

shall be condemned by the said commissioners, appointed as aforesaid to lay out said road, shall apply to the president and directors for any satisfaction for the addition of the forty-six feet to the present legal breadth of the said road, the said president and directors, or a majority of them, may agree with the owner or owners of said land, for the purchase of the additional quantity required; and the said president and directors may agree with any owner or owners of land through which the said road may be newly carried, for the purchase thereof, and in case of disagreement, or in case the owner shall be a *feme-covert*, under age, or *non compos*, or out of the state or county, on application to any one justice of the county in which such lands may lie, the said justice shall issue his warrant, under his hand, to the sheriff of his county, commissioning him to summon twelve freeholders, inhabitants of the said county, not related to the said owner, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, of which five days notice shall be given by the said sheriff to the owner of the said land, or left at his last place of abode, or given to his or her guardian, if an infant, or if out of the state or county, by publishing notice thereof not less than eight weeks successively in the George-town or one of the Baltimore papers; and the sheriff, on receiving the said warrant, shall then summon the said jury, and when met, shall administer an oath, or affirmation, to every jurymen, who shall swear, or affirm, as his case may require, that he will justly, faithfully and impartially, value the lands, and all damages the owner thereof will sustain by the road passing through the same, having regard to all circumstances of conveniencies, benefits or disadvantages, according to the best of his skill and judgment, and the inquisition thereupon taken, shall be signed by the sheriff, and seven or more of the said jury, and shall be conclusive, and the same shall be returned to the clerk of the county, to be by him recorded at the expence of the said company; and the valuation expressed in such inquisition shall be paid by the said president and directors to the owner of the lands, or his legal representative, before the said president and directors shall proceed to open the said road.

XII. AND BE IT ENACTED, That in all cases where stone, gravel or other materials, shall be necessary for making or repairing the said road, the said president and directors, or a majority of them, may agree with the owner or proprietors of the said materials for the purchase of the same, or with the said owner or owners of the land on which the same may be, for the purchase of the said land, and in case of disagreement, or in case the owner should be a *feme-covert*, under age, or *non compos*, or out of the state or county, on application to one justice of the county in which such materials may lie, may proceed in all respects in the same manner for condemning the said materials for the use of said road, as in the like cases where lands are directed to be taken and condemned as aforesaid, for making the said road; and the said parties respectively shall have the same benefit and advantage of the said proceedings as they will have under and in virtue of the said provision for condemning land herein before mentioned.

And also for
stone, gravel,
&c.

XIII. AND BE IT ENACTED, That if the said road shall be carried through any fields of ground in actual cultivation, such fields shall not be laid open, or used as a public road, until after the usual time of taking off crops then growing thereon.

Fields not to be
laid open.

XIV. AND BE IT ENACTED, That if any person shall alter or change, or in any manner obstruct or encroach on, the said public road, or any part thereof, or cut down and destroy any turnpike gate, or cut, destroy, deface or remove, any mile stones set up on said road, or put or place any rubbish, dirt, logs, stones, or any other obstruction in the said road, or make any pit or hole therein, such person may be indicted in the county court, and being thereof convicted, shall be fined or imprisoned, in the discretion of the court, according to the nature of the offence; and the president and directors shall cause any obstructions or nuisances on the said road to be removed, and shall restore the same to its proper state and condition.

Penalty for al-
tering the
road, &c.

XV. AND BE IT ENACTED, That as soon as the road shall be completed in the manner directed by this act, the president and directors shall forthwith transmit to the governor and council a full and fair account of the cost of said road, and the amount of tolls received previous to its completion, and shall annually thereafter transmit to the governor and council a yearly account of the tolls received and expences incurred on said road.

An account to
be transmitted,
&c.

XVI. AND BE IT ENACTED, That the said directors may cause to be set up and erected such number of gates or turnpikes across the said road, at such places as they may think proper, and may take and receive for passing the said turnpike gates, set up on the said road next the town of Baltimore, and city of Washington respectively, for every coach, or other four wheeled riding carriage, the drivers, passengers and horses, not exceeding thirty cents; for every two wheeled riding carriage,

Directors may
set up gates,
&c.