

tion of all circumstances, may reject or confirm the said report, and may direct the said commissioners to alter and amend the said plots, confining the said road to the points above mentioned, and when so amended, are hereby ordered to confirm the same, and when so confirmed, shall cause the same to be recorded among the land records of the said county, in testimony of the same being established by law as a public road, and shall direct the said commissioners to mark and bound the said road, as confirmed by the said court, 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 in the said county are by law directed to be cleared and improved, and 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.

3. 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 over 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 may issue their warrant, directed to the sheriff of 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 over whose land the said road, so laid out and ratified, shall pass, and what damage 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 said court, out of the monies to be levied as is herein after directed; *Provided*, that if 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 land 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 yard, garden, orchard or meadow, 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.

Court may agree for damages sustained, &c.

Proviso.

4. AND BE IT ENACTED, That the levy court of said county, at the time of levying the next levy for said county, shall levy, on the assessable property of 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 payments of the damages to the owners of lands through which the said road shall pass, and

Levy for opening said road.