

themselves aggrieved by reason of inadequacy of damages or compensation allowed to him, her, or them, by the decision or decree of the said levy court, the party so aggrieved shall have the right of appealing for redress to the county court, in which the case shall be tried by a jury upon issue, or issues, framed under the direction of the court, and therein the party appealing shall be plaintiff, and the levy court of Montgomery county defendant, and the decision of such jury shall be final and conclusive; *Provided*, that the said right to appeal shall cease unless the party shall, within sixty days after the date of the decree of the levy court, file with the clerk of the levy court, notice in writing, that he, she or they claim the right of appealing; and upon the receipt of such notice it shall be the duty of said clerk to transmit to the county court, at their next term, the commission and return, plot and decree, and all other papers filed in the case, to be laid before the jury.

Proceedings directed.

Notice of appeal to be filed, &c.

SEC. 9. *And be it enacted*, That in case the levy court aforesaid, should reject the return of the examiners, all the costs and charges incurred in giving notice as aforesaid, and by allowance to the examiners, to the surveyor, pole and chain carriers, shall be paid by the petitioners, each one of whom shall be answerable for the same, or be levied on the county, in the discretion of the court, either wholly or in such proportion as they may think proper, and if the levy court shall confirm the return of the examiners, then all of the said expenses, together with the whole amount of the damages as assessed and allowed, shall be paid by the levy court as aforesaid, to the persons entitled to receive the same, before the road or any part thereof shall be opened.

Payment of costs incurred.

SEC. 10. *And be it enacted*, That whenever the said levy court, shall, as aforesaid, order and decree that any road shall be opened, straightened or altered, and shall cause a copy of their decree, together with the plot and return, to be delivered to the clerk of the county court, to be recorded, it shall be his duty to record the same among the land records of the county; and the said road, when cleared and opened, shall thereafter be a public highway, and kept in repair as other public roads are.

Plots; recorded.

Public highway.

SEC. 11. *And be it enacted*, That the levy court aforesaid shall have power to fix and allow a reasonable compensation to the examiners appointed as aforesaid, to the surveyor, pole and chain carriers, to be paid as aforesaid, and that they shall have power and authority from time to time to levy upon the assessable property of the county aforesaid, such sum or sums of money as may be a charge upon the county, under and by virtue of this act.

Compensation.

SEC. 12. *And be it enacted*, That all applications for roads now pending in the county court of said county, shall be dis-

Application now pending.