

1812.



Thomas Garrett shall not receive compensation for damages.

Damages—
Commissioners shall ascertain.

Proviso.

Act of 1810
repealed.

compensation shall be respectively levied, collected and paid in the same manner that other county charges are.

4. **AND BE IT ENACTED**, That the said Thomas Garrett, shall not be entitled to ask or receive any compensation for any damage, sustained by opening of the said road.

5. **AND BE IT ENACTED**, That the commissioners or a majority of them, shall ascertain and value if required, what damages may be sustained by any person or persons except the said Thomas Garrett over whose lands the said road may pass, by opening the same, taking into consideration the advantages and disadvantages, if any; and the valuation shall be made before the said commissioners shall proceed to open the said road: *Provided always*, That if any person or persons except as aforesaid, through whose land the said road may pass, or his, her or their guardian or trustee, shall conceive themselves aggrieved by such valuation and assessment of damages by the said commissioners, it shall and may be lawful for any justice of the peace of said county, on application of the party interested, or his, her or their guardian or trustee to issue his warrant, under his hand and seal, directed to any constable of the county, commanding him to summon twelve freeholders, uninterested in the opening said road, to appear on a day by the said justice to be appointed, on the land of the person or persons making application as aforesaid, or for whose benefit such application shall be made, and the said freeholders having first made oath before some justice of the peace, that they will, without favor, affection 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 land, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any; of which the said commissioners or a majority of them shall have at least five days notice, and shall return the damages so assessed to the said justice of the peace, and such inquisition and valuation shall be final and conclusive.

6. **AND BE IT ENACTED**, That the act of Assembly passed at November session eighteen hundred and ten, entitled, "an act to lay out and open a road from Archibald Dysart's tavern in Cecil county, to