

1812.

open said road
—its width
and direction.

them, are hereby appointed commissioners to lay out and open a road in Cecil county not exceeding thirty feet in width, beginning for the same at the state line, between Pennsylvania and Maryland, at the intersection of a road from the Rising Sun, towards Lancaster, near Levi Brown's, thence towards the canal at or near the Octarara Locks, to the southward of Jonathan Reynolds' and north of Stephen Reynolds and James Jackson's mills, near the stone run, to William Moore's mill; thence to the Bald Friar road at or near the intersection of William Preston's lane; thence the nearest rout by Henry Physick's school house, to the aforesaid locks, in as straight a direction as the nature of the ground will admit of, and with the smallest possible injury to the individuals over whose land the said road may pass; *Provided always*, That the said road shall not be made to pass through the buildings, gardens, orchards or meadows of any person without the consent of the owners thereof.

Proviso.

Duty of commissioners—discretionary power of levy court—expense to be levied on the county.

2. AND BE IT ENACTED, That it shall be the duty of the commissioners aforesaid, on or before the first day of April next, to cause a plat and certificate of said road to be made out, and return the same to the levy court of Cecil county at their first setting thereafter; and if the levy court of said county upon consideration of all circumstances, shall be of opinion that the said road will be of advantage, then and in such case the clerk of said county shall record the said plot and certificate, whereupon it shall and may be lawful for the levy court of said county, to levy upon the assessable property of said county, a sum of money such as they may deem necessary, and to appoint an overseer to open and clear said road agreeably to the plot and certificate aforesaid; and the said road when so opened and cleared as aforesaid, shall be, and the same is hereby declared to be, forever thereafter a public road, and shall be kept in repair as other public roads in said county are.

Damages—to be ascertained by commissioners.

3. AND BE IT ENACTED, That the said commissioners or a majority of them, shall value and ascertain the damages that may be sustained by each and every of the persons through whose lands the said road may pass by opening the same, taking into estimation the advantages and disadvantages, (if any;) and the damages so ascertained shall be levied and assessed as other county charges are, and shall be paid over to the persons respectively,