

county court shall have adjudged that the said damages be paid by the county, or such proportion of the said sums as the county court shall have adjudged to be paid by such county, 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 be conveniently done.

When opened and cleared to be a public road.

SEC. 12. *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 for ever thereafter a public road, and shall be kept in repair as other public roads are.

Commissioners' compensation.

SEC. 13. *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 county 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 county, as herein before directed.

Fees of officers of county courts.

SEC. 14. *And be it enacted,* That the officers of the several county courts of this state 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.

Nothing in this act to repeal power vested in levy courts relating to altering roads.

SEC. 15. *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 alteration.

When damages are adjudged to be paid by petitioners, judgment not to be transmitted until damages are paid

SEC. 16. *And be it enacted,* That whenever it shall be adjudged by the county court that the damages, or any proportion thereof, sustained by reason of opening, straightening or shutting up, any road, shall be paid by the petitioners therefor, the clerk of the county court shall not transmit to the levy court a copy of the said judgment as aforesaid, until the said petitioners shall have proved to his satisfaction that the said damages, or such proportion thereof as aforesaid, have been fully paid or tendered to the respective persons authorized to receive the same; *Provided always,* that such proof shall be offered within six 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.

Act repealed.

SEC. 17. *And be it enacted,* That the act, entitled, an act to empower and authorize the several county courts of this state to direct the opening, straightening, or shutting up, of public