

upon the value and price to be paid for the same, then such consent and agreement shall be entered in the books of the County Commissioners, and the outlet or water course shall be opened by the said County Road Superintendent, in accordance with said agreement; but if the owner and 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 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 Superintendent shall immediately cause such outlet or water course to be opened; said County Road Superintendent shall furnish said examiner with a plan, showing the proposed location and profile of such outlet or water course, and for the purpose of making such plan or profile the said County Road Superintendent is authorized to go upon any private property through which said proposed outlet or water course shall pass and make whatever survey or surveys he may deem necessary for such purpose; provided that such outlet or water course shall not be opened so as to pass through the buildings, garden, yards, or burial yard of any person without the consent of the owner in writing.

SEC. 237. Any person or corporation placing any obstructions of any kind whatsoever upon the public highways or bridges, roads, lanes, streets, avenues or alleys of Somerset County, or interfering with or obstructing any of the ditches or drains thereof, or encroaching upon the same with the fences or other obstructions, or any person or corporation, its agents or employees, exercising the business of a common carrier, permitting his or its vehicle or steam or other engines or cars to obstruct any crossing for more than five minutes for any one time shall be guilty of a misdemeanor, and shall be liable to prosecution at the instance of the County Road Superintendent of Somerset County, or at the instance of any tax payer of said county, and upon conviction by any Justice of the Peace exercising criminal jurisdiction in Somerset County, shall be fined in