

out, open and change, at the expense of the petitioners, or other persons interested therein, who may subscribe to pay the expense, a road, not exceeding thirty feet in width, in a convenient direction from the upper part of Elisha Brown's plantation, where it joins the lands of the petitioners, to intersect a public road leading to Elk Ridge Landing at a place called Sandy Bottom; and the said road, when so opened at the expense of the petitioners, or others interested, shall be deemed a public road for ever, and shall be kept in repair in the same manner as other public roads are directed to be repaired in said county.

3. AND BE IT ENACTED, That the said commissioners, or a majority of them, may appoint a collector, who is hereby empowered to collect and receive all monies subscribed, or that may be subscribed, for the purpose of opening said road, and such subscribers are hereby directed to pay their several subscriptions to the collector appointed as aforesaid; and if any person shall neglect or refuse, when applied to by the said collector, to pay his subscription money, the said collector may and he is hereby authorised to sue for, recover and receive the same; and the said money, when received, shall be applied, under the direction of the commissioners aforesaid, or a majority of them, to the purpose of this act; *Provided*, the said collector, before he receives any money, shall give his bond to the state, in the penalty of two hundred pounds, conditioned to pay the monies received by him, as such, to the order of the commissioners aforesaid, or a majority of them.

A collector to be appointed.

Proviso.

4. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value what damages may be sustained by any person or persons over whose land the said road may pass, by opening the same, taking into consideration the advantages and disadvantages resulting therefrom, and the valuation shall be made before the said commissioners, or a majority of them, 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 himself, herself or themselves aggrieved by such valuation of damages by the said commissioners, or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, on application of the party interested, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon five freeholders, who do not hold lands through which the said road may pass, to appear, on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid; and the said freeholders, having first made oath before said justice, that they will, without favour, affection or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by opening the said road through his, her or their land, taking into consideration the advantages or disadvantages, if any, and shall thereupon proceed to assess and value the damages accordingly, and such inquisition and valuation shall be final; and the party or parties in whose favour the valuation ascertained as aforesaid shall be entitled to receive the same from the said collector, by an order drawn on him by the said commissioners, or a majority of them, and upon the payment of the money, or securing the same to be paid,

Damages to be ascertained.

Proviso.