

sheriff and clerk shall be entitled to receive the same fees for services under this act, as they are allowed in similar cases; and the persons summoned as jurors shall receive one dollar per day during their attendance, which fees and allowance shall be paid by the said company; and the said company, or their agents, shall have power to remove said materials across any lands, not in meadow or grain, upon paying a reasonable compensation to the owner or owners, for any injury or damages to be ascertained by a jury, as above, in case it cannot be obtained by agreement.

Width of road. SEC. 11. *And be it enacted*, That the said company shall cause the said road to be laid out and opened, which said road shall be fifty feet in width between the fences, and shall cause twenty-four feet thereof to be graded in a proper manner, so that the elevation at any one point shall not exceed five degrees, and shall either cause ten feet or more of the graded portion to be made an artificial road of stone or gravel, in manner following, that is to say: that the stone or gravel shall have an average thickness of six inches, said average to be estimated along the line of four consecutive miles, finished and prepared for public use, as far as is consistent with the nature of the ground, or they shall cause nine feet or more of said graded portion to be made an artificial road of plank, upon the plan, style, depth and level of the Westminster and Emmitsburg plank road, or they shall construct said road part of stone and part out of plank, according to the above descriptions and specifications respectively, as far as the nature of the ground will permit; and shall during the continuance of the incorporation, maintain and keep the said road in good and perfect order and repair.

May direct old road to be closed. Proviso. SEC. 12. *And be it enacted*, That it shall and may be lawful for the county commissioners of Frederick county, upon the application of any person or persons, through whose lands the old bed of the road passes and which may not be occupied by the road herein authorised to be made, to order and direct the same or such parts thereof to be closed; *Provided*, the public convenience does not require that the same or such part be kept open, and in case any person or persons shall consider himself or themselves aggrieved by the orders of the said county commissioners, such person or persons may appeal to the next circuit court of said county, when the case shall be tried in the manner now prescribed in cases of objections filed to applications for public roads.