

CHAP. 253.

sioners aforementioned, to lay out any private road or way as aforesaid, until satisfactory proof shall have been produced, that notice had been previously given by the applicant or applicants, to the parties through whose lands the proposed road or way is to be laid out or located, at least ten days before the said application, which notice shall describe the location to be made.

Apportionment of
award

Sec. 3. And be it enacted, That in any case, where an application shall be made as aforesaid, for a private road or way, where there shall be an estate for life, or term of years, or tenancy from year to year, in the lands through which the said private road or way shall be located, the levy court or board of commissioners, as the case may be, shall be, and they are hereby authorised and required to apportion the amount of compensation awarded by the commissioners appointed as aforesaid, among the parties interested in the said lands, in proportion to their several interests in possession, expectancy, remainder, or reversion, and the several county courts, on appeal, shall have a similar power of appointment as aforesaid.

Compensation

Sec. 4. And be it enacted, That the commissioners to be appointed as aforesaid, to lay out and locate a private road or way, as herein provided, shall each be entitled to receive the sum of two dollars per diem, for each and every day they shall be necessarily engaged in locating said private road or way, and the said commissioners shall be authorised to appoint a competent surveyor to assist them in locating said road or way, and to allow him such compensation for his services as they may deem just and proper, which per diem to the said commissioners, and which compensation to the said surveyor, shall be taxed in the expense of said road, and be paid by the person or persons applying for the same.

Act of 1785 ch. 49
repealed

Sec. 5. And be it enacted, That the act, entitled, an act to declare and ascertain the right of citizens of this State to private roads, passed at November session, seventeen hundred and eighty-five, chapter forty-nine, be, and the same is hereby repealed.