

Dec. Ses. 1821. levy court shall be satisfied that thirty days previous notice has been given, by advertisement set up at the court-house door in said county, also in the neighborhood where the said road is intended to run, describing the same.

Plot—court to levy cost.

17. AND BE IT ENACTED, That it shall be the duty of the said commissioners so as aforesaid appointed by the levy court of said county, or a majority of them, to cause a plot and certificate of said road, so opened, to be made and returned to the levy court of said county, whereupon it shall be lawful for, and the said levy court are hereby enjoined to levy upon the assessable property of the said county, a sum of money such as they may deem necessary for opening the said road, agreeably to the plot and certificate aforesaid; and the said road, when so opened, shall be, and the same is hereby declared to be forever thereafter a public road, and shall be kept in repair as other public roads are.

Roads leading to navigable water—lumber-yards—land to be paid for—public landings—plots—appeal.

18. AND BE IT ENACTED, That on applications for any public road granted under the provisions of this act, in Worcester county, leading to navigable water, it shall be the duty of the commissioners, when directed by the levy court, to lay out a quantity of land for a lumber-yard, at the discretion of the said levy court, not exceeding three acres, to be bounded at the corners for the use of the county; and valuation of damages shall be made by said commissioners for said lot of land; and when levied and collected, shall be paid to the persons entitled to receive the same; and the levy court may, in like manner, on petition as aforesaid for a public landing only, direct the said quantity of land to be laid out, marked and bounded, for a public landing or lumber-yard as aforesaid, and damages to be ascertained, levied and paid as aforesaid; and a plot and certificate of all public roads and landings or lumber-yards as aforesaid, shall be returned to the levy court, and by them transmitted to the clerk of the county court, to be by him recorded among the records of the county; and all such roads, landings and lumber-yards, shall be kept in repair as other public roads are, for the free use of the county; *Provided nevertheless*, That there may be an appeal from the decision of the levy court to the next county court, and the decision of the county court shall be conclusive; and in case the county court shall confirm the decision of the court below, the cost to be paid by the person appealing, otherwise by the county; *Provided*, No road, landing or lumber-yard, shall be laid off under this law, through the yard, garden, building or orchard of any person or persons, without his, her or their consent.

Proviso.

Damages.

19. AND BE IT ENACTED, That the commissioners or a majority of them, shall value and ascertain the damages that may be sustained by each and every person through whose lands the said road may pass, by opening of the same, taking into consideration the advantages and disadvantages of the same; the damages so ascertained shall be levied and collected as other county charges are, and shall be paid over to the persons respectively through whose lands the said road may pass; *Provided*, That no road shall be opened until the said damages shall be paid.

Proviso.

Commissioners to take an oath. 20. AND BE IT ENACTED, That the said commissioners, before they proceed to act, shall take an oath before a justice of the peace, that they will, without favor, partiality or prejudice, assess the da-