

through whose land the said road shall pass, and the same, when so assessed, shall be paid by the said Edward Norwood to the person or persons entitled to receive the same, before the said road, after it is laid off, shall be used.

C H A P.
XCI.

IV. AND, whereas it is represented to this general assembly, by the petition of sundry inhabitants of Elk-Ridge landing, that it would be in the power of the proprietors of the lands lying between said road, and the road leading through Samuel Norwood's lot to Elk-Ridge landing, to stop up the same; therefore, BE IT ENACTED, That the said commissioners, or a major part of them, shall have full power and authority, and they are hereby directed, to lay off and open a road, of the width aforesaid, through the said Norwood's lot, leased as aforesaid from the said Charles Carroll, and others, from the ferry landing, or said Edward Norwood's lot, where the public road goes, to intersect the road leading through Elk-Ridge landing, in such direction as they, or a majority of them, shall think most convenient; and that the said commissioners, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons through whose land the said road shall pass, and the same, when so assessed, shall be paid to the proprietor or proprietors by the person or persons applying to the said commissioners to have the same opened, before the said road, after it is laid off, shall be used.

Who may lay
off a road, &c.

V. AND BE IT ENACTED, That if any person or persons through whose land the said road or roads shall pass, or his or her guardian or trustee, shall conceive themselves aggrieved by the valuation of the said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff of the county, to summon twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on a day by them to be appointed, on the premises, and the said commissioners are hereby authorised to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person at whose request such inquisition may be taken, by reason of opening the said road or roads through his, her or their lands; and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioner shall have at least five days previous notice, and such inquisition shall be final and conclusive between the parties.

And issue their
warrant, &c.

VI. AND BE IT ENACTED, That the said commissioners shall not lay out or open the said road or roads through the buildings, gardens or orchards, of any person or persons without his, her or their consent.

Not to go thro
buildings, &c.

C H A P. XCII.

An ACT directing the mode of paying the valuation of slaves and servants in cases of commutation of punishment by the governor.

Passed 8th of
January, 1803.

WHEREAS by an act passed at November session, one thousand seven hundred and ninety-five, entitled, An act declaring the power of the governor in certain criminal cases, it is, among other things, provided and enacted, that the governor for the time being shall have full power and authority, in his discretion, to commute or change any sentence or judgment of death passed on any criminal by any court of this state into other punishment of labour, or to banishment of such criminal from this state upon such terms and conditions, and for such period, as he shall think expedient, and if such criminal be a slave, against whom any such judgment or sentence is or may be passed, to commute and change the said judgment into transportation, and sale in some foreign country for the benefit of the state, and no provision hath yet been made by law for paying to the owner or owners the valuation of any slave or servant whose sentence shall be commuted by the governor under the powers delegated to him by the act aforesaid; therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That whenever sentence of death shall be passed upon any slave or servant, and the same shall be commuted or changed by the governor, the valuation of such slave or servant, made by the court passing such sentence, shall be paid by the treasurer of the western shore, in virtue of an order to be drawn by the governor in favour of the owner or owners of such slave or servant.

Valuation to be
paid by the
treasurer, &c.

C H A P. XCIII.

An ACT to repeal the act of assembly therein mentioned.

Passed 8th of
January, 1803.

BE IT ENACTED, by the General Assembly of Maryland, That an act, entitled, An act to prevent abuses in making bricks, and to ascertain the dimensions thereof, in Kent county, passed at November session, one thousand seven hundred and ninety-two, be and the same is hereby repealed.

An act repeal-
ed.

C H A P.