

1808. NOVEMBER. LAWS OF MARYLAND.

C H A P. CXII.

in-said road, shall be recovered from said person in the same manner that small debts are recoverable, in the name of the overseer of said road for the time being.

Court to appoint an overseer, &c.

IV. AND BE IT ENACTED, That the levy court of Baltimore county shall annually appoint an overseer to superintend the keeping the said road in repair.

Passed 25th of Dec. 1808.

C H A P. CXIII.

A Further additional supplement to the act, entitled, An act to provide for the administration of justice in cases of crimes and misdemeanors in the city and county of Baltimore, and for other purposes.

Justices may issue habeas corpus, &c.

BE IT ENACTED, by the General Assembly of Maryland, That any one or more of the justices of the court of oyer and terminer and gaol delivery for Baltimore county, during its sitting, and at all other times the chief justice of the said court, be and they are hereby authorised and empowered, upon application, to issue their writ of habeas corpus, and cause to be brought before them or him, any person or persons who are or shall be in confinement within their jurisdiction, and to inquire into the cause of such confinement, and either discharge, admit to bail or commit, such person or persons as the case may require, in the same manner as is now practised by any other court or judge in this state.

Court may inflict punishment, &c.

II. AND BE IT ENACTED, That the said court may inflict the punishment now annexed to the crime of manslaughter on any slave convicted thereof before them, or they may, in their discretion, order such slave to be whipped on his bare back with not exceeding thirty-nine stripes, or may sentence him, if a male slave, to serve and labour on the roads, or if a female, to serve and labour at the work-house as other convicts are now sentenced.

Witnesses to receive fifty cents, &c.

III. AND BE IT ENACTED, That no witness who may attend the said court, shall be entitled to receive for his attendance more than the sum of fifty cents for each day he shall attend the said court under recognizance or summons, if such person shall reside in the city or precincts of Baltimore.

Court may direct the sheriff to pay, &c.

IV. AND, whereas it frequently happens that persons residing out of the state, at the request of the court, voluntarily attend as witnesses to support the prosecution, and there is no mode pointed out by which they can be indemnified in their expenses, BE IT ENACTED, That the court may direct the sheriff of the county to pay to any witness thus circumstanced, such sum of money as may be considered a reasonable compensation for his trouble and expense in attending the said court, and may reimburse the said sheriff by levying the same on the county, as they do the other expenses of the said court.

Passed 25th of Dec. 1808.

C H A P. CXIV.

An ACT to straighten and lay out a road in Baltimore and Harford counties.

Commissioners appointed, &c.

BE IT ENACTED, by the General Assembly of Maryland, That Dixon Stansbury, William R. Gillis and Thomas Ayres, be and they are hereby appointed commissioners to lay out and open a road, at the expense of the petitioners, not exceeding thirty feet in width, to commence at Aquila Gallo-way's lane, in Baltimore county, then to the Eastern York road, at or near the place where an old road now intersects it, about half a mile above the Black Horse tavern, in Harford county, and the road so opened, at the expense of the petitioners as aforesaid, and the valuation herein after directed to be made shall be paid, or secured to be paid, to the individuals concerned, shall be recorded among the records of Baltimore and Harford counties, and thereafter deemed and taken to be a public road for ever, and shall be kept in repair in the same manner as other public roads in said counties.

Damages to be ascertained,

II. AND BE IT ENACTED, That the aforesaid commissioners, or any two of them, shall ascertain and value what damages may be sustained by the person or persons through whose land the said road may pass by opening the same, and the said valuation shall be made before the said commissioners proceed to open the same; provided always, that if any person or persons, through whose land the said road shall pass, shall conceive 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 for Baltimore or Harford counties, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of either county, commanding him to summon five freeholders, dis-