

thereof according to its true location, and to mark and bound such road accordingly, giving it the proper width to which it may be entitled, being not less than thirty feet in any case; and they shall make and return to the said county commissioners a plat of such road, with a full report of their proceedings under their hands.

1862, ch. 216.

136. The said examiners, before they proceed to act, shall take an oath to execute the trust reposed in them by the commissions issued to them, faithfully and without favor, affection or partiality; which oath shall be endorsed on the commission and return.

Ibid.

137. After the expiration of ten days from the return of the examiners, the county commissioners, after hearing and considering any objection that may be made, shall proceed to pass judgment thereon, and affirm or reject the same, or order it to be amended, in their discretion, and may continue over their proceedings to their next meeting, and so from time to time, so long as they shall in their judgment think such continuance necessary for the purposes of justice; and the final judgment of said commissioners, or of the judgment of the circuit court in the event of an appeal by any person interested in relation to such road, and the plat thereof as confirmed by said judgment, shall be recorded among the land records of said county by the clerk of the circuit court in a separate book, to be by him provided for that purpose; and for such recording, the said clerk shall be entitled to charge and be paid by the county commissioners, according to the rate for recording such matters, authorized by law; and the re-survey of such road as established and confirmed by the judgment of the county commissioners, or of the circuit court in the event of an appeal, or certified copies of the record thereof, shall be taken and received as full and sufficient evidence of the true location of said roads.

1862, ch. 444.

138. It shall not be lawful for any person in Carroll county to erect buildings or to fence in gardens or burial grounds, obstructing any contemplated county road, when said road has been petitioned for by citizens of Carroll county, until the application has been refused by the county commissioners.