

tersection of a road from the Rising Sun, towards Lancaster, near Levi Brown's, thence towards the canal at or near the Octarara Locks, to the southward of Jonathan Reynolds's, and north of Stephen Reynolds and James Jackson's mills, near the Stone Run, to William Moore's mill, thence to the Bald Friar road at or near the intersection of William Preston's lane, thence to the nearest rout by Henry Physick's school house, to the aforesaid locks, in as straight a direction as the nature of the ground will admit of and with the smallest possible injury to the individuals over whose land the said road may pass; *Provided always*, that the said road shall not be made to pass through the buildings, gardens, orchards or meadows, of any person, without the consent of the owners thereof.

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Proviso.

Plot to be returned to levy court—expense to be levied.

2. AND BE IT ENACTED, That it shall be the duty of the commissioners aforesaid, on or before the first day of April next, to cause a plot and certificate of said road to be made out, and return the same to the levy court of Cecil county at their first sitting 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 said 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, a sum of money such as they may deem necessary, and to appoint an overseer to open and clear said road agreeably to the plot and certificate aforesaid; and the said road, when so opened and cleared as aforesaid, shall be, and the same is hereby declared to be, for ever thereafter, a public road, and shall be kept in repair as other public roads in said county are.

Damages to be ascertained.

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 estimation the advantages and disadvantages, (if any,) and the damages so ascertained shall be levied and assessed as other county charges are, and shall be paid over to the persons respectively through whose land the said road may pass; *Provided nevertheless*, that no money shall be levied or assessed for the purpose of discharging the damages aforesaid, until the said road is opened and cleared agreeably to the directions of this act.

Proviso.

Compensation of commissioners.

4. AND BE IT ENACTED, That the said commissioners shall be entitled to receive a compensation for their attendance and services in discharge of the duties of this act, not exceeding two dollars per day, to be ascertained by the levy court, which is hereby directed to be levied, collected and paid, as other county charges are levied, collected and paid; *And provided also*, that no person through whose land the said road shall pass, and who is a petitioner for the same, shall be entitled to any damages by this act.

Proviso.

Commissioners to take an oath.

5. AND BE IT ENACTED, That the said commissioners, before they proceed to act, shall take an oath before some justice of the peace, that they will, without favour, partiality or prejudice, assess the damages sustained by the persons through whose land the said road may pass, by reason of opening the same.