

as the said President and Directors may deem them necessary, so as not to interfere with any previous grants, charters, or rights, without free consent of the parties, the said President and Directors, first obtaining in writing, the consent of the owners of the land through which said turnpike road shall pass, or if such consent cannot be had, and if it be necessary that said turnpike road shall pass through the land of any person refusing his, her or their consent as aforesaid, then the President and Directors on behalf of the company, shall apply to a justice of the peace for said county, which said justice shall thereupon issue his warrant, directed to the sheriff of the county, commanding him to summons twelve disinterested persons, qualified to serve as jurors in the county court, to meet at the proper place on the premises, to be valued not less than ten days after the date of the warrant shall qualify the said persons either by oath or affirmation as the case may be, justly truly, and impartially, to value the damages which may be sustained by the owners of said land, and make true inquisition and return of the amount of damages, taking into consideration the advantages and disadvantages if any, which may be sustained by the owner or owners of said lands under their hands and seal, and the hand and seal of the sheriff, to the clerk of Allegany county court, and unless good cause be shown against the said inquisition, it shall be affirmed by the said county court, and recorded, but if the said inquisition should be set aside, or if from any cause no inquisition should be returned to such court within a reasonable time, the said court may at its discretion as often as may be necessary, direct an other inquisition to be taken in the manner above prescribed, and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the lands by them valued, and the quality and duration of the estate in the same, required by the company for its use; *provided* ^{Provises.} *nevertheless*, that no such inquisition shall be taken unless previous notice of the time and place of taking the same, shall be given to the person or persons interested in the lands about to be condemned by personal service of such notice on him, her or them; or by leaving such notice at his, her, or their place of abode, or by inserting the same for three successive weeks, in some newspaper published in Cumberland; *provided*, that the said turnpike road shall not pass through the house, yard, or grist mill, or saw mill, of any person or any other tenement, or orchard or garden.

SEC. 7. *And be it enacted*, That upon the president and directors paying to the owners of the said land, the sum so awarded by the jurors aforesaid as the case may be, they

Upon paying sums awarded by jurors, the company may cut road, &c.