

Dec. Ses. 1816.

Proviso.

Oath.

Jury may be summoned when parties consider themselves aggrieved.

Comm'rs allowance.

Court to set apart certain days for charging jury, &c.

said road may pass, by opening or straightening of the same, taking into consideration the advantages and disadvantages of the same, 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 lands the said road shall pass; *Provided*, that the money levied or assessed for the purpose of discharging the damages aforesaid shall be paid before the said road shall be opened or straightened agreeably to the plot and certificate aforesaid.

7. *And be it enacted*, That the said commissioners before they proceed to act, shall take an oath before a justice of the peace, that they will without favour, partiality or prejudice, assess the damages sustained by the persons through whose lands the said road shall pass, by reason of opening the same.

8. *And be it enacted*, That if any person or persons through whose lands the said road shall pass, or his, her, or their guardian, shall conceive himself, herself or themselves, aggrieved by such valuation and assessment of damages by the said commissioners respectively, it shall and may be lawful for any justice of the peace, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the party or parties interested; and the said jurors, when so met, and having first taken an oath before some justice of the peace, that he will without favour, affection, prejudice 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, and such inquisition and valuation shall final and conclusive between the parties respectively; *Provided*, that nothing herein contained shall in any manner authorise the said commissioners to lay out or open the said road through the buildings, gardens, orchards or meadows, of any person or persons, without his consent.

9. *And be it enacted*, That the said commissioners shall be entitled to receive a compensation for their services and attendance, not exceeding two dollars a day, to be ascertained by the levy court of the county to which the said plot or certificate shall be returned, which, together with all charges arising from the survey or attendance of witness, shall be levied, collected and paid, as herein before directed.

10. *And be it enacted*, That in order to prevent expense to the county from the unnecessary attendance of witnesses, it shall be the duty of the several county courts, upon the petition being filed as aforesaid, to assign and set apart some certain day during the term for charging the grand jury to make inquisition as aforesaid, to which day all subpoenas to testify to the grand jury in and respecting the said petition, shall be returned, and the said county courts are hereby vested with all and singular the powers to enforce the attendance of the witnesses in the same manner that