

person or persons through whose lands the said road may pass, by opening of the same, and the damages so ascertained, or in the event of their being ascertained by a jury, shall be levied and assessed as other county charges are, and shall be paid over to the person or persons entitled to the same.

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sustained Amount to be levied on the county.

AND BE IT ENACTED, That if any person or persons through whose lands the said road may pass, or his or their guardian or trustee, conceive himself, herself, or themselves aggrieved by such valuation or assessment of damages by said commissioners, it shall and may be lawful for any justice of the peace of said county, on his or their application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice shall be given to the party or parties interested; and that the said jurors, when so met, and having each first taken an oath before some justice of the peace, that he will, without favor or affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages (if any,) and such inquisition or valuation shall be final and conclusive; but, should the jury award a smaller sum for damages than the commissioners had previously done, then in that case, the person or persons at whose instance it was held, shall pay all the legal costs and charges of said inquisition; but if, on the contrary, they should award a larger sum, then the costs of such inquisition shall be paid by the county.

Persons considering themselves aggrieved by the commissioners in their valuation of damages, may apply to a justice of the peace, who shall issue his warrant for the summon of 12 jurors to value the damages sustained.

AND BE IT ENACTED, That the said commissioners before they shall proceed to act, shall take an oath before some justice of the peace, of the same tenor and effect as is heretofore directed to be taken by the jurors.

Commissioners shall take an oath.

AND BE IT ENACTED, That no person or persons through whose land the said road shall pass, and who have agreed or signed the petition for the same, shall be entitled to any damages by this act.

Persons having signed the petition shall not be entitled to damages.