

exceeding three acres, to be bounded at the corners, for the use of the county; and valuation of damages shall be made by said commissioners for said lot of land, and when levied and collected, shall be paid to the persons entitled to receive the same; and the levy court may in like manner on petition as aforesaid for a public landing only, direct the said quantity of land to be laid out, marked and bounded for a public landing or lumber yard as aforesaid, and damages to be ascertained, levied and paid, as aforesaid; and a plot and certificate of all public roads and landings or lumber yards as aforesaid, shall be returned to the levy court, and by them transmitted to the clerk of the county court, to be by him recorded among the records of the county, and all such roads, landings and lumber yards, shall be kept in repair as other public roads are, for the free use of the county; *Provided nevertheless*, that there may be an appeal(a) from the decision of the levy court to the next county court, and the decision of the county court shall be conclusive, and in case the county court shall confirm the decision of the court below, the cost to be paid by the person appealing, otherwise by the county; *Provided*, no road, landing, or lumber yard, shall be laid off under this law through the yard, garden, building or orchard, of any person or persons, without his, her, or their consent.

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Proviso

(a) By 1818, ch. 30, the appeal to be made within sixty days after the decision of the levy court.

26. AND BE IT ENACTED, That the commissioners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every person through whose lands the said road may pass, by opening of the same, taking into consideration the advantages and disadvantages of the same, the damages so ascertained shall be levied and collected as other county charges are, and shall be paid over to the persons respectively through whose lands the said road may pass, provided that no road shall be opened until the said damages shall be paid.

Damages to be ascertained

By 1818, ch. 30, the levy court may proceed, after the expiration of sixty days, to cause the road to be made unless there shall have been an appeal, &c. If the decision is affirmed, the levy court may proceed immediately to cause the road to be made.

27. 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, landing or lumber yard, shall pass or be opened, by reason of opening the same.

Commissioners to take an oath

28. AND BE IT ENACTED, That the said commissioners shall be entitled to receive a compensation for their services and attendance, not exceeding two dollars per day, and all officers of the county court shall be entitled to the same fees for all business done in virtue of this law, as are now or shall be hereafter received for like services, to be ascertained by the levy court of said county, which, together with all charges arising from the survey or attendance of witnesses, shall be levied, collected and paid, as other county charges are.

Their compensation

29. AND BE IT ENACTED, That the levy court of Worcester county shall have all the power and authority of granting private roads, that by law* is now vested in the county courts, provided the notice is given as required for public roads, and that there

*Levy court may grant private roads
1785, ch. 49.