

C H A P.

LIII.

How vacancies are to be filled, &amp;c.

V. **And be it enacted,** That in case of the death, resignation, disqualification, or refusal to act, of any of the commissioners aforesaid, the county court where such vacancy or vacancies shall happen, shall and are hereby directed to fill up such vacancy or vacancies, and if such vacancy or vacancies shall happen during the recess of such court, then the associate justices shall have the power to fill up such vacancy or vacancies, and such re-appointments shall and may be made from time to time, as often as occasions shall require, until the said roads shall be surveyed, plotted, returned and recorded, as aforesaid; and after the return of any of the roads aforesaid shall be made according to this act, the county court shall respectively order to be paid to the commissioners aforesaid, out of the monies to be appropriated to the purposes of these roads, such reasonable compensation as to them shall seem meet.

Commissioners to appoint supervisors, &amp;c.

VI. **And,** for the more effectual making of said roads, **Be it enacted,** That the commissioners aforesaid, in their respective counties, are hereby empowered to appoint one or more supervisor in each county to superintend, direct and contract for, the execution of the same in the most effectual, economical, and expeditious manner; and each and every of the supervisors, so appointed, shall give bond, with sufficient security, to be approved of by said commissioners in the county where said supervisors may be appointed, in a penalty of at least double the estimated amount of one year's assessment for the said road or roads in the county in which he shall be appointed for the faithful discharge of his trust; and such appointments or re-appointments shall be made, and bonds as aforesaid shall be annually renewed, at the times the monies are to be levied; and the supervisors shall lay before the county court of their county, at the last court in each year, just and true accounts, on oath, or affirmation, of all receipts and expenditures of monies by them received and expended in virtue of their appointments, and shall pay the balances, if any, to their successors, if superseded or displaced; and the said supervisors shall respectively be allowed at the rate of five *per centum* upon the sums of money by them severally received and expended in the execution of this act.

County courts to agree for damages, &amp;c.

VII. **And,** whereas the laying out of said roads may cause damage to the proprietors of lands through which the same may pass, and it is reasonable and just that compensation be made to those who require the same, **Be it enacted,** That in every case where the same shall be required of the county court, they shall agree with the party injured for the amount of the damages sustained, not exceeding the rate of three pounds current money *per acre*; but if such agreement does not take place, then the court to whom application shall be made, shall issue their warrant to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men for the said county, to be and appear before one or more of the said justices, on the premises, at a certain day in the said warrant to be expressed; which jury, upon their oath, to be administered by the sheriff aforesaid, shall inquire who is or are the owner or owners of the land over which any such road shall pass, and what damages such owner or owners will actually suffer from the passing of the road over the land as aforesaid, taking into due consideration all conveniences and inconveniences, advantages and disadvantages, arising from such circumstances, whether by the improvement of an old road or in making a new one; and such sheriff shall return the inquest of the jury aforesaid, or of any eight of them agreeing, under their hands and seals, and attested by his official signature, to the next county court to be held for the county wherein such inquest shall have been taken, and the amount of damages therein expressed shall be paid, by order of the said court, out of the monies to be levied as aforesaid and appropriated to such road: **Provided,** That no new road shall be made through any building, enclosed yard, garden or orchard, against the will of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables, except grass, shall be growing, be laid open until after the season for collecting and securing the crop; but if it be expedient to lay out any such road through an enclosed yard, garden or orchard, and the owner will consent thereto, then the damages sustained