

CHAP. 51. tract of the road so originally laid down, and improve the shorter and less expensive route; *Provided also*, that in all such deviations the road shall not be diverted or taken from any town or village through which it now passes, nor shall it pass through the meadows, gardens, orchards or grain fields, whilst the grain or crop is growing therein, without the consent of the proprietor or proprietors thereof; *And provided also*, that no deviations shall be made from the beds of the Reister's and York-town turnpike roads as now laid out and confirmed.

See 1807, ch. 130, s. 3.

Persons to be appointed to estimate the value of improvements.

12. AND, whereas Baltimore county has, from time to time, laid out and expended considerable sums of money in turnpiking said roads, and it is reasonable and just that the said county should be reimbursed the value to the company of the said turnpike improvements made thereon; therefore, BE IT ENACTED, That the levy court of Baltimore county, at their next meeting after the respective presidents and managers shall have been chosen, shall be and they are hereby authorised and directed to appoint three persons, such as they may deem suitable, for each of the respective roads aforesaid, due notice of which appointment, in writing, with the names of the persons appointed, shall be given to the presidents respectively, and upon such notice being given, the said respective presidents and managers shall forthwith appoint a like number on the part of their respective companies, within ten days after being informed as aforesaid of the appointments by the levy court, and shall immediately give notice thereof to the said persons appointed by the levy court, which six commissioners, so appointed for each respective road, shall, within ten days after the notice aforesaid, meet, and proceed to choose from out of the next adjoining county to that respective road, three other persons, such as they may deem suitable, which nine persons, after being duly qualified before some justice of the peace, truly and impartially to estimate the value of the aforesaid turnpike improvements to the respective companies, shall compose a commission, neither of which shall be interested in the stock of the said road which they may be appointed to value, and shall proceed to value and determine the then value of the said improvements on the said roads, and deliver a copy of their said award, within twenty days after the day of the first meeting of said commissioners, under their respective hands and seals, or in case of disagreement, a majority of the said commissioners shall sign and seal the same, and deliver one such copy thereof to the clerk of the levy court of Baltimore county, and another to the president and managers of the company for the road for which they shall have been appointed, each, provided they accept to act under such appointment, under the penalty of five hundred dollars, one half thereof to the use of the said county, and the other half for the use of the said company, to be recovered as other fines and forfeitures are for the uses aforesaid under this act; and the said road shall, upon returning and the filing of said award with the clerk of Baltimore county levy court, become the property of the said company, they first paying each commissioner, so chosen to determine the value of each respective road, the sum of five dollars for each day by him employed in viewing said road, and in making such valuation; and if it shall so happen that any of the said commissioners shall die,