

whether, in their judgment, the present road, in said valley, can be so filled up and otherwise repaired and improved as to render travelling on horse back and in wagons practicable, and convenient at all ordinary seasons of the year, and if so to make an approximate estimate of the cost of making such repairs and alterations as they, in their judgment, may consider necessary.

148. If the said commissioners, appointed in the first section of this act, shall determine that the filling up and improvement of the present road along Will's creek is impracticable and inexpedient, then, and in that event, the said commissioners, named in this act, shall have full power and authority to lay out and locate the ground for a new road along the said valley of Will's creek with the same limits and boundaries that are allowed for other county roads. And the said commissioners are hereby fully empowered to contract and bargain with the owners of the lands on which the new road shall be located for the purchase and conveyance of said land to Allegany county for said road. Commissioners' powers.

149. Said commissioners as aforesaid shall report all of their proceeding with their estimates of the probable cost of repairing the old road, and if they should deem a new road preferable, they shall also report to the commissioners of Allegany county the probable cost of said new road. Report.

150. The commissioners of Allegany county are hereby authorized, if in their judgment deemed expedient, to levy at their regular levy term for making levies to meet the county expenses, such sum or sums of money as the said commissioners, named in the first section of this act, shall report to them as being necessary, either to repair the present road or to lay out and make a new road, *provided*, nevertheless, that the commissioners of Allegany county shall not be authorized to levy any part of the money deemed necessary to improve and repair the old road or make a new road, until said county commissioners shall first be made satisfied that one-sixth part of the amount deemed Levy. Proviso New or old road.