

third Monday in February next, in the same manner as if the said causes, pleas and proceedings, had been regularly continued to the said time appointed by the act for holding the county court of Washington county.

C H A P.
IX.

C H A P. X.

An ACT to open a road from Hancock-town, in Washington county, by William Tong's mill, to intersect a road from Cumberland, in Allegany county, to Sidling hill creek.

Passed 31st of
Dec. 1801.

WHEREAS it is represented to this general assembly, by the petition of sundry inhabitants of Washington county, that it would be of great advantage to themselves, and the public in general, to have a road laid out from Hancock-town, to intersect a road from Cumberland to Sidling hill;

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That William Tong, Lancelot Jacques and Thomas C. Brent, he and they are hereby appointed commissioners to lay out and open as aforesaid, at the expence of the subscribers to the said road, a waggon road, in the most convenient direction, not exceeding forty feet wide, from Hancock-town, in Washington county, by William Tong's mill, to intersect a road leading from Cumberland to Sidling hill creek, and the said road, when so laid out and completed at the expence of the said subscribers, and after the valuation herein after directed to be made, or the damages hereby directed to be assessed, shall be paid or secured to the individuals concerned, shall be recorded among the records of Washington county, and be 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 are directed to be kept in said county.

Commission-
ers 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 authorised to sue for, recover and receive the same; and the said monies, when received, shall be applied by the said commissioners, or any two of them, to the purposes of this act.

Who may ap-
point a treas-
urer, &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 Washington county, on application by any person interested, to issue his warrant, under hand and seal, directed to any constable of the county, commanding him to summon 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 shall respectively repair to some magistrate 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 the direction of this act," and shall return the damages by them assessed to the said justice of the peace, and the damages so assessed and returned shall be conclusive; and the party or parties in whose favour the valuation ascertained by the said commissioners, or the damage 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 receive 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 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.