

be paid by such counties, and it shall be the duty of the levy court to cause said road to be opened or straightened, as soon as the same can conveniently be done.

Public  
highway.

SEC. 13. *And be it enacted*, That when any road shall be opened or straightened according to the provisions of this act, and well and sufficiently cleared, it is hereby declared that the same shall be forever thereafter a public road, and shall be kept in repair as other public roads are.

Compensa-  
tion.

SEC. 14. *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 witnesses or other process of the court, shall in the discretion of the said court, be paid by the petitioners, or levied, collected and paid by the counties as herein before directed.

Fees.

SEC. 15. *And be it enacted*, That the officer of the levy court in said county shall be entitled to receive the same fees for all business done in virtue of this law as are now allowed for like services, to be paid as aforesaid.

Former  
laws.

SEC. 16. *And be it enacted*, That nothing in this act shall be construed to repeal the power heretofore vested in the several levy courts of this state, in and relating to the altering of public roads through the lands of persons petitioning for such alterations.

Case of  
damages to  
be paid by  
the pe-  
titioners.

SEC. 17. *And be it enacted*, That whenever it shall be adjudged by the levy court that the damages, or any proportion of the same sustained by reason of opening, straightening or shutting up any road, shall be paid by the petitioners therefor, the levy court shall not proceed to open or straighten any road until the said petitioners shall have proved to their satisfaction that the said damages, or such proportion thereof as aforesaid, have been fully paid or secured to be paid, the said security to be determined by the levy court, and tendered to the respective persons authorized to receive the same; *Provided always*, that such proof shall be offered within twelve months next after the judgment of the court, and in case the said proof shall not be made within the time above limited, the same proceedings shall be had as if the judgment of the court had been against the petitioners, and the said petition shall be considered as withdrawn by the said petitioners.

Proviso.

Repeal.

SEC. 18. *And be it enacted*, That the act, entitled, an act to empower and authorize the several levy courts of this state to direct the opening, straightening, or shutting up of public roads, passed at December session, eighteen hundred and sixteen, be, and the same is hereby repealed, so far as the same relates to Somerset and Dorchester counties.