

C H A P.

LXIX.

A road to be
laid out, &c.

X. And be it enacted, That the said company shall cause a road to be laid out sixty-six feet wide, twenty-one feet whereof in breadth, at least, shall be made an artificial road, which shall be bedded with wood, stone, gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and the said road shall be made so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall for ever thereafter maintain and keep the same in good and perfect order and repair.

President, &c.
may agree
with owners
applying for
satisfaction,
&c.

XI. And, whereas the widening and streightening the old roads, making the new, may cause damage to the owners of the lands through which the said road may pass, and it is reasonable and just the owners should, if they require it, receive a reasonable compensation therefor, Be it enacted, That if the proprietors of the lands through which the present road now passes, and which 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.

And also for
stone, gravel,
&c.

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 shall 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.

XIII. And