

county, commissioners, not holding any part of the lands through which the said road or roads may pass, nor related to the person or persons holding the land that may be affected by the running of the said roads, to view, survey and plot, the said road so applied for, and make a return thereof to the said court at their next meeting, who, on receiving such plot or plots, shall examine the same, and all the evidence that shall or may be offered for or against the said road or roads, as returned, and may reject or confirm the same as a public road, or may direct the said commissioners to alter and amend the said plot, and when so amended, may reject or confirm the same, and when confirmed, shall accordingly direct the commissioners to mark and bound the said road or roads, not exceeding 40 feet in width clear of ditches, and direct a supervisor or supervisors to clear and improve the same, in the same manner and on the same terms, as other roads, and upon completing the same, it shall be deemed a public road, and be kept in repair as all other public roads in said county are by this law directed; provided, that notice be set up in writing, by advertisement, at least 3 weeks, in the most public places in such hundred or hundreds, by some one inhabitant or inhabitants thereof, previous to their offering a petition or petitions, declaring their intention to apply to the justices of the levy court for the purposes aforesaid—*ibid.* § 5.

5. Whenever any old road shall be altered in its breadth or directed as aforesaid, the justices aforesaid, may agree with the persons over whose land such road or roads may pass for the amount of the damages sustained, but if no agreement, they shall issue their warrant, directed to the sheriff of the county, commanding him to summon and return a jury of 12 good and lawful men of the said county, not interested or related to the party or parties, to be and appear before one of the said justices on the premises, at a certain day in the said warrant to be expressed, which jury on their oath, or affirmation, shall inquire who is or are the owner or owners of the land over which any road or roads so widened or laid out shall pass, and what damages such owner or owners will actually suffer from the passage of such road or roads over the said land, the said jury taking into consideration all conveniencies and inconveniencies, advantages and disadvantages, if any, arising thereby or therefrom by the improvement of said road, and such sheriff shall return the inquisition of the jury aforesaid, under their hands and seals, and attested by his official signature and seal, to the next levy court, and the amount of damages therein expressed, if any, shall be paid by order of the said court out of the monies to be levied as aforesaid; but no road shall be made to run through any building, enclosed yard, garden or orchard, without the consent of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables, are growing, be laid open until after the season for collecting and securing the crop growing in such field.—*ibid.* § 6.

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