

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 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.

SEC. 19. *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.

SEC. 20. *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.

SEC. 21. *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.

SEC. 22. *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 may be an appeal from the decision of the levy court to the county court; and when a plot of any road or roads, so laid out, shall be returned to, and confirmed by the levy court aforesaid, the same shall be transmitted to the county court of said county, and there recorded among the land records of said county.

SEC. 23. *And be it enacted*, That it shall and may be lawful for the justices of the levy court of Worcester county, on a day