

clerk of Baltimore county, to be recorded among the records of said county; shall for ever thereafter be deemed a public road, and shall be kept in repair as other public roads in said county. Dec. Ses. 1816.

2. *And be it enacted*, 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 may pass, and the said valuation shall be made, and the damages paid, or secured to be paid, to the person or persons aggrieved, before the said commissioners shall proceed to open and clear the same: *Provided*, that if any person or persons through whose land the said road shall pass, or his, her, or their guardian or trustee, shall conceive him, her or themselves, aggrieved by such valuation and assessment of damages by the said commissioners, it shall be lawful for any justice of the peace of said county, on application of any of the persons interested, to issue his warrant, under his hand and seal, directed to any constable of said county, commanding him to summon twelve disinterested freeholders, to appear on a day to be appointed by the said justice, on the land of the person making application; and the said freeholders, having first made oath before some justice of the peace for the said county, that they will, without favour, affection or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be made, by reason of opening the said road through his, her, or their lands, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners shall have at least five days previous notice, and such inquisition shall be final and conclusive; *Provided always*, that the said road shall not pass through any house, yard, garden or orchard, without the consent of the owner or owners thereof.

Damages to be ascertained.

Provisos.

CHAPTER 45.

An act respecting the Right of Challenge in Criminal Cases.

Passed Jan. 4.

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That in every case of felony hereafter to be tried in any court of law in this state, the person or persons accused thereof, shall have the right to challenge the same number of jurors which he, she or they, could have done prior to the passage of the act, entitled, An act respecting crimes and punishments, passed in the year eighteen hundred and nine, and every part of the said act inconsistent herewith be and the same is hereby repealed.

In cases of felony, person accused to have a right of challenge.

CHAPTER 46.

An act for the better payment of Jurors in Frederick and Allegany Counties.

Passed Jan. 4

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That each and every juror summoned on the regular pannel of jurors to Frederick and Allegany county courts, who shall reside more than five miles from the place of holding the said court, shall, in addition to the *per diem* allowed him by law, be entitled to an allowance of twelve and a half cents for every mile, excluding the first five miles; that his place of residence shall be distant from the place of holding the county court of each county, to be

Jurors in certain cases allowed itinerant charges.