

the said president and directors to the owner of the said lands, or his legal representatives, before the said president and directors shall proceed to open the said road.

C H A P.
LXV.

XI. And be it enacted, That in all cases where stone, gravel, or other materials, shall be necessary for making and repairing the said road, the said president and directors, or a majority of them, may agree with the owners 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 be, 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.

XII. And be it enacted, That if the said road shall be carried through any fields in actual cultivation, such fields shall not be laid open, or used as a public road, until after the usual time of taking off the crops then growing thereon.

Fields not to
be laid open.

XIII. 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, 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, stone, 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, for the use of the corporation, and 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 on
persons alter-
ing the road,
&c.

XIV. 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 costs of said road, and the amount of tolls received previous to their 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 transmit-
ed, &c.

XV. And be it enacted, That the said president and 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 to the city of Baltimore, Frederick-town, Elizabeth-town and Williams-Port, 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, the driver, passengers and horses, not exceeding fifteen cents; for every waggon, or other carriage of burthen drawn by horses, mules or oxen, not exceeding three cents per horse, mule or ox; for every horse and rider, not exceeding three cents; for every single horse, camel, ass or mule, not exceeding one cent; and for black cattle, each not exceeding one half cent; for every score of sheep or hogs, at the rate of ten cents the score; and the said president and directors may impose such tolls as they may think reasonable on passing any other of the said gates or turnpikes; provided, that the said president and directors do not exact or receive, for passing the said road between the said toll-gates next to the city of Baltimore, Frederick-town, Elizabeth-town and Williams-Port aforesaid, for every coach, or other four wheeled riding carriage, the driver, passengers and horses, passing the said gates or turnpikes, more than four cents per mile; for every two wheeled riding carriage, the driver, passengers and horses, not exceeding two cents per mile; for every waggon, or other carriage of burthen, drawn by horses, mules

Gates may be
set up and
tolls received,
&c.