

C H A P.
XXXIX.

for any justice of the peace of said county, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice shall be given to the party or parties interested; and the said jurors, when so met, and having each first taken an oath before some justice of the peace, that he will, without favour or affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition or valuation shall be final and conclusive; but should the jury award a smaller sum for damages than the commissioners had previously done, then in that case the person or persons at whose instance the inquisition was held, shall pay all the legal costs and charges of said inquisition, but if on the contrary they should award a larger sum, then the costs of such inquisition shall be paid by the county.

IV. AND BE IT ENACTED, That the said commissioners, before they shall proceed to act as such, shall take an oath, before some justice of the peace, of the same tenor and effect as is herein before directed to be taken by the jurors.

V. AND BE IT ENACTED, That no person or persons through whose land the said road shall pass, and who have agreed with the aforesaid commissioners, or signed any instrument of writing, permitting said road to pass through his, her or their land, shall be entitled to the benefit of this act.

C H A P. XL.

Passed Decem-
ber 23, 1810.

An ACT to authorise a Lottery for a certain purpose in Frederick County.

BE IT ENACTED, *by the General Assembly of Maryland*, That Lewis Weaver, Abraham Hebling, Henry Beamer, George Heap and Henry Firor, or such of them as shall enter into bond as herein after required, be and are hereby authorised to raise, by lottery, a sum not exceeding eighteen hundred dollars, after deducting the necessary expenses, and sell and dispose of the tickets at any place within the state.

II. AND BE IT ENACTED, That before any of the persons above named shall proceed to make sale of any ticket or tickets, they shall give bond in double the sum to be raised by said lottery, conditioned that they will well and truly apply so much of the money arising therefrom, within six months after the drawing thereof, as shall satisfy the fortunate adventurers of prizes drawn by them, and within two years apply the residue to the purpose of procuring a house and lot of ground suitable for a dwelling for the resident preacher of the German presbyterian congregations at Emmitsburg, Taney-Town, St. Paul's and Appler's churches, at such place as may be agreed upon, and a conveyance to be made to the elders of the congregation at Emmitsburg, to be held by them, and their successors, for ever, for the purpose aforesaid.

III. AND BE IT ENACTED, That the bond entered into under this act be lodged with the clerk of Frederick county court, and upon the same, or any office copy thereof, suit or suits may be brought for any breach or non-compliance with the condition thereof.

C H A P. XLI.

Passed Decem-
ber 23, 1810.

An ACT for the relief of John Murray, devisee of John Muir.

WHEREAS it is represented to this general assembly, that John Muir, late of the city of Annapolis, deceased, having acquired a considerable estate, both real and personal, by his last will and testament devised and bequeathed to John Murray, who had intermarried with a sister of the deceased, all his estate, real, personal and mixed, but after the making of such his will, and previous to his death, he purchased the following land, to wit: Well's Little Beginning, Bennett's Island, Island Addition, Herring Creek Bay, and Muir's Discovery and Self Defence; that after the death of the said John Muir, and under the impression he had left no will, and had left no heirs capable of inheriting his estate, warrants of escheat were obtained to effect the said land, which warrants, on the discovery of the will, have been assigned to the said John Murray, the devisee; but doubts having been entertained whether the said land passed under the will, and the said John Murray having applied to this general assembly to release any interest the state may have in said