

AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall ascertain and value (if required) what damages may be sustained by any person or persons over whose land the said road may pass, taking into consideration the advantages and disadvantages (if any;) and the valuation shall be made and the amount thereof paid as aforesaid to the parties respectively interested, before the said commissioners or a majority of them shall proceed to open the said road; *Provided always*, That if any person or persons through whose land the said road may pass, or his, her or their guardian or trustee shall conceive himself, herself or 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 for said county, on application of the party interested, or his, her or their guardian or trustee, to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, uninterested in the opening of the said road, to appear on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made; and the said freeholders having first made oath before some justice of the peace, that they will, without favour, affection 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, taking into consideration the advantages and disadvantages, (if any;) of which the said commissioners, or a majority of them shall have at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive; *Provided*, That the said road shall not pass through any house, yard, garden or orchard, without the consent of the owner or owners thereof.

1811.

Commissioners shall ascertain damages. Persons aggrieved may apply to a justice. His duty, &c.

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CHAPTER 64.

*An act for the relief of William Sherer of Chester County, in the state of Pennsylvania.* Passed Dec. 27, 1811.

WHEREAS, A petition has been received from William Sherer, of Chester county, and state of Pennsylvania, Catharine Mackey, (widow of James Mackey, Esquire,) David Mackey, junior, James Mackey,

Preamble.