

accruing to such owner, and may provide for the adjustment and payment of the same.

1882, ch. 201.

**61.** Whenever said commissioners and the owner of any such property cannot so agree, then said commissioners and such owner shall each select one disinterested citizen of the county, who, if they cannot agree, shall call in a third citizen of the county, and they shall visit the property to be affected by the proposed street, and assess the damages and advantages which may accrue to such property or the owner thereof, and they shall make their award in writing to said commissioners and to such owner; and either party may appeal from such award to the circuit court for Kent county; provided, the opposite party be notified of such appeal within thirty days from the date of the award.

Ibid.

**62.** Whenever any owner of such property refuses or declines to act under the preceding section, or is unknown or inaccessible to said commissioners, or incompetent to contract, said commissioners may proceed as directed in the preceding section, after giving public notice of their intention by advertisement in some newspaper published in Kent county for three successive weeks before commencing such opening, widening or extension; except that the county commissioners shall appoint one of the parties to estimate and award said damages and advantages in the place of the owner of the property, and from such award appeals may be taken, as provided for in the preceding section.

Ibid.

**63.** If any such extension, opening or widening of any street be through or over any cemetery or graveyard, before said commissioners proceed to open, widen or extend such street, they shall give notice by advertisement in some newspaper printed in Kent county, once in each of three successive weeks, warning all persons interested in that portion of said graveyard or cemetery, through or over which said street is to run, to remove the tombstones and remains of all persons buried in that portion of said yard, and upon the failure or refusal of the friends or relatives of