

stake out the same in such manner as the said Trustees shall think necessary and expedient, without being deemed a trespasser or trespassers, and without being subject or liable to any fine, penalty or punishment, for entering or continuing upon such lands or premises respectively for any of the purposes of this Act; and if any person shall pull up, remove, or destroy any stakes or other marks used for the purposes aforesaid, every person so offending shall forfeit and pay for every such offence a sum not exceeding twenty shillings: *Provided always*, That it shall not be lawful for the Commissioners appointed under and by virtue of this Act, in altering or diverting the course of any part of the Turnpike roads, under their care and management, to take or pull down any dwelling house, or to take and make use of any orchard, garden, planted walk or avenue to a house, or any enclosed ground planted as an ornament or shelter to a house, or set apart as a nursery for trees, or any part thereof respectively, without the consent of the owner or proprietor thereof in writing first had and obtained: *Provided always*, That if the owners or occupiers of any lands or grounds taken by the Commissioners for the purposes of this Act, shall not be satisfied with the allowance offered, the same shall be decided by a jury of the District in which such road shall be situated, at the Court of Quarter Sessions, to be impannelled and sworn for that purpose at the request of the party aggrieved, and if such verdict shall not exceed the amount offered, the owner of the said land shall pay the costs of the Court on the assessment of such damages; and in case the verdict of the said jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners out of any moneys in their hands for the purposes of the said Act.

Persons removing stakes or marks to be fined.

Certain grounds prohibited being used.

If Owners of lands are not satisfied with compensation tendered the Court of Quarter Sessions to determine.

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