

thirty feet wide, clear of ditches, and direct a supervisor or supervisors to clear and improve the same, in the same manner, and on the same terms, as other public roads, and upon completing the same, it shall ever thereafter be deemed a public highway, and kept in repair as other public roads in said county.

2. AND BE IT ENACTED, That in case of the death, resignation, disqualification or refusal to act, of any of the commissioners aforesaid, and as often as any vacancy shall happen, the justices of the levy court, or any two or more of them, shall appoint some other person or persons to supply such vacancy or vacancies, not interested or related to any one through whose land the said road shall pass.

How vacancies are to be filled.

3. AND BE IT ENACTED, That if any person or persons shall think him, her or themselves aggrieved by laying out and opening the said road, the commissioners, or a majority of them, are hereby authorised to contract and agree with such person or persons for the amount of damages sustained, taking into due consideration all the conveniencies and inconveniencies, advantages and disadvantages, if any, arising from the opening and improving said road, and if the commissioners cannot make such agreement, they, or a majority of them, shall issue their warrant, under their hands and seals, directed to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men, not interested or related to the party or parties, to be and appear before some one of the said commissioners, on the premises, at a certain day to be expressed in said warrant, which jury shall, on oath, inquire who is the owner or owners of such lands, and what damage such owner or owners will actually suffer from the passage of such road over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising thereby or therefrom, and the sheriff shall return the inquisition of the jury aforesaid, under his hand and seal, to the next levy court, and such inquisition shall be final and conclusive between the parties, and the amount of damages, if any, therein expressed, shall be paid, by order of the said court, out of the monies levied for the repair of the public roads in said county, or out of the monies that may be levied under this act; provided the said road shall not be laid out to run through any buildings, enclosed yard or garden, without the consent of the owner, nor shall any field in which grain or other cultivated articles are growing, be laid open until after the season for securing the crop growing in such field.

Damages to be ascertained.

4. AND BE IT ENACTED, That the justices of the levy court be and they are hereby authorised, if they shall deem it necessary, to levy on the assessable property of said county, at the time of laying the next county levy, a sum not exceeding four hundred dollars, for the purpose of carrying the provisions of this act into effect; and they, said justices, are hereby directed to allow such compensation to the commissioners and surveyor or persons employed by them in the execution of this act, as the said justices shall think reasonable and proper.

Levy authorised.