

mare or gelding which may pass through the toll gate, whether led or ridden, or whether driven, attached to a vehicle of pleasure or of burden, the sum of one cent for every mile, and in that proportion for any greater or less distance traveled, unless the vehicle drawn, shall have a tire over three inches and one-half in width, in which case one-half the above rate shall be charged; *Provided, however,* that no less than one-half cent shall be charged per horse or mule for passing through said gate; and for every score of cattle, sheep or hogs, or other stock, such rate of toll as is now allowed by law to be received by the Baltimore and Reisters-town Turnpike company, and the said company shall have the same powers to enforce the collection of the said tolls as are given to other turnpike companies in this State. CHAP. 274.

Proviso.

SEC. 12 *And be it enacted,* That the said company may purchase and hold, use and occupy for the purpose of a gate-keeper's house, a parcel of land not exceeding one acre in extent, contiguous to the line of said road, and at such point as they may select for such gate, and if they cannot agree with the owner of such adjoining land, or if the owner be absent from the country or incompetent to convey such land, then the said company may procure the same, to be condemned as provided in the next succeeding section. House, &c.,
for gate-
keeper.

SEC. 13. *And be it enacted,* That if the said company shall not be able to agree with the owner or owners of any land, over or through whose land the said road may be made, or whose lands may be wanted by the said company, for a site for a toll keeper's house, or if such owner be absent from the county, or incompetent to contract, any justice of the peace, upon application of the company, shall issue his warrant to the sheriff of the county, directing him to summon twenty disinterested persons, qualified as jurors, to meet at the place where the land sought to be condemned lies, four of whom may be stricken off the panel by the said company, or their agent, and four by the person or persons interested, or their agent, or in the absence or on the refusal of either by the sheriff, and the said sheriff shall qualify the remaining twelve, either by oath or affirmation, justly, truly and impartially to value the damages which will be sustained by the owner or owners of such land, by reason of the Land, &c., for
purposes of
the company
—how obtain-
ed.