

Proviso.

tive parties or their guardians, agent or attorney, before the said road shall be opened, and in case of the death of any of the parties concerned, after the valuation made by the examiners, or a majority of them as aforesaid, the damages finally adjudged to him, her or them by the county commissioners, shall be paid to his, her or their executors or administrators; *Provided always*, the signing of any petition presented to the county commissioners under this act shall not make any petitioner liable for the payment of the damages adjudged by the county commissioners, or any part thereof, but the said commissioners may, in their discretion, give judgment against the petitioners for the cost incurred by any person defending against the claim of the petitioners where the case shall be decided in favor of such defendant.

Authority to levy.

SEC. 10. *And be it enacted*, That in all cases where the county commissioners have adjudged that a road be opened or altered, it shall be their duty, at their usual time for levying taxes, to levy on the assessable property of the county a sum of money sufficient to open or alter the said road or roads, as the case may be, and also sufficient to pay the damages aforesaid, in case it shall have been adjudged that the said damages be paid by the county, or such proportion of the said sums as shall have been adjudged to be paid by the county, and it shall be the duty of the county commissioners to cause said road to be opened or altered as soon as the same can be conveniently done.

Width of road.

Declared public road.

SEC. 11. *And be it enacted*, That all roads which may be opened under the provisions of this act, shall be at least thirty feet wide; and when any road to be opened or altered according to the provisions of this act, and well and sufficiently cleared, it is hereby declared, that the same shall be thereafter a public road, and shall be kept in repair as other public roads are.

Compensation of examiners.

SEC. 12. *And be it enacted*, That the said examiners shall be entitled to receive a compensation for their services and attendance not exceeding two dollars a day, to be ascertained by the county commissioners to which the plot or certificate with other proceedings shall be returned, which, together with all charges arising from the survey or attendance of witnesses, or other expenses, shall, in the discretion of the said county commissioners, be paid by the petitioners, or levied, collected and paid by the county, or apportioned between the petitioners and the county as heretofore directed.

Right of appeal.

SEC. 13. *And be it enacted*, That whenever any person or persons shall deem themselves aggrieved by