

together with a certificate of their qualifications, which may be ratified or rejected or allowed and amended in whole or in part by said County Commissioners; provided, that the County Commissioners shall give ten days' notice at least by publication in one newspaper published in Wicomico County or by ten days' notice at least in writing to each property owner so interested, of the time set for final action on the return of said examiners, and said County Commissioners shall act on said return within twenty days after the expiration of said notice, and may issue new commission, as in their judgment may seem proper; and before proceeding to actually open, widen, extend, straighten or close any such road, drain, water course or landing the County Commissioners shall pay or tender to the person, his agent, guardian or representative the amount of damages so awarded; and if anyone shall feel aggrieved by the decision of the County Commissioners in any matter affected by their decision, he may appeal to the Circuit Court for Wicomico County by giving written notice within twenty days from said decision filed with the clerk of the County Commissioners of his desire to appeal, and on filing of said notice it shall be the duty of said clerk to deliver the papers connected therewith to the Clerk of the said court, and the same proceedings shall be had on the appeal as in cases of appeal from judgments of justices of the peace; provided, nevertheless, that the County Commissioners may decline to open, lay out, extend, widen, grade or straighten any road, drain, waterway or landing, notwithstanding the decision of the said court; but in case of refusal to do so they shall be liable for all costs incurred and shall pay the same; all benefits assessed by virtue of the above provisions shall be prior liens on the respective lots or parcels of ground on which they are assessed from the time of the final ratification of the aforesaid returns, and shall be collected as taxes are now collected or may be collected by action.

Proviso.

Appeal to court.

Benefits to be prior liens.

129. Public roads may be opened, widened or straightened through any building, orchard, garden or yard, but not through any burial ground or cemetery without the permission and consent of the owners thereof in writing at law. On appeal the court or jury may alter the award so returned, whether of damages or benefits, and costs be awarded in the discretion of the court after final notification that plat shall be filed and recorded in the Clerk's office of Wicomico County at the expense of the County Commissioners.

Opening roads through certain property.