

CHAP. 231. SEC. 6. *And be it enacted*, That the president and directors who may be chosen in the manner hereinbefore provided for, be and they are hereby authorized and empowered to cut, dig and make said turnpike road from the town of Cumberland by the nearest and most practicable route to the Pennsylvania line, in the direction of Bedford, Pennsylvania, not to exceed sixty feet in width, the said road to be graduated in such manner that the acclivity or declivity thereof, shall not in any case exceed five degrees, the width of the said road may be varied so that it shall not exceed thirty feet, nor be less than twenty feet through level ground, and it shall be raised in the middle one twenty-fourth part of its breadth, but in passing along declivities it may be flat; bridges, side-ditches, gutters and an artificial bed of stone or gravel shall be dispensed with, except in such instances as the president and directors may deem them necessary, so as not to interfere with any previous rights, grants or charters, without free consent of the parties, the said president and directors first obtaining the consent in writing of the owners of the land through which said turnpike shall pass, or if such consent cannot be had, and it be thought necessary that said turnpike road should pass through the land of any person or persons 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 a 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 owner or owners of said land, and make true inquisition and return of the amount of the 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 seals, and the hand and seal of the Sheriff, to the clerk of Allegany county court, and unless good cause be shewn 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 shall be returned to such court, within a reasonable time, the said court may at its discretion, as often as may be necessary, direct another 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 land by them valued,