

CHAP. 43. East Nottingham, the other to commence on the last above-men-
 tioned road, at or near John Brooke's gate, thence to the public
 road leading from the aforesaid Creswell's ferry to Lancaster, at
 or near the presbyterian meeting-house, on said road, in as straight
 a direction as the nature of the ground will admit, and with as lit-
 tle injury to the individuals over whose land the same may pass as
 may comport with public convenience; *Provided*, the said roads
 shall not be laid out through the garden, yard, meadow or orchard,
 of any person or persons, without his, her or their consent, in
 writing, first had and obtained; and a plot of said roads, when so
 laid out and confirmed, together with a certificate of the courses of
 the same, shall be returned to the clerk's of Cecil county, there
 to be recorded.

Proviso.

Levy authorised
to open said roads.

3. **AND BE IT ENACTED**, That when the plot of said roads shall
 have been confirmed and recorded as aforesaid, it shall and may be
 lawful for the levy court of said county, to levy upon the assessable
 property in said county, a sum of money such as they shall deem
 necessary, under all circumstances, and to appoint an overseer or
 overseers to open and clear said roads, agreeably to the plots and
 certificate aforesaid, who shall give bond in like manner as other
 overseers of public roads in said county are directed to give bond,
 in like manner as other overseers of public roads in said county
 are directed to give bond, and the said roads, when opened and
 cleared as aforesaid, shall be, and the same are hereby declared to
 be, for ever thereafter, public roads, and shall be kept in repair as
 other public roads in said county.

Allowance to
commissioners.

4. **AND BE IT ENACTED**, That the said commissioners shall be
 entitled to receive the sum of two dollars for every day they shall
 severally attend to discharge the duties required by this act, which
 is hereby directed to be levied, collected and paid, as other county
 charges are levied, collected and paid.

Damages to be
ascertained.

5. **AND BE IT ENACTED**, That the said commissioners, or a ma-
 jority of them, shall value and ascertain the damages that may be
 sustained by each and every of the persons through whose lands
 the said roads may pass, by opening the same, and the damages
 so ascertained, or in the event of their being ascertained by a jury,
 shall be levied and assessed as other county charges are, and shall
 be paid over to the said persons respectively over whose lands the
 said roads may pass.

Persons aggri-
ved, may apply to
a justice, who is
authorised to sum-
mon jury.

6. **AND BE IT ENACTED**, That if any person or persons through
 whose lands the said roads shall pass, or his, her or their guardian
 or trustee, shall conceive himself, herself or themselves, aggriev-
 ed by such valuation and assessment of damages by the said com-
 missioners, it shall and may be lawful for any justice of the peace
 of said county, of his, her or their application, to issue his war-
 rant, under his hand and seal, directed to the sheriff of the county,
 commanding him to summon twelve disinterested men, qualified by
 law to serve as jurors in the county court, to meet upon the pre-
 mises upon a certain day, of which ten days notice at least shall
 be given to the party or parties interested, and the said jurors when
 so met, and having each first taken an oath before some justice of
 the peace, that he will, without favour, affection, prejudice or par-
 tiality, assessed the damages sustained by the person or persons at
 whose request such inquisition shall be taken, by reason of open-