

shall be made through any garden, yard, orchard or meadow ; *And provided also*, that any person or persons conceiving himself or themselves aggrieved by the determination of any such levy court, or board of commissioners, as the case may be, in granting or refusing to grant any way or road, or in the amount of compensation adjudged or awarded as above mentioned, or in any matter in consequence of this act, he, she or they, may

Appeal.

SEC. 2. *And be it enacted*, That on the application of any person or persons, for a private road, in pursuance of the provisions of this act, the levy court, or board of commissioners, as the case may be, to whom the same is made, shall not be authorized to make the appointment of commissioners aforementioned, to lay out any private road or way as aforesaid, until satisfactory proof shall have been produced, that notice had been previously given by the applicant or applicants, to the parties through whose lands the proposed road or way is to be laid out or located, at least ten days before the said application, which notice shall describe the location to be made.

Previous notice required.

SEC. 3. *And be it enacted*, That in any case, where an application shall be made as aforesaid, for a private road or way, where there shall be an estate for life, or term of years, or tenancy from year to year, in the lands through which the said private road or way shall be located, the levy court, or board of commissioners, as the case may be, shall be, and they are hereby authorized and required to apportion the amount of compensation awarded by the commissioners appointed as aforesaid, among the parties interested in the said lands, in proportion to their several interests in possession, expectancy, remainder, or reversion, and the several county courts, on appeal, shall have a similar power of appointment as aforesaid.

Apportionment of award.

SEC. 4. *And be it enacted*, That the commissioners to be appointed as aforesaid, to lay out and locate a private road or way, as herein provided, shall each be entitled to receive the sum of two dollars per diem, for each and every day they shall be necessarily engaged in locating said private road or way, and the said commissioners shall be authorized to appoint a competent surveyor to assist them in locating said road or way, and to allow him such compensation for his services as they may deem just and proper, which per diem to the said commissioners, and which compensation to the said surveyor, shall be taxed in the expense of said road, and be paid by the person or persons applying for the same.

Compensation.