

Dec. Ses. 1816

point the said road shall be so opened, straightened or shut up; and upon the said inquisition so as aforesaid made, it shall and may be lawful for the said county court to examine into, and inquire whether, under the circumstances, it would be advantageous to the public that the said road shall be so or otherwise opened, straightened or shut up, and if the said court shall be of opinion that the said road ought to be so or otherwise opened, straightened or shut up, that then it shall and may be lawful for the said court to nominate five commissioners, who shall be freeholders, and not related to the parties, nor holding lands through which the said road shall be opened, straightened, or shut up, to open, straighten, or shut up the said road, in the manner herein after mentioned; and the said court shall decide if the expenses, or any part thereof, attending the application for and of opening the said road, shall be paid, or secured to be paid, by the persons petitioning for the same, or levied on the county.

2. *And be it enacted*, That the said court, before they proceed to charge the grand jury to make inquisition as aforesaid, shall be satisfied that two months notice has been given in some newspaper printed in the county in which the land lies, (if one be printed there) and by advertisements set up in the most public places, and at the court-house of the county, of the intention to apply to the said court for the opening and straightening, or shutting up, of such road.

— to be first satisfied that two months notice has been given:

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

No road to pass through yards, &c.

4. *And be it enacted*, That the said commissioners so as aforesaid appointed by the county courts as aforesaid, for the purpose of opening or straightening the road as aforesaid, or a majority of them, shall proceed to lay out or straighten the road so as aforesaid ordered by the said county court to be opened or straightened, in the manner and of the width that the county court shall have directed, as well as the nature of the ground and other circumstances will admit.

Commissioners to proceed to lay out roads.

5. *And be it enacted*, That it shall be the duty of the said commissioners, so as aforesaid appointed by the court, or a majority of them, to cause a plot and certificate of the said road, so opened or straightened, to be made and returned to the levy court of the county in which such land lies; and if the said county court shall have determined that the damage shall be levied on the county, it shall be lawful for, and the said levy court are hereby enjoined, to levy upon the assessable property of the said county, a sum of money such as they may deem necessary to open, clear or straighten, the said road, agreeably to the plot and certificate aforesaid; and the said road, when so opened, cleared or straightened, shall be, and the same is hereby declared to be, for ever thereafter, a public road, and shall be kept in repair as other public roads are.

— to cause plot and certificate to be made and returned.

6. *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 person through whose lands the

Damages to be ascertained.