

the consent of the corporate authorities of each town or city, to be evidenced as provided in the case of county commissioners.

1904, art. 23, sec. 350. 1888, art. 23, sec. 239. 1868, ch. 471, sec. 112.

**389.** When such corporation shall desire to locate the bed of a turnpike or plank road elsewhere than on the bed of existing county roads, it may agree with the owners of lands for the right of way, or obtain the same by condemnation.

See sections 126, 250, 269, 398, 399, *et seq.*

*Ibid.* sec. 351. 1888, art. 23, sec. 240. 1868, ch. 471, sec. 113.

**390.** Every agreement for a right of way through land shall be in writing, acknowledged before a justice of the peace, and recorded by the corporation amongst the records of the county or city in which the lands lie, within six months after its date.

*Ibid.* sec. 352. 1888, art. 23, sec. 241. 1868, ch. 471, sec. 114.

**391.** Before any turnpike or plank road shall be constructed the corporation shall cause a plat of the same, describing the termini and the proposed location, to be made and recorded in the clerk's office of the county in which the same may be located, and in the clerk's office of every city and county into or through which the same may be proposed to pass, in case the road to be constructed by said corporation is to pass to or through more than one county.

*Ibid.* sec. 353. 1888, art. 23, sec. 242. 1868, ch. 471, sec. 115.  
1894, ch. 607. 1908, ch. 451.

**392.** It shall be the duty of all companies, which may have been or may hereafter be incorporated under any law or laws of this State, to make any turnpike, plank road or other toll road or roads to keep and maintain the same in such good order and repair and of such width as required by the terms of the law under or by which incorporated; and if any such company shall fail to keep its road in such good order and repair or of the width required by the terms of its charter, or of the provisions of this article, if incorporated hereunder, for a space of fifteen days, any person or persons may file a petition under oath in the circuit court for the county and the superior court of Baltimore city in which the part of such road not in good condition and repair, or not of the width or of the material required by its charter, or by the laws by which it has been incorporated, lies alleging the failure of such company to keep its road-bed in good order and repair or of such required width, whereupon any judge of the court in which such petition may be filed may and shall pass an order requiring the corporation against which such petition is filed to show cause on or before a certain day not less than five nor more than ten days from the service of notice upon it why the prayer of the petition should not be granted; and, provided, that a copy of such petition and of such order be served upon such corporation; and either upon default of such corporation to show