

ers shall ascertain and value what damages may be sustained by any person or persons through whose lands the said road shall pass, and the same when so assessed, shall be paid or secured to be paid in the manner hereafter directed; *Provided* always, that if any person or persons through whose land the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for said commissioners, or any three of them to issue their warrant to the sheriff of the county aforesaid, commanding him to summon twelve free holders in the county aforesaid, and not interested in the premises, and qualified to serve as jurors in the county court, to appear on a day to be by them appointed on the premises; and the said commissioners or any one of them, are hereby authorised to administer an oath, or affirmation, as the case may be, to every person so summoned, that he will without favor, affection, partiality or prejudice, 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, and the persons so summoned and so qualified shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners or some of them shall have given at least five days notice, and such inquisition shall be final and conclusive between the parties; and in assessing the damages the jury shall take into consideration the convenience and inconveniences, the advantages and disadvantages, if any, arising to the proprietors of the land over which the said road may pass; *Provided*, that in such appeals from the valuations and assessments of damages made by the commissioners, shall the valuations and assessments of the said commissioners be confirmed by the jury by this section directed to be summoned, the party or parties appealing shall pay the whole expence incurred thereby.

Dec. Sess.  
1815.  
Provisos.

3. AND BE IT ENACTED, That the said commissioners shall not open the aforesaid road through any building, garden, orchard or meadow of any person without first obtaining his, her or their consent in writing.

Not to be opened through buildings &c.

4. AND BE IT ENACTED, That the said commissioners shall receive for their services a sum not exceeding two dollars for each day's necessary attendance.

Compensation

5. AND BE IT ENACTED, That the damages that may be assessed in virtue of this act, compensation to commissioners and all other the expences and costs that may occur in laying out and opening the said road, shall be paid by such persons only as may think proper to contribute thereto.

Costs.

CHAPTER 66.

*An act annulling the marriage of Thomas Drake and Martha his wife, of Kent County.*

Passed Jan. 8, 1816.  
Divorced.

Sec. 1. BE IT ENACTED by the General Assembly of Maryland, That the marriage of Thomas Drake and Martha his wife, heretofore solemnized, be and the same is hereby declared to be absolutely and to all intents and purposes null and void, and the said Thomas Drake and Martha his wife, are hereby declared to be divorced a vinculo matrimonii; *Provided* always, that nothing in this act contained shall be construed to

Provisos.