

CHAP. 36.

Plot of the same to be made, and damages ascertained.

Proviso.

3. AND BE IT ENACTED, That the said commissioners, or a majority of them, be and they are hereby directed and required to make, or cause to be made, a plot of said road, when surveyed as aforesaid, and to ascertain and assess the damages that may be sustained by any person or persons through whose lands the same shall pass, and shall make return of said plot, together with a certificate of the courses of the said road, and their estimate of damages as aforesaid, to the clerk of Cecil county, to be recorded among the land records of the said county; and when the same shall have been returned, and the expense, with the amount of damages so as aforesaid ascertained, or may be assessed in the manner herein after mentioned, shall have been paid, or secured to be paid, by the aforesaid proprietors of the French-town and New-Castle water and land stages, the same shall for ever thereafter be deemed a public highway, and shall be kept in repair by the aforesaid proprietors of the French-town and New-Castle water and land stages; *Provided always*, that if any person or persons through whose lands the said road shall pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of the said county of Cecil, on application of the party interested, to issue his warrant, under hand and seal, directed to the sheriff of the county, commanding him to summon twelve freeholders, disinterested as to the said road, and qualified to serve as jurors in the county court, to appear, on a day to be appointed by said magistrate, on the land of the person or persons making application as aforesaid; and the said freeholders, having first made oath before some justice of the peace, that they will, without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their land, shall thereupon proceed to assess and value the damages accordingly, of which the said commissioners, and three or more of the petitioners, shall have at least five days previous notice, and shall return the amount of the damages assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive.

Commissioners allowance.

4. AND BE IT ENACTED, That the commissioners appointed by this act shall have an allowance of two dollars for every day they shall severally attend in discharge of the duties hereby imposed; to be paid by the aforesaid proprietors of the French-town and New-Castle water and land stages.

Levy court, if they think necessary, may keep road in repair.

5. AND BE IT ENACTED, That if the levy court of Cecil county aforesaid should, at any time after the completion of the aforesaid road, consider it of such utility and advantage to the county as to make it necessary and proper that the said road be repaired at the expense of the county, then, and not otherwise, the said levy court may apply a certain proportion of road money levied upon the county, for mending and repairing said road.