

Grockett, Joshua Bratten, Thomas Bevans and Job Allen be, and they are hereby appointed commissioners for the purposes of this act, and that they or a majority of them are hereby authorised and required to survey and lay out a road, not exceeding twenty feet wide clear of ditches, beginning at a certain point to be fixed on by said commissioners or a majority of them, on the road leading from Barren Creek mill to Vianna ferry, from thence running by or near Isaac Kennerly's mill, in a line with Bacon-quarter, over Bradley's and Hovington's mills, from thence over Robertson's and Phillips' mills, in such direction as the said commissioners may think most convenient and advantageous, with the least possible injury to the individuals over whose land the said road may pass, till it intersect the main public road leading from Laurel in the State of Delaware to Spring Hill in Somerset county: *Provided*, That the said road shall not be made to pass through the buildings, yards, gardens or orchards of any person or persons, without the consent of the owner or owners thereof.

1812.

to survey and lay out said road—its width and direction.

*Provido.*

2. AND BE IT ENACTED, That it shall be the duty of the commissioners aforesaid, or a majority of them, on or before the first Monday in May next, to cause a plot and certificate of said road to be made, and return the same to the levy court of Somerset county at their first setting thereafter; and if the levy court of said county, upon consideration of all circumstances, shall be of opinion that the said road will be of advantage, then and in such case the clerk of said county shall record the same plot and certificate; whereupon it shall and may be lawful for the levy court of said county to levy upon the assessable property of said county, such sum of money as they may deem necessary, and to appoint and employ an overseer to open and clear said road agreeably to the plot and certificate aforesaid; and the said road when opened and cleared as aforesaid, shall be, and the same is hereby declared to be forever thereafter a public road, and shall be kept in repair as other public roads in said county.

Duty of the commissioners—discretionary power of the levy court.

3. 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 of the persons through whose lands the said road may pass, by opening the same, taking into consideration the advantages and disadvantages, and return the same to the levy court, together with

Damages—commissioners may ascertain—to be levied on the county.