

aforesaid, together with the reasons on which the same is founded.

SEC. 4. *And be it enacted*, That the said examiners, Oath. before they proceed to act as such, shall take an oath or affirmation, as the case may be, to execute the trust reposed in them by the commission to them issued, faithfully and without favor, affection or partiality, which oath shall be endorsed on the commission and returned therewith.

SEC. 5. *And be it enacted*, That it shall not be Not lawful to lawful for any road, opened or altered by virtue of this act, to pass through the buildings, yards, gardens, burial grounds, or orchards of any person or persons, without the consent of the owner or owners thereof. pass through buildings, &c.

SEC. 6. *And be it enacted*, That if no objection be made to the return of the examiners, at the meeting of the county commissioners next succeeding the meeting at which the said return shall be made, the said county commissioners may proceed to pass judgment thereon, and affirm or reject the same, or order it to be amended, in their discretion, or may continue over the proceedings to their next meeting, and so from time to time so long as the said county commissioners shall, in their judgment think such continuance necessary for the purposes of justice. County commissioners may affirm or reject.

SEC. 7. *And be it enacted*, That the said examiners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every person through whose lands the said road may pass, in case the application shall be for opening or altering a road, by opening or altering the same, taking into consideration the advantages and disadvantages of the same, if any; and the said examiners shall make such ascertainment of damages a part of their return to the county commissioners, and the same with the rest of of their proceedings shall be subject to the ratification, rejection or alteration of the said county commissioners in such manner as in their judgment shall be just. Examiners to value and ascertain damages.

SEC. 8. *And be it enacted*, That the county commissioners, to whom the return as aforesaid shall be made, shall determine whether the damages adjudged by the examiners as aforesaid, shall be paid by the persons petitioning for the said road or roads, or levied on the county, or may direct the said damages to be paid by the petitioner and the county, in such proportion as the county commissioners may deem just. Damages—by whom to be paid.

SEC. 9. *And be it enacted*, That in all cases of proceedings under this act, the damages adjudged by the county commissioners shall be paid to the respective opening books. Damages to be paid before opening books