

and the report of said examiners, setting forth that they have given the notice required by law, or any words to that effect, shall be prima facie evidence that the same was done.

Prohibitions  
in locating.

SEC. 4. *And be it enacted*, That it shall not be lawful for any road opened, straightened or altered in virtue of this act, to pass through the buildings, yards, gardens or orchards of any person or persons, without the consent in writing of the owner or owners thereof.

Damages.

SEC. 5. *And be it enacted*, That the said examiners, or a majority of them, shall value and assess the damages that may be sustained by the owner or owners respectively, of the land through which such road as opened, straightened or altered, may pass, and that in assessing such damages they shall consider as well the advantage and benefit, as the loss and injury to be occasioned thereby to each person; and the said examiners shall, in their report, specify the several sums of money, if any, by them estimated as the damages or compensation proper to be allowed to each of the owners of such land, and shall also specify the quantity of land belonging to them respectively, to be occupied by such road.

Specifica-  
tions.

Day for  
final hear-  
ing.

SEC. 6. *And be it enacted*, That after the return shall be made as aforesaid, by the examiners, the levy court shall appoint a day for final hearing, being not less than thirty days from and after that on which such return shall have been made, whereof three weeks public notice shall be given in at least one newspaper, published in said county, if a newspaper be published therein, and by advertisement set up at the court house door of said county, warning all persons interested to appear before the said court, to shew cause why the return of the examiners should not be ratified and confirmed.

Notice  
required.

General  
powers to  
the levy  
court.

SEC. 7. *And be it enacted*, That upon hearing the parties, and the testimony which may be adduced, the said levy court may adjourn or postpone the case from time to time, or may permit such amendments to be made in the plot and return as to them may seem right and necessary, and shall have full power and authority to reject or confirm the return of the examiners, to decree the road to be opened, straightened, altered or shut up, or not, as they may think just and right between the parties, and consistent with the general good; and if they shall determine to confirm the return of the examiners, they shall have power to enlarge the damages proposed to be allowed to any person or persons as they may think right, but shall not in any case reduce or diminish them without the express assent, in writing, of the party.

Right of  
appeal.

SEC. 8. *And be it enacted*, That if any owner or owners of the land through which such road is proposed to be opened, straightened, or altered, shall consider himself, herself, or