

most contiguous to the road to be opened, straightened or shut up, and such notice as aforesaid shall be deemed sufficient.

CHAP. 236.

Sec. 2. *And be it enacted*, That it shall be the duty of the clerk of the county to notify the levy court, or county commissioners, as the case may be, of all returns made by the commissioners in relation to the opening, straightening or shutting up of any roads, who shall be authorised to appear, by agent or attorney, in behalf of the county, and if they can show or make appear to the jury or court, as the case may be, that the public convenience does not require said road to be opened, straightened or shut up, then, and in that case, no such road shall be opened.

Appearance in behalf of county.

Sec. 3. *And be it enacted*. That the county court to whom such return of the commissioners shall be made, shall have power to determine whether the costs which may have heretofore accrued, or may hereafter accrue, by reason of the issue of any commission for opening, straightening, or shutting up, any public road, and the proceedings thereon, shall be paid by the petitioner, or levied on the county.

Costs to be assessed.