

through whose lands the road may pass, if the application shall be for opening or altering a road, by opening or altering the same, taking into consideration the advantages and disadvantages of the same, if any; and they shall make such ascertainment a part of their return to the county commissioners, and the same, with the rest of their proceedings shall be subject to the ratification, rejection or alteration of the county commissioners, in such manner as in their judgment shall be just.

P. G. L., (1860,) art. 28, sec. 23. 1853, ch. 220, sec. 8.

94. The county commissioners shall determine whether the damages adjudged by the examiners shall be paid by the persons petitioning for the road or levied on the county, or may direct that the same be paid by the petitioners and the county, in such proportion as they may deem just.

Ibid. sec. 24. 1853, ch. 220, sec. 9.

95. The damages shall in all cases be paid to the respective parties or their guardians, agents or attorneys, before the 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, the damages finally adjudged to him or them shall be paid to his or their personal representatives.

Ibid. sec. 25. 1853, ch. 220, sec. 9. 1880, ch. 477.

96. The signing of any petition presented to the county commissioners for opening, altering or closing a public road, shall not make any petitioner liable for the payment of any part of the damages adjudged by the county commissioners; but the county commissioners may, in their discretion, give judgment against the petitioners for the costs incurred by any person defending against the claim of the petitioners, when the case shall be decided in favor of such defendant; and the petitioners as aforesaid, shall at all times be held responsible for and shall pay to the several persons entitled to receive the same, all costs and expenses of every kind incurred by and through any proceedings held and taken in accordance with the provisions of this article, in relation to public roads, whenever the county commissioners shall refuse to order the opening, altering or closing of the road as petitioned for.