

opinion is founded; and if the said commissioners shall be of opinion that the said road ought not to be opened, or straightened, or shut up, they shall report their opinion to the county court aforesaid, together with the reasons on which the same is founded.

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2. AND BE IT ENACTED, That the said commissioners, before they proceed to act as such, shall take an oath or affirmation, as the case may be, to execute the trust reposed in them by the commission to them issued, faithfully and without favour, affection or partiality.

Commissioners to take an oath.

3. AND BE IT ENACTED, That the commissioners, or a majority of them, before they proceed to locate any road proposed to be opened, straightened or shut up, shall give at least fifteen days notice to all the parties concerned, and the return of the commissioners setting forth that they have taken the oath and given the notice required by this law, or any words to that effect, shall be *prima facie* evidence that the same was done.

Before they proceed to locate road to give notice, &c

4. AND BE IT ENACTED, That it shall not be lawful for any road opened or straightened in virtue of this act, to pass through the buildings, yards, gardens or orchards, of any person or persons, without the consent of the owner or owners thereof.

No road to pass through buildings, &c without consent of owner.

5. AND BE IT ENACTED, That if no objection shall be made to the return of the commissioners within the four first days of the term next succeeding the term at which the said return shall be made, the court may proceed to pass judgment thereon, and affirm or reject the same, or order it to be amended, in the discretion of the court, or may in their discretion continue over the proceedings to the next term, and so from term to term, so long as the court shall in their judgment think such continuance necessary for the purpose of justice.

If no objection shall be made to return of commissioners, court may pass judgment, &c.

6. AND BE IT ENACTED, That if any person or persons shall conceive him or themselves aggrieved by the decision of the commissioners, or of a majority of them, it shall and may be lawful for such person or persons to file, in writing, their objections to the return of the commissioners, at any time before the same shall be finally ratified by the court, and the court shall thereupon proceed to hear testimony, if any shall be offered, and affirm or reject the said return, or order it to be amended, as to the court shall seem right, and may also continue the proceedings as is provided in the fifth section of this law; *Provided always*, that either party shall on motion to the court, made before the hearing of testimony, be entitled to a trial by jury, and the issue or issues shall be framed under the direction of the court, so as to bring the matter in dispute between the parties fairly to trial, whether the same shall relate to the location of the road or the ascertainment of damages by the commissioners.

Persons aggrieved to file their objections.

Proviso.

7. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every person through whose lands the said road may pass, in case the application shall be for opening or straightening a road, by opening or straightening the same, taking into consideration the advantages and disadvantages of the same, if any; and the said commissioners shall make such ascertainment of damages a part of their return to the court, and the same, with the rest of the proceedings, shall be subject to the ratification, rejection or alteration, of the court, in such manner as in their judgment shall be just.

Damages to be ascertained.