

article, either before a justice of the peace or in the Circuit Court for Allegany county, whichever may have jurisdiction over the amount claimed, and if such proprietor live out of this State, a service of a summons upon the driver of such stage or coach, shall be sufficient service upon the proprietor.

129. The toll-gatherer at toll-gate number one shall keep an account of the number of times such coaches or stages pass through said gate monthly.

130. Where land is necessary for the erection of toll-gates, or stones or other materials for the repair of the said road, the superintendent may agree with the owner of such land or materials, not exceeding in the case of land five acres in quantity, for the purchase thereof, and obtain a conveyance thereof to the State of Maryland.

131. If the superintendent cannot agree with such owner, or if the owner be incapable of acting, or out of the State or county, the superintendent may apply to a justice of the peace for said county, who shall appoint three freeholders of said county, who shall, under oath, appraise and value such land or materials, and the damage which may be sustained by the owner thereof, and return a certificate thereof to the clerk of the Circuit Court for Allegany county; and the superintendent shall deposit such appraised value with the said clerk, to be paid to the party to whom the same may be awarded to be due, upon the order of the said court or the judge thereof being given for such payment, and upon such return and report being made and money paid, the title to the said land or materials shall vest in the State of Maryland.

132. If the State or any party interested shall be dissatisfied with the valuation so made, the State or such party may, within ten days after the return of such certificate, file objections generally thereto and pray a review thereof, and the court shall thereupon order jurors to be summoned in number and according to the rules practised in jury trials; in actions at law in said court, and may pass such orders as to the time and conduct of such trial as to the court may seem proper, and exercise the same discretion as to new trials after verdict, as in other cases.

133. Upon the final verdict of the jury in the premises, the court shall confirm the said verdict for such amount of damages