

2. AND BE IT ENACTED, That if any of the commissioners as aforesaid shall die, or refuse to act, then in that case the levy court of Washington county shall and may appoint another person or persons in his or their stead, CHAP. 87.
Vacancies how to be supplied.

3. AND BE IT ENACTED, That the commissioners aforesaid, or a majority of them, shall proceed forthwith to lay out the aforesaid road, not exceeding thirty three feet in width, in the manner herein before directed, and execute, sign and seal, a plain plot of the same, with explicit explanations thereof, and designate on said plot the names of the owner or owners, and the distance the road passes over each of their land, and such plot and explanations shall return to the justices of the levy court, who shall cause the same to be recorded among the records of the same county in testimony of the same; *Provided*, that nothing herein contained shall in any manner authorise the said commissioners to lay out and open the said road through the buildings, gardens, orchards or yard, of any person or persons, without his, her or their consent. Width of road.
Proviso.

4. AND BE IT ENACTED, That the supervisors in clearing and opening the said road shall not open any field at the time grain is actually growing therein. Road not to be opened through any grain field.

5. AND BE IT ENACTED, That the said commissioners, or a majority of them, shall have full power to bargain and contract with any person or persons over whose lands the said road may pass, and adjudge the damages any person may sustain by said road, and make return of all contracts by them made for land or damages adjudged by them, by reason of opening said road, to the levy court of said county. May adjudge damages.

6. AND BE IT ENACTED, That if any owner of the land so occupied shall appear before the levy court before the levy is laid, and object to the valuation and estimate of the commissioners, and request a jury to value such land, and adjudge such damages as he or she may sustain on account of said road passing through his or her lands, the levy court shall direct the sheriff of Washington county to summon twelve freeholders of said county, not related to the owner or owners of the land over which said road may pass, and the sheriff shall fix a day when the said jury is to attend on the land and value the same, and adjudge the damages, if any, first taking an oath to ascertain the true value of the land so occupied by said road, and to assess the damages sustained by the person requiring such jury in consequence of the said road passing through his or her land, justly and fairly, without favour or affection to any person, and to the best of their knowledge, which oath shall be administered by the sheriff; and the verdict given by the said jury, shall be signed by the jurors respectively, and delivered to the said sheriff, and by him returned to the levy court, and the levy court shall levy the sum so adjudged on the assessable property of the said county; but if such valuation by the said jury should be less than that by the commissioners before made, the owner or owners of the land so requiring a jury shall pay all the costs of such jury. Owner may have jury to assess damages.

7. AND BE IT ENACTED, That the justices of the levy court for the county of Washington shall, and they are hereby required, to appoint at the time and in the manner that they appoint other supervisors for the public roads in their said county, a supervisor or supervisors for the said road by this act established, and such su- Supervisors may be appointed.