

## CHAP. 186.

Authority to construct—dimension &c.

Sec. 6. *And be it enacted*, That the President and Directors who may be chosen in the manner herein before provided for, be and they are hereby authorised and empowered to cut, dig and make the said turnpike road from the city of Frederick, in Frederick county, through Smithsburg, in Washington county, to the Pennsylvania line as aforesaid, as may be deemed most advantageous, passing in and through Smithsburg as aforesaid, not exceeding fifty feet in width, of which twenty feet shall be an artificial road, so as not to interfere with any previous rights, grants or charters, without free consent of the parties, the said President and Directors first obtaining in writing the consent of the owners of the land through which such turnpike road shall pass, or if such consent cannot be had, and if it be necessary that said turnpike road should pass through the land of any person refusing his, her or their consent as aforesaid, then the President and Directors, on behalf of the company, shall apply to a justice of the peace for said county, which said justice shall thereupon issue his warrant, directed to the sheriff of the county, commanding him to summon twelve disinterested persons, qualified to serve as jurors in the county court, to meet at the proper place as directed by the said justice, and the said sheriff shall qualify the said persons either by oath or affirmation as the case may be, justly, truly and impartially to value the damages which may be sustained, as well as the advantages, by the owner or owners of said land, and make true inquisition and return of the amount of damages which may be sustained by the owner or owners of said land, under their hands and seals, to the justice who issued the warrant, and that the decision of the said jurors shall be final: *Provided*, that the said turnpike road shall not pass through the house, yard, grist mill or saw mill of any person.

Consent required

Or proceedings directed

Proviso

Further authority to construct

Sec. 7. *And be it enacted*, That upon the President and Directors paying to the owners of the land the sum so awarded by the jurors aforesaid, as the case may be, they shall have power to cut, dig and make the turnpike road aforesaid through such land in the same manner as if the consent of the owner had been given thereto; and that the said President and Directors be empowered to erect and make bridges and viaducts over all such streams or water courses as may be thought necessary for the benefit of said turnpike road, so as not to obstruct the free current of said streams or water courses.