

upon completing the same the said road shall be deemed a public road, and shall be kept in repair as other public roads in the aforesaid county are by law directed to be kept.

2. AND BE IT ENACTED, That upon the said levy court confirming the said road, they shall be and are hereby authorised and empowered to agree and contract with the person or persons on whose lands the said road may be laid out for the amount of damages thereby sustained, not exceeding the rate of ten pounds per acre, but if such agreement should not take place, then the said court shall issue their warrant, directed to the sheriff of the said county, commanding him to summon and return a jury of twelve good and lawful men of the said county, not interested or related to the party or parties concerned, to be and appear before some one of the justices of the said county, on the premises, at a certain day in the said warrant to be expressed, which jury, on their oaths or affirmation, as the case may be, to be administered by the said justice, shall inquire who are the owner or owners of the said land over which the said road so laid out and ratified, shall pass, and what damages such owner or owners will actually suffer from the passage of the said road over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising from the opening and improving the said road, and such sheriff shall return the inquisition of the said jury, under their hands and seals, and attested under his official signature, to the next levy court to be held for the said county, and the amount of damages therein expressed, if any, shall be paid, by order of the said court, out of the monies to be levied as is herein after directed; *Provided*, that in case the said road shall run on the bed of any old road heretofore laid out and now in use, such person or persons through whose lands the said old road now passes shall not be entitled to receive any compensation for damages herein before directed to be paid; *Provided also*, that the said road shall not pass through any enclosed yards, garden or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax or tobacco, or other cultivated vegetables are growing, be laid open until after the season for collecting and securing the crops growing on such field.

3. AND BE IT ENACTED, That the levy court of the said county, at the time of laying the next levy for the said county, shall levy on the assessable property of the said county such sum or sums of money as they may deem necessary, for the purpose of surveying, opening and clearing the said road, and the payment of the damages to the owners of the land through which the said road shall pass, and also for the payment of such compensation to the commissioners as is herein after directed to be paid.

4. AND BE IT ENACTED, That when the commissioners aforesaid shall have discharged all the duties required of them by this act, the levy court aforesaid shall order to be made to the said commissioners respectively, out of the monies to be levied as is by this act directed, such reasonable compensation as to the said court shall seem meet, and the said commissioners respectively shall thereafter be discharged.

Damages to be ascertained.

Providos.

Levy to be made for opening road.

Compensation to Commissioners.