

CHAP. 54. duties imposed by this act, and cause the same to be collected and paid over to the persons entitled to the same, as contemplated by this act.

Jury may be summoned when persons conceive themselves aggrieved.

4. **AND BE IT ENACTED**, That if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive himself, herself or 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, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises, on a certain day, of which six days notice at least shall be given to the party or parties interested, and the said jurors, when so met, and having each first taken an oath before some justice of the peace, 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, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive; *Provided*, that the said road shall not be opened through the buildings, gardens, yards, meadows or orchards, of any person, without his, her or their consent.

Proviso.

CHAP. LV.

Passed Jan 3, 1807. *An Act concerning the Chancery Court.* Lib. TH. No. 1, fol. 251.
A Supplement, 1811, ch. 189.

Chief judge of third judicial district to hear and determine certain quita.

1. **BE IT ENACTED**, by the General Assembly of Maryland, That in any suit in the chancery court in which the chancellor for the time being may have been counsel (a), or have given his opinion, and on that account may conceive that he cannot conscientiously act thereon, and shall so certify in writing, the same shall be heard and determined by the chief judge of the third judicial district, or by the court thereof, at the election of the complainant (b), and all interlocutory and other orders in such cases shall be made by the said chief judge, which determinations and orders shall have the same effect as if made by the chancellor, and such decree shall be subject to appeal in like manner.

(a) See 1805, ch. 65, s. 19.

(b) The same advantages given to the respondent by 1811, ch. 189.

Chancellor may require his opinion on any point of law, &c.

2. **AND BE IT ENACTED**. That the chancellor may require the opinion of the chief judge of the said district on any question of law which may arise in any suit in chancery, and in which, according to the usual practice, such opinion may be thought necessary; and that it shall be the duty of the said chief judge to express, in writing, such opinion; *Provided*, that in case of such opinion being given, or in the case of any decree or order made by the said chief judge, or by the court, he being sitting therein, the said chief judge shall withdraw from the bench upon the deciding of the same case before the court of appeals.

Proviso.