

two of them, to issue their warrant to the constable of the hundred to summon five freeholders of the county, qualified by law to serve as jurors in the county court, to appear, on a day to be by them appointed, on the premises, and the said commissioners are hereby authorized to administer an oath, or affirmation, to every such freeholder, 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, and such freeholders shall thereupon proceed to assess and value the damages accordingly, of which the said Joshua Askew shall have had at least five days previous notice, and such inquisition and valuation shall be final and conclusive between the parties; and provided also, that the said road shall not be opened through the buildings, gardens, yards or orchards, of any person, without his or her consent.

C H A P.
XXXVII.

C H A P. XXXVIII.

An ACT respecting lost certificates.

Passed December 22.

Preamble.

WHEREAS justice requires that all certificates issued by this state, which have been lost, should be renewed under such restrictions and regulations as will prevent the state from being twice burthened with the payment thereof: And whereas all certificates received into the treasury before the first day of November, one thousand seven hundred and eighty-five, have been burnt and destroyed, so that it cannot now be ascertained what certificates were received before that day, but all certificates received since that day have been listed and retained in the treasury;

II. *Be it enacted, by the General Assembly of Maryland,* That if any holders of any certificate, issued under the authority of this state, shall have lost, since the first day of November, one thousand seven hundred and eighty-five, the same, it shall and may be lawful for the governor and the council for the time being, on the petition of the party who shall have lost any certificate as aforesaid, upon his producing the treasurer's certificate that the same has not been received into the treasury, nor funded, and evidence that the loss of the certificate, and his intention to apply to have it renewed, has been advertised eight weeks in the Maryland Journal and Baltimore Advertiser, to inquire into the case on the oath of witnesses, and if it shall appear to them that the party applying hath lost a certificate or certificates since the said first day of November, one thousand seven hundred and eighty-five, issued under the authority of this state, they shall direct the treasurer of the western shore to issue a certificate or certificates, as the case may be, for the sum or sums for which the original certificate or certificates were granted, to bear the same interest as the original certificate, from the time from which it shall be made appear to have been due.

In case of loss, governor, &c. may inquire, &c.

III. *Provided,* That no certificate shall issue from the treasury before the party applying shall execute a bond, with two good and sufficient sureties, to be approved by the treasurer, to indemnify the state against payment of the certificate alleged to be lost; which said bond, when taken and executed, shall be a lien upon the real estate of some one of the obligors to the full value of the penalty of said bond; and the estate, so to be bound, shall be specified to the treasurer, and endorsed on the back of the bond at the time of the taking thereof, and the treasurer shall annually transmit a list of such liens to the several counties where such lands may be, there to be recorded at the expence of the party owning such land.

Provido.

IV. *Provided also, and be it enacted,* That the person losing his certificate shall not be entitled to a new certificate unless it appears to the satisfaction of the governor and council that the certificate lost was a genuine certificate, and not forged or counterfeit.

Provido.

C H A P. XXXIX.

An ACT for building a new gaol in Chester-town, Kent county.

Passed December 22.

Preamble.

WHEREAS, by the petition of sundry inhabitants of Kent county, it is represented to this general assembly, that the public gaol of said county is in so ruinous a state as to be altogether unfit for use, and

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that