

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 Baltimore 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 directions 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 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 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.

C H A P.
XXI.And ascertain
damages, &c.

C H A P. XXII.

An ACT to ascertain the mode of trial in certain cases.

Passed De-
cember 19.

WHEREAS doubts have been entertained, if a mortal stroke be given on one shore of this state, and the party stricken die on the other shore thereof, where and in what manner the party giving such mortal stroke shall be tried;

Preamble.

II. **Be it enacted,** by the General Assembly of Maryland, That from and after the end of this session of assembly, if a mortal stroke shall be given within the body of any county on one shore of this state, and the party so stricken shall die thereof within a twelvemonth and a day from the time of such stroke given, within the body of any county on the other shore of this state, the party giving such mortal stroke, and all aiders, abettors, comforters, and accessaries thereof and thereto, shall and may be indicted, arraigned and tried, in the general court of either shore, or by justices of oyer and terminer, sitting either in the county where the stroke shall be given, or in the county where the death shall happen, and judgment shall be given, and execution had, in the same manner as if the stroke and death both happened on the same shore, or in the county where the said justices of oyer and terminer shall sit.

Where certain
offenders are
to be tried,
&c.

III. **And,** whereas the two shores of this state are divided by the waters of Chesapeake bay, and in some instances the counties of this state are divided by the waters of rivers or creeks, which may occasion doubts as to the trials of homicide in certain cases, **Be it enacted,** That from and after the end of this session of assembly, if a mortal stroke shall be given on the said waters of the Chesapeake, and the party so stricken shall die thereof within a twelvemonth and a day, or if a mortal stroke shall be given in any part of this state, and the party so stricken shall die thereof within a twelvemonth and a day on the said waters of the Chesapeake, in such case the party giving such mortal stroke, and all aiders, abettors, comforters, and accessaries thereof and thereto, shall and may be indicted, arraigned and tried, in the general court of either shore, or

Party giving a
mortal stroke
on the Chesa-
peake may be
tried on either
shore, &c.

before