

And whereas William Whetcroft, for whose relief the said act was passed, hath consented to a repeal thereof, upon certain terms and conditions agreed to by the said Edward Dorsey, which are herein after expressed; and this general assembly are willing to carry into effect the will and intention of the said parties; therefore,

C H A P.
XXXVI.

II. **Be it enacted, by the General Assembly of Maryland,** That his excellency the governor for the time being, be and he is hereby authorised and requested to nominate and appoint three persons of skill, knowledge and integrity, residents of this state, and unconnected with either of the aforesaid parties by blood, marriage, or otherwise, to be arbitrators, for the purpose of settling and adjusting the compensation, if any, to be paid by the aforesaid Edward Dorsey to the aforesaid William Whetcroft, for and in consideration of his interest, under the lease executed in pursuance of the act aforesaid, and the improvements on the demised premises, taking into consideration all circumstances whatever relative thereto.

Governor to
appoint per-
sons, &c.

III. **And be it enacted,** That the arbitrators, or a majority of them, so nominated and appointed, shall have full power and authority, at the request of either party, on giving fifteen days notice, in writing, to the said parties, to meet at any place or places they may think proper, for the purpose aforesaid, and to proceed, *ex parte*, on the subject referred to them, and they shall also be empowered to issue *subpœnas* for and to compel the attendance of all witnesses required by either of the parties, by attachment, directed to the sheriff of the county where such witnesses may reside, and also to examine either party, on oath, at the request of the other, and to compel the production of necessary papers in the possession or power of either party, and material or relative to the subject in reference, in as full and ample manner as the court of chancery can do; and the process issued by the said arbitrators, under and in virtue of this act, shall be served and obeyed by those to whom the same shall be directed, in the same manner and under the same penalties as if issued by a court of law or equity.

Arbitrators to
meet, &c.

IV. **And be it enacted,** That in settling and adjusting the aforesaid compensation, the said arbitrators, or a majority of them, may take into consideration all circumstances whatever, that have taken place from the first day of January, seventeen hundred and seventy-five, to the present time, in their opinion material to the subject, and to form their decision upon principles of justice, upon a view of the whole case, disclosed on both sides.

Who may
consider all
circum-
stances, &c.

V. **And be it enacted,** That if the said arbitrators, or either of them, so nominated and appointed, shall die or refuse to act, or be rendered incapable of acting, or neglect to act for the space of thirty days, after having notice of their appointment and being requested to act by either of the parties, the governor for the time being is hereby authorised and requested, on being applied to either by the said Dorsey or Whetcroft, or their representatives, and being satisfied of such death, refusal, incapacity or neglect, to nominate and appoint another arbitrator, or other arbitrators, in the place of him or them so dying, refusing, neglecting, or rendered incapable as aforesaid, and so on from time to time, until three arbitrators can be found to act, and finally settle and adjust the said compensation; and any arbitrator or arbitrators so substituted, shall have the same power and authority as if originally nominated and appointed, under this act.

How vacan-
cies are to be
filled.

VI. **And be it enacted,** That the said arbitrators, or a majority of them, shall be authorised to ascertain, by their award, not only the amount, if any, of the said compensation, but the time or times at which the same shall be paid, and if they shall determine that a credit shall be given therefor, they shall also decide the manner in which payment shall be made and secured.

Arbitrators to
ascertain the
compensati-
on, &c.

VII. **And be it enacted,** That if the said Edward Dorsey shall not comply with the terms of the said award within thirty days after the same shall be made known, or delivered to him, either by paying the money, if any be awarded and

On non-com-
pliance, judg-
ment may be
entered, &c.