

but if the owner and the County Commissioners shall fail to agree, then the said County Commissioners shall have such power and authority to condemn the land for such outlet or water course as is now or hereafter may be conferred by the Code of Public General Laws of the State for condemning public highways, and the said County Commissioners shall appoint three examiners to go over such proposed outlet or water course for such drainage, who, or a majority of whom, shall estimate the damage of the owner or owners of the land through which the said outlet or water course may be opened, and the County Commissioners shall tender to the owner or owners of said land the amount of damages so estimated or ascertained by said examiners, or a majority of them, and so soon as the same is tendered to the owner or owners of said property the said county road engineer shall immediately cause such water course to be opened; said county road engineer shall furnish said examiners with a plat showing the proposed location and profile of such inlet or water course, and for the purpose of making such plat or profile the said county road engineer is authorized to go upon any private property through which said proposed outlet or water course shall pass and to make whatever survey or surveys he may deem necessary for such purpose; provided, that any such outlet or water course shall not be opened so as to pass through the buildings, garden, yard or burial yard of any person without the consent of the owner in writing.

237. Any person placing any obstructions upon the public highways or hedges, roads, lanes, streets, avenues, or alleys of Somerset county, or interfering with or obstructing the said ditches, or drains thereof, or encroaching upon the same with fences or other obstructions, or any person or corporation, its agents or employes, exercising the business of a common carrier, permitting his or its vehicles, or steam or other engines or cars to obstruct any crossing for more than five minutes for any one time, it shall be guilty of a misdemeanor, and shall be liable to arrest and prosecution at the instance of the county road engineer of Somerset county or any road official, his or their representative, or at the instance of any taxpayer of the county, and upon conviction by any justice of the peace, exercising criminal jurisdiction in Somerset county, shall be fined in an amount not less than one dollar for each offense. Any person arrested under this section shall have the right to elect that his case be carried to the Circuit Court for trial. All fines collected under this section shall be paid into the general road fund of the county.