

CHAP. 628.

May appeal
to the
Circuit Court
for redress.

action on the return of said examiners, and said County Commissioners shall act on said return within twenty days after the expiration of said notice, and may issue a new commission, as in their judgment may seem proper; and before proceeding to actually open, widen, extend, straighten or close any such road, drain, water-course or landing, the County Commissioners shall pay or tender to the person, his agent, guardian or representative, the amount of damages so awarded, and if any one shall feel aggrieved by the decision of the County Commissioners in any matter affected by their decision he may appeal to the Circuit Court for Wicomico County, by giving written notice within twenty days from said decision, filed with the clerk of the County Commissioners, of his desire to appeal; and on the filing of the said notice, it shall be the duty of the said clerk to deliver the papers connected therewith to the clerk of the said Court; and the same proceedings shall be had on the appeal as in cases of appeal from judgment of justices of the peace; provided, nevertheless, that the County Commissioners may decline to open, lay out, extend, widen, grade or straighten any road, drain, waterway or landing, notwithstanding the decision of the said Court, but in case of refusal to do so, they shall be liable for all costs incurred and shall pay the same. All benefits assessed by virtue of the above provisions shall be prior liens on the respective lots or parcels of ground on which they are assessed from the time of the final ratification of the aforesaid returns, and shall be collected as taxes are now collected, or may be collected by action at law. On appeal the Court or jury may alter the award so returned, whether of damages or benefits, and costs be awarded, in the discretion of the Court. After final ratification the plat shall be filed and recorded in the clerk's office of Wicomico county, at the expense of the County Commissioners. And the County Commissioners shall have the right and power to condemn and acquire land adjacent to or near any county or public road, the material on which shall be deemed necessary or to be used in constructing or repairing any county or public road, in the same manner and by the same means as in this section provided for the opening, closing, extending, widening and straightening of county or public roads.

Plat to be
filed and
recorded.

Public roads
may be
opened, etc.

Section 124. Public roads may be opened through, widened or straightened through any building, orchard, garden or yard, but not through any burial ground or cemetery without the permission and consent of the owners thereof in writing.

Section 125. The supervisors of roads shall be under the control of the County Commissioners, and the County Com-