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lanes and alleys in said town, and impose a tax on any lot fronting on any street, lane or alley, for the purpose of grading, regulating, paving and repairing the footways in front thereof, or compel, by fine or otherwise, the owners of any lot to pave or repair the footways in front thereof, agreeably to the ordinance to be passed by them, and shall have power to open and establish new streets, lanes and alleys, and straighten and widen old streets, lanes and alleys, and to provide for the payment of damages and expenses incurred for opening and widening or straightening, grading, paving and repairing the streets, lanes and alleys as aforesaid, by laying and assessing the same generally upon the whole of the assessable property of the town over and above the assessment provided for in Section 162 of this Act, or upon the property of person or persons to be benefited thereby, and to be collected as provided for collection of taxes in Section 162 of this Act.

Damages awarded, etc.

Section 160 A. *And be it enacted*, The commissioners may contract and agree with the owner of property, through or over which a street is to be extended, widened or opened, for the amount of damages sustained by or advantages accruing to such owner, and may provide for the adjustment and payment of same.

Duty of commissioners in case of failure to agree.

Section 160 B. *And be it enacted*, That 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.

How commissioners may proceed to estimate damages.

Section 160 c. *And be it enacted*, That 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