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carts, wagons, wains and carriages, and beasts of draught or burthen, to enter upon the lands in and over, and contiguous to, and near which the said route and tract of the said intended road may pass, first giving notice of their intention to the owner, owners, or occupiers thereof, and doing as little damage as possible, and repairing any breaches they may make in inclosures thereof, and making amends for any damages that may be done to any improvements, upon reasonable agreement, if they can agree, or if they cannot agree, then upon the appraisement, on oath, of three disinterested freeholders, or any two of them agreeing, to be mutually chosen by the parties, or if the owner or owners shall refuse or neglect to enter into such choice, or shall be an infant, *non compos*, or out of the state, then by application to a disinterested justice of the peace of the county where such appraisement shall be made, who shall forthwith issue his warrant to three persons, qualified as aforesaid, who shall immediately thereafter appraise and value all such materials and damage to inclosures in removing the same, and shall make out a certificate, under the hands and seals of them, or any two of them, and return it to the magistrate who issued such warrant, whose duty it shall be to enter the same on his docket, there to remain as evidence of the debt, so appraised and assessed, and upon payment of such appraised value, or being ready to pay the same, to dig, take, and carry away, any stone, earth, gravel, clay, or other materials there being most conveniently situated for making or repairing said road.

Bridges to be
erected, &c.

12. AND BE IT ENACTED, That the said managers and company shall have power to erect permanent bridges over all creeks, as well as all the waters crossed by said route or tract, whereon the same shall be found necessary, and cause a road to be laid out not more than sixty feet in width, beginning near the city of Baltimore as aforesaid, and proceeding in the route aforesaid, and cause twenty-two feet in width to be made an artificial road, which shall be bedded with wood, stone, gravel, clay, or other proper and convenient materials, well compacted together, a sufficient depth to secure a solid foundation for the same; and said artificial road shall be faced with gravel or stone pounded, or other hard substance, in such manner as to form an even road, a little arched in the middle, and so level in its progress that it shall no where rise or fall more than will form an angle of four degrees on an horizontal line, and shall for ever hereafter maintain and keep the said road in good and perfect order and repair.

Damages to be as-
certained.

13. AND BE IT ENACTED, That if the said road shall be founded and laid out over and upon any land whereby the owner or owners thereof may suffer damage, the person or persons sustaining such damages may make application to the judges of the county court, or in the recess thereof to any judge of said court, where such damages have been committed and claimed, and thereupon the court or judge shall direct five disinterested freeholders, who shall view the same, whose duty it shall be to take into consideration the benefit and advantage that will be derived to the owner of said land from the road passing through the same, and assess the damages accordingly; and the said appraisers shall make out a certificate, upon oath, of the amount of damages by them assessed, and make return thereof to the said court or judge who shall have issued the