

and provided, that the said last mentioned road shall not pass through the yard, garden, orchard or meadow, of any person, without his or her consent, in writing, first had and obtained.

C H A P.
XCIII.

IV. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, be and they are hereby authorised and directed, to ascertain and value what damages may be sustained by any person or persons through whose lands the said road may pass, by opening and clearing the same, and the said valuation shall be made and paid, or secured to be paid, before the commissioners shall proceed to open and clear the same; and in case any proprietor or proprietors shall conceive him, her or themselves, aggrieved by the valuation of the said commissioners, it shall and may be lawful for the said commissioners, or a majority of them, on the application of any person interested, to issue their warrant, under their hands and seals, to the constable of the hundred where such lands may be, commanding him to summon twelve freeholders, not interested in the said lands, to appear on a day by them appointed on the said lands, at which time and place such freeholders, so summoned, shall respectively appear before the said commissioners, and take the following oath, to wit: "I, —, do swear, that I will honestly, without prejudice or partiality, value the damages and injury that may be sustained by opening a road through the land of —, in pursuance of this act of assembly;" and shall return an inquisition of such damages, so assessed, to clerk of Baltimore county court, and the damages so assessed shall be conclusive.

V. AND BE IT ENACTED, That the persons who may conceive themselves interested or benefitted by the aforesaid road, are hereby required to pay, or secure to be paid, into the hands of the commissioners aforesaid, or some one of them, for the use of the person or persons in whose favour such valuation may be made, previous to the laying out and opening the road aforesaid; and in case of compliance with the provisions of this act, the said road shall be considered a public highway, and kept up in the same manner as other public roads in said county.

VI. AND BE IT ENACTED, That the commissioners respectively herein before named shall be entitled to receive two dollars for every day they shall severally attend to discharge the duties required by this act, to be paid by the person or persons applying for said road.

C H A P. XCIV.

An ACT for the relief of Henry Alexander, of the City of Baltimore, an Insolvent Debtor.

Passed 6th
Jan. 1810.

WHEREAS Henry Alexander, heretofore carrying on trade in the city of Baltimore, as copartner of Isaac Lee Webster, under the firm of Alexander, Webster, and Co. by his petition to the general assembly of Maryland, hath set forth, from liability and misfortunes in trade, he hath become insolvent, and unable to pay and discharge the debts and engagements due, owing, and entered into by him; that the said firm of Alexander, Webster, and Co. at the time they become unable to comply with their regular negotiations, were possessed of a considerable property in merchandise, and stocks of different institutions, which said property the said Alexander, Webster, and Co. have paid over to several of their creditors; the petitioner further stated, that sometime after the failure aforesaid, the said firm of Alexander, Webster, and Co. become liable for large sums of money, by reason of their being endorsers for the house of Van Wick and Dorsey, of the city of Baltimore, who had failed, and who have since been released under the insolvent law of the state of Maryland; the petitioner further stated, that the preference given by the said Alexander, Webster, and Co. as aforesaid, hath been adjudged as undue and improper, within the intent and meaning of the insolvent laws of Maryland, and therefore prayed that a special act might pass to relieve him from all debts, covenants, contracts and engagements, as well in his individual and in his copartnership capacity as aforesaid; and the general assembly being of opinion that under the circumstances of the case that the prayer of the petitioner is reasonable, therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That the county court of Baltimore, or any one of the judges of the sixth judicial district, in the recess of the said court, upon the application of Henry Alexander, of the city of Baltimore, be and they are hereby authorised and empowered, to extend to him the full benefit and relief of the act of assembly passed at November session, eighteen hundred and four, entitled, An act for the relief of sundry insolvent debtors, and the supplements thereto, notwithstanding the aforesaid undue preference, which the said Henry Alexander, or the firm of Alexander, Webster, and Co. may before the passage of this act have given to any of his or their creditors, and without requiring that the said Henry Alexander should produce the assent of his creditors as prescribed by the act aforesaid, and upon his, the said Henry Alexander,