

C H A P.  
LXX.

and honestly, value the lands, and all damages, if any, the owner thereof will sustain by the road passing through the same, having true regard to all circumstances of conveniencies, benefits or disadvantages, according to his skill and judgment; and the inquisition thereupon taken shall be signed by the sheriff, and seven or more of the 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 said lands, or his legal representatives, before the said president and directors shall proceed to open the said road.

And also for  
stone, gravel,  
&c.

XIII. **And be it enacted,** That in all cases where stone, gravel, or other materials, shall be necessary for making and repairing the said roads, the said president or 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 roads as in the like cases where lands are directed to be taken and condemned as aforesaid for making the said roads, 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.

Fields not to  
be laid open.

XIV. **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 public roads, until after the usual time of taking off crops then growing thereon.

Penalty on  
persons alter-  
ing the road,  
&c.

XV. **And be it enacted,** That if any person shall alter or change, or in any manner obstruct or encroach on, the said public roads, or any part thereof, cut down and destroy any turnpike gate, or cut, destroy, deface or remove, any milestones set up on said roads, or put or place any rubbish, dirt, logs, stone, or any other obstruction, in the said roads, 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 direction 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.

An account to  
be transmit-  
ed, &c.

XVI. **And be it enacted,** That as soon as the roads 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 roads, 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 roads.

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

XVII. **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 roads at such places as they may think proper, and may take and receive, for passing the said turnpikes, the tolls and rates herein after mentioned, and may stop any person riding, leading or driving, any horses, cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every space of ten miles in length of the said road the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of sheep, one eighth of a dollar; for every score of hogs, one eighth of a dollar; for every score of cattle, one quarter of a dollar; for every horse and his rider, or led horse, three cents; for every sulky, chair or chaise, with one horse and two wheels, one eighth of a dollar; for every chariot, coach, stage, waggon,