

ted, through the farm of said Cramer, but which is not yet opened, and to ascertain and report to said court, whether the same can be so altered and changed as to inflict less injury on the said Cramer, without affecting the public convenience; and if the said commissioners or a majority of them, shall be of opinion that said part of said road can be so altered, and shall so report to the said court, the said court shall order the location of said road to be changed accordingly; and the said commissioners shall ascertain and report the amount of damages, that the said Cramer, and any other person, through whose land said road shall pass, will sustain, by the opening of the same, and the said damages shall be paid in the same manner as is provided by the act, entitled. "an act to regulate the manner of obtaining and altering public roads in this State, passed at December session eighteen hundred and eighteen, chapter eighty-nine, and the supplements thereto;" and such damages so ascertained, so far as regards the said Cramer, shall be received by him in lieu of the damages now assessed for him on account of the present location of said part of said road.

CHAP. 266

Change authorised

Ascertainment and report of damages

How paid

Cramer's portion

Sec. 2. *And be it further enacted,* That if the said commissioners, or a majority of them, shall report unfavorably to any alteration of said road from its present location, that then and in that event, the same shall not be altered or changed, unless the said Cramer, can by sufficient proof, satisfy the said court that the facts stated in the petition, claiming the alteration, are true, and that such alteration ought to be made, in which event the said court shall order accordingly, and shall assess the damages, if any, to be paid to said Cramer, or any other person through whose land the said road may pass, and order them to be paid as other damages, as hereinbefore stated.

Case of their disapproving of a change

Appeal to Levy court

Discretionary power to them

Sec. 3. *And be it further enacted,* That the said road as now located shall not be opened through the farm of said Cramer, until after the meeting of the next levy court of said county, and until the said Cramer has filed his petition, and had the same disposed of by said court, as hereinbefore directed; *provided* that said Cramer, files the same at the next meeting of said court and proceeds under the same with as little delay as practicable.

Opening deferred