

nalty of two thousand pounds, to the state of Maryland, conditioned to pay the monies received by him, as such, to the commissioners aforesaid, or their order, or to the order of a majority of the said commissioners.

C H A P.
LIII.

VI. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value, if required, 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 and assessment 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 party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, who do not hold lands through which the said road may pass, to appear, on a day by the said justices to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath before said justice of the peace, that they will, without favour, affection or partiality, assess the damages sustained by the person or persons at whose request, or for whose benefit, 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, or a majority of them, shall have had at least five days 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 a majority of them, or the damages assessed by the said freeholders, shall be made, shall be entitled to receive the same from the said treasurer, or an order drawn on him by the said commissioners, or a majority of them; and the said commissioners shall direct the treasurer aforesaid to pay, or secure the same to be paid, out of the monies raised, or 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; and upon the payment of the money, or the securing the same to be paid as aforesaid, to the person or persons through whose land the said road is intended to pass, the said commissioners may open the said road through such person or persons land; provided, that the said road shall not pass through any house, yard, garden, meadow or orchard, unless with the consent of the owner or owners thereof.

Damages to be
ascertained,
&c.

C H A P. LIV.

An ACT authorising any person prosecuted for a libel to give the truth in evidence.

Passed 7th of
January, 1804.

BE IT ENACTED, by the General Assembly of Maryland, That in case any person or persons shall be prosecuted, by indictment or any other criminal prosecution, for a libel, the party so prosecuted shall be entitled to give the truth of the matter charged in the said indictment, or other prosecution, in evidence, under the general issue, by way of justification, any law, usage or custom, to the contrary notwithstanding.

The truth may
be given in evi-
dence, &c.

C H A P. LV.

An ACT to alter, change, lay out and open, a road from Middle-town, in Frederick county, to Washington county.

Passed 7th of
January, 1804.

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.

II. 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 expence of the petitioners, or other persons interested therein, who may subscribe to pay the expence, 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 expence 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, &c.