

C H A P.  
XXII, XXIII.

County courts  
may agree  
with persons to  
keep ferries,  
&c.

V. ~~And~~ be it enacted, That nothing in this act contained shall extend, or be construed to extend, so prohibit the county courts, as heretofore practised, from agreeing with persons to keep ferries, but in such case they shall take recognizance, and ascertain the prices to be taken by the person keeping such ferry, in the same manner as herein before directed.

Continuance.

VI. This act to continue in force for three years, and until the end of the next session of assembly which shall happen after the expiration of the said three years.

C H A P. XXIII.

An A C T relating to forfeited recognizances, judgments in treason, and fines imposed by militia courts martial.

Preamble.

**W** H E R E A S, by the constitution and form of government, no person is invested with a power to remit recognizances, which have been or may hereafter be forfeited, and instances may occur, in which the case of the party, or the circumstances of his family, may render a remission proper; and it may be proper to remit fines imposed by militia courts martial, under particular circumstances:

Governor may  
remit recog-  
nizances, &c.

II. ~~Be~~ it enacted, by the General Assembly of Maryland, That the governor, with the advice of the council, may remit the whole or any part of any recognizance which hath been or may hereafter be forfeited, provided the case of the person be stated in writing by the court before whom such recognizance hath been or may hereafter be forfeited, and a recommendation be made for a remission of the whole, or some part of the recognizance, by one or more of the judges of the general court, or three or more of the justices of the county court; and the governor and council, or such of them as shall remit such recognizance, or any part thereof, shall cause the case of the party to be entered at large on the proceedings of the council, and shall subscribe their names thereto.

Persons may  
plead in dis-  
charge of ex-  
ecutions, &c.

III. ~~And~~ be it enacted, That where any execution hath issued, or shall hereafter issue, on any forfeited recognizance, against any person, for not appearing according to the tenor of the recognizance, it shall and may be lawful for such person, on the return of the execution, to appear, and plead in discharge thereof any plea which would have been good and sufficient upon a *scire facias* on the said recognizance, if a *scire facias* had been issued, and upon such plea being determined in favour of the person pleading the same, he shall be discharged from the said forfeiture; provided that such person shall not be discharged from such execution until the trial of the plea, unless he shall pay and satisfy the execution, or give bond payable to the state before the sheriff, or enter into recognizance in court, with one good and sufficient security, in double the forfeiture and costs due upon such execution, conditioned to appear and plead in discharge of the said execution, and to abide by and fulfil the judgment of the court thereupon.

Part of the  
sentence for  
treason to be  
omitted, &c.

IV. ~~And~~ be it enacted and declared, That on conviction for treason, the judgment shall be to suffer death by hanging only, and the circumstances of cruelty in the judgment by the law of England shall be omitted,