

to be made shall have been paid or secured to be paid, shall forever thereafter be deemed a public highway and kept in repair as public roads in said county are kept in repair.

1812.



2. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall lay out the said road from the calls before mentioned, in the straightest and best direction that the nature of the ground will admit of, and with as little inconvenience to the landholders through whose land the said road may pass as possible.

Road to be laid out with as little inconvenience to the landholders as possible.

3. AND BE IT ENACTED, That the commissioners aforesaid or a majority of them, shall ascertain and value if required, what damages may be sustained by any person or persons over whose land the said road may pass, taking into consideration the advantages and disadvantages, (if any;) and the valuation shall be made, and the amount thereof paid as aforesaid, to the parties respectively interested, before the said commissioners or a majority of them, shall proceed to open the said road: *Provided always*, That if any person or persons 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 or a majority of them, it shall and may be lawful for any justice of the peace of the county in which the land lies, 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 disinterested freeholders of the county, to appear on a day by the said justices to be appointed, on the land of the person or persons as aforesaid, or for whose benefit such application shall be made, and the said freeholders, having first made oath before said justice of the peace that they will without favor, affection or partiality, assess the damages sustained by the person or persons at whose request or for whose benefit 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, of which the said commissioners or a majority of them shall have had at least five days notice, and shall have returned the damages so assessed, to the said justice of the peace; and such inquisition and valuation shall be final and conclusive: *Provided always*, That the said road shall not pass through any

Damages.

Proviso.

Proviso.