

CHAP. 255.

Authority granted

On examination &c.

To open roads

Damages in case of rail tracks

Authority to lay rails

Connect

Payment of damages

hereafter be constructed, to apply to the county court, the levy court, or to the commissioners of the county, as the case may be, to lay out and open a public or private road, or way from such mill, factory, distillery, quarry or kiln to the most convenient place for intersecting such rail road; and upon any such application, it shall be the duty of any county court, levy court, or county commissioners, having authority to open private roads or ways in any of the counties of this State, if after an investigation of the rights and interests of all the parties concerned, they shall think proper to proceed to have laid out and opened, a public or private road or way from any such mill, factory, distillery, quarry or kiln to any rail road as aforesaid in the same manner as other public or private roads or ways may be opened in any of the counties of this State respectively.

SEC. 2. *And be it enacted*, That if any owner or owners as aforesaid shall state in an application for a private road or way, that it is his, her or their desire to lay down thereon a track or tracks of rail way, it shall be the duty of the commissioners or other tribunal, which may be appointed to assess and value the damages which any person or persons will sustain by the opening of such road, to take into consideration the additional damage, if any, which would be caused by the construction of such rail way, track or tracks, and also to determine the place or places at which crossings shall be made over such tracks for the convenience of the owners of the land on either side of such private way or road, and shall specify the same in their return to the court or commissioners by whom they may have been appointed.

SEC. 3. *And be it enacted*, That when any private road or way shall have been opened under the provisions of this act, it shall and may be lawful for the party or parties who may have applied for the same, to lay down a track or tracks of rail way thereon, and with the consent of any incorporated company or individuals, proprietors of any rail road to which such private road may be opened, to connect such track or tracks of private rail way with the same; *provided always*, that the said party or parties shall have first paid or tendered in payment to such persons as may be