

general issue, by way of justification, any law, usage or custom, to the contrary notwithstanding. CHAP. 54.

CHAP. LV.

An Act to alter, change, lay out and open, a Road from Middle-Town, in Frederick County, to Washington County. Passed Jan. 7, 1803
 Lib. JG. No. 4,
 fol. 413.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Frederick county, that it would be of advantage to the public to have a road laid out and opened from Middle-town, in Frederick county, to Washington county; therefore, Preamble.

2. BE IT ENACTED, by the General Assembly of Maryland, That Frederick Stemple, Samuel Shoup and Robison Eastburn, of Frederick county, or a majority of them, be and they are hereby appointed commissioners to survey, alter, change, lay out and open, at the expense of the petitioners, or other persons interested therein, who may subscribe to pay the expense, a road, not exceeding forty feet in width, in the best and straightest direction from Middle-town, in Frederick county, to Washington county line, to run as straight a direction as the ground will admit of, to intersect the Elizabeth-town road by Newcomer's mill to the South Mountain at the Washington county line; and the said road, when so opened at the expense 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 kept in said county. Commissioners appointed to survey and lay out road.

3. AND BE IT ENACTED, That the said commissioners, or a majority of them, may appoint one of their number as treasurer, who is hereby 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 said treasurer, to pay his subscription money, the said treasurer may and he is hereby authorised to sue, 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 treasurer, 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 commissioners aforesaid. Treasurer to be appointed.

4. 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 over whose land the said road may pass, by opening the same, and the valuation shall be made before the said commissioners, or a majority of them, shall proceed to open the said road; *Provided always*, that if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, on application of the Damages to be ascertained.