

WHEREAS it has been represented to this general assembly, by a great number of respectable inhabitants of Cæcil county, that the communication established between Baltimore and Philadelphia, by way of French-town, on Elk river, and New-Castle, on the Delaware river, has become an object of great public importance and utility, and that there never has been a public road laid out from French-town to the county road, called the Back Creek Road, and that there is much delay and hinderance experienced by the circuitous road they are now compelled to use, and that this great inconvenience can be remedied by this general assembly enacting a law, authorising certain commissioners to lay out a road from French-town, to intersect a road in the Delaware state,

Preamble.