

1811.

Ridgely's gate, and straighten the same, where, in their opinion any advantage will result; *Provided* they have the consent of those through whose land the said road now passes; and if any alteration is made, the commissioners shall return a plot of the whole road from Britain's mill to Ridgely's gate.

Old road may be shut up by persons interested.

AND BE IT ENACTED, That any part of the old overshot road which shall become useless and unnecessary by reason of opening the first mentioned road, as soon as the same is made passable, may be shut up by any person or persons through whose land the said old road now passes.

Commissioners shall value damages. Persons dissatisfied may apply to a justice; he may summon a jury. Their duty, &c.

AND BE IT ENACTED, That the commissioners, or a majority of them, shall ascertain and value, (if required,) what damages may be sustained by any person or persons over whose lands the said road may pass, by opening the same, taking into consideration the advantages and disadvantages, (if any;) and the valuation shall be made before the said commissioners shall proceed to open the said road; *Provided always*, That if any person or persons through whose land the said road may 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 any justice of the peace of said county, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, not related to the person so applying for a jury, or in any way interested in the opening of the said road, to appear on a day, by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made; and the said freeholders, having first made oath, before some justice of the peace, that they will, without favor, affection or partiality, assess the damages sustained by the person or persons at whose request such inquiry 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;) of which the said commissioners or a majority, shall have at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquiry and valuation shall be final and conclusive; *Provided*, That the said road shall not pass through any house, yard, garden