

CHAP. 220. their hands, to the said court and also the reasons whereon their opinion is founded.

Oath of examiners **SEC. 2.** *And be it enacted*, That the said examiners before they shall proceed to execute such commission, shall take an oath or affirmation, as the case may be, before a justice of the peace of the county aforesaid, to be by him certified upon said commission, that they will execute the said commission truly and faithfully, without favor, affection or partiality.

Notice required **SEC. 3.** *And be it enacted*, That the said examiners, or a majority of them, before they proceed to execute such commission, shall give at least thirty days public notice thereof to all persons concerned, by advertisement, describing the road proposed to be opened, straightened, altered or shut up, and appointing the day of meeting of said examiners upon the premises as aforesaid, which advertisement shall be published thirty days previous to said meeting, in one newspaper printed in said county, if any be published therein, a copy of which shall also be set up at five public places in the neighborhood, and the report of said examiners, setting forth that they have given the notice required by law, or any words to that effect, shall be *prima facie* evidence that the same was done.

Prohibitions in locating

SEC. 4. *And be it enacted*, That it shall not be lawful for any road opened, straightened or altered in virtue of this act, to pass through the buildings, yards, gardens or orchards of any person or persons, without the consent in writing of the owner or owners thereof.

Damages

SEC. 5. *And be it enacted*, That the said examiners, or a majority of them, shall value and assess the damages that may be sustained by the owner or owners respectively, of the land through which such road as opened, straightened or altered, may pass, and that in assessing such damages they shall consider as well the advantage and benefit, as the loss and injury to be occasioned thereby to each person; and the said examiners shall in their report specify the several sums of money, if any, by them estimated as the damages or compensation proper to be allowed to each of the owners of such land, and shall also specify the quantity of land be-

Specifications