

C H A P. LIV. commissioners who perform the duties imposed by this act, and cause the same to be collected and paid over to the persons entitled to the same, as contemplated by this act.

Justice may issue his warrant, &c.

IV. AND BE IT ENACTED, That if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace, 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, on a certain day, of which six days notice at least 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, 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 land, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive; provided, that the said road shall not be opened through the buildings, gardens, yards, meadows or orchards, of any person, without his, her or their consent.

## C H A P. LV.

## An ACT concerning the chancery court.

Passed 3d of Jan. 1807.  
Chief judge to determine certain suits, &c.

BE IT ENACTED, by the General Assembly of Maryland, That in any suit in the chancery court in which the chancellor for the time being may have been counsel, or have given his opinion, and on that account may conceive that he cannot conscientiously act thereon, and shall so certify in writing, the same shall be heard and determined by the chief judge of the third judicial district, or by the court thereof, at the election of the complainant, and all interlocutory and other orders in such cases shall be made by the said chief judge, which determinations and orders shall have the same effect as if made by the chancellor, and such decree shall be subject to appeal in like manner.

His opinion may be required, &c.

II. AND BE IT ENACTED, That the chancellor may require the opinion of the chief judge of the said district on any question of law which may arise in any suit in chancery, and in which, according to the usual practice, such opinion may be thought necessary; and that it shall be the duty of the said chief judge to express, in writing, such opinion; provided, that in case of such opinion being given, or in the case of any decree or order made by the said chief judge, or by the court, he being sitting therein, the said chief judge shall withdraw from the bench upon the deciding of the same case before the court of appeals.

## C H A P. LVI.

## An ACT to prohibit the emigration of free negroes into this state.

Passed 3d of Jan. 1807.  
No free negro shall emigrate to this state, &c.

BE IT ENACTED, by the General Assembly of Maryland, That no free negro or mulatto shall emigrate to, or settle in, this state, after the passage of this act, under the penalty of ten dollars for every week any such person shall remain in the state after the expiration of two weeks, and any free negro or mulatto who shall refuse or neglect to pay the fine imposed by this act, or who shall not give such security to any justice of the peace of the county in which they shall be found, for his departure from this state within two weeks, as the judge or judges of the county court, or the said justices, shall approve of, shall be committed to the goal of the county, and may be sold therefrom by the sheriff of the county, after ten days notice of such sale, for a term sufficient to pay the fines herein imposed, with the costs.

Penalty on hiring or employing them, &c.

II. AND BE IT ENACTED, That no person in this state shall hereafter hire, employ or harbour any free negro or mulatto who shall emigrate to, or settle in, this state, after the passage of this act, under the penalty of five dollars for every day any such free negro or mulatto may be so employed, hired or harboured; and all fines incurred under this act may be recovered in any of the county courts, by action of debt, bill of indictment, or information, with costs, and shall be collected as other fines and forfeitures now are, and applied to the use of the county.

Not to extend to sailors, &c.

III. AND BE IT ENACTED, That nothing herein contained shall be construed to extend to any free negro or mulatto that may be engaged in navigating any ship or vessel, or any wagoner or messenger, while in the actual employment of any person not living in this state.

Act to be given in charge, &c.

IV. AND BE IT ENACTED, That it shall be and it is hereby made the duty of the presiding judge in each court, to give this act in charge to the grand jury, on the first day of the meeting of every county court.