

and have the same surveyed, and plain plots made of the same, and return the said plots to the levy court of the county aforesaid, under their hands; and said commissioners shall have full power to bargain and contract with any person or persons over whose lands the said road may pass, or adjudge the damage any person or persons may sustain by the said road, and make a return of all contracts by them made for land, or damages adjudged by them, by reason of opening said road, to the levy court, under their hands; and the said court may order the same to be recorded or reject the same or any part thereof; and the levy court shall levy on the assessable property of Cecil county, the expense of the commissioners for viewing and surveying said road; and if the levy court shall confirm the said road agreeably to the return of the commissioners, and cause the same to be recorded, the levy court shall then appoint a supervisor or supervisors to clear and open said road, not exceeding thirty feet in width, and may levy the expense of said road upon the assessable property of Cecil county; or should the levy court be of opinion that said road is not of public utility, but is only calculated to serve private individuals, in that case the court shall grant said road on the application of petitioners, they paying all damages and expense of said road; and the levy court shall thereupon confirm the said road, and have it recorded, and it shall then be kept open and repaired as other public roads are in Cecil county.

2. AND BE IT ENACTED, That if the person or persons over whose land the said road shall pass shall think himself, herself or themselves aggrieved by the valuation or assessment of damages of the commissioners aforesaid, then the person or persons so aggrieved may apply to a justice of the peace of said county, to issue his warrant, directed to a constable, commanding him to summon five free-holders, to appear on the premises on a day to be mentioned in the warrant, to assess and value the damages which the party or parties may sustain by the road passing over his or her land; which assessment and valuation of damages shall be final and conclusive; and which damages shall be paid or secured to be paid to the person or persons entitled to receive the same, before the commissioners shall proceed to lay out said road: *Provided*, The said road shall not pass through the yard, garden, orchard or meadow of any person or persons, without his, her or their consent.

1812.

Damages—
persons ag-
grieved.

Proviso.