

JOSEPH KENT, ESQUIRE, GOVERNOR

Dec. 22. 1823

Damages
how to be
levied and paid

8. *And be it enacted*, That the said levy court at the time of the final ratification of the return to them made as aforesaid, shall determine whether the damages so as aforesaid to be ascertained, shall be paid by the persons petitioning for the opening, straightening, widening, altering or amending the said road, or levied upon the county; or may direct the said damages to be paid by the petitioners and the county, in such proportion as the said court may deem just.

Secured be-
fore opening
road.

9. *And be it enacted*, That in all cases of proceedings under this act, the damages so as aforesaid to be ascertained, shall be paid to the respective parties or their guardians, before the said road shall be opened, widened, straightened, altered or amended; and in case of the death of any of the parties concerned, and to whom damages may or shall be adjudged, after such adjudication and before the receipt of such damages, the same shall be paid to his her or their executor or administrator: *Provided always*, That the signing of any petition presented to the said court under this act, shall not make any petitioner liable for the payment of the damages to be ascertained by the commissioners in manner aforesaid, or any part thereof.

Proviso.

Declared a
public road.

10. *And be it enacted*, That when any road shall be opened, straightened, widened, altered or amended according to the provisions of this act, and well and sufficiently cleared and made passable, and the said court being satisfied by the examination and certificate of three disinterested freeholders of the said county to be appointed by the said court, that the said road is thus well and sufficiently cleared and made passable, 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 to com-
missioners.

11. *And be it enacted*, That the said commissioners shall be entitled to receive as a compensation for their services and attendance the sum of one dollar per day, which together with all costs and charges arising from the survey and other proceeding in such petition, as also all costs and expenses attendant upon the clearing and making passable as hereinbefore directed of any road, opened, straightened, widened, altered or amended under the provisions of this act, shall in the discretion of the court, be paid in whole or in part by the petitioners, or levied, collected and paid as the damages hereinbefore directed.

When expen-
ces are ad-
judged, to be
paid by peti-
tioners—time
limited, &c.

12. *And be it enacted*, That wherever it shall be adjudged by the said court, that the damages or any proportion thereof sustained by reason of opening, widening, straightening, amending or altering any road shall be paid by the petitioners, it shall be the duty of the petitioner or some one or more of them to prove to the satisfaction of the said court, that the said damages or such proportion thereof as aforesaid, having been fully paid or tendered to the respective parties entitled to receive the same: *Provided always*, That such proof shall be offered, and such road well and sufficiently cleared and made passable as hereinbefore directed, when the same shall be adjudged to be done at the expense of the petitioners, within six months next after the

Proviso.