

SEC. 4. *And be it enacted*, That said commissioners are hereby empowered to hear and determine all road cases now pending before them, and the same when decided shall be as valid as if the requirements of the act of eighteen hundred and forty-five, chapter one hundred and eighty-five had been literally pursued.

Commissioners may direct.

SEC. 5. *And be it enacted*, That so much and such part of the third section of the act passed at December session, eighteen hundred and thirty, chapter seventy-five, as requires publication in all the newspapers printed in said county, be and the same is hereby repealed, and that from and after the passage of this act, the provisions of said section shall be gratified by advertisement of the matters therein specified in such newspapers printed in said county, as the commissioner of said county may direct.

SEC. 6. *And be it enacted*, That the expenses of the publication required by the first section of the act of eighteen hundred and thirty-four, chapter one hundred and sixteen, shall not be allowed and taken by the commissioners of Washington county, as part of the costs of any road cases, but said expenses shall be paid by the petitioners for said road.

Expenses to be paid by petitioner.

SEC. 7. *And be it enacted*, That in all cases of appeal under the provisions of the act passed at December session, eighteen hundred and thirty-four, chapter one hundred and sixteen, the party or parties appealing be plaintiff, and the party or parties in whose favor the decision of the commissioners was given shall be defendant, and the costs of such appeal, together with all other costs incurred in such road case, shall be paid by the party or parties who may fail upon said appeal, in the county court; *provided*, such failure on appeal as aforesaid did not occur by reason of a defect in the proceedings of the board of commissioners, their officers, or the examiners appointed to examine and locate said road or roads, and the clerk of Washington county court is hereby required to tax all the costs aforesaid to the party or parties who may fail in said appeal, and the commissioners of said county shall in no way be held responsible for or liable to said cost.

Expenses to be paid by parties applying.

Proviso.

SEC. 8. *And be it enacted*, That all acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealed.