

reason of such road passing through such land, and the said sheriff shall return the inquest of the jury, under his and their hands and seals, to the commissioners aforesaid.

C H A P.  
XXIII.

X. **And be it enacted,** If any of the said roads shall pass through any building, orchard, garden or yard, with the consent of the owner, the said commissioners may allow him such compensation as they think reasonable.

And make compensation, &c.

XI. **And be it enacted,** That if any of the said roads shall run or pass through any fields or grounds in actual cultivation, such fields or grounds shall not be laid open or used as public roads till after the usual time of taking off the crops then growing thereon.

Provision in case roads pass through fields, &c.

XII. **And be it enacted,** That if any person shall presume to alter or change, or in any manner obstruct or encroach on the said public road or highway, or any part thereof, or to cut down or destroy, deface or injure, any post or stone set up on the said road or highway, or to put or place any rubbish, dirt, logs, stones, or any other obstruction in the said highway or road, or to make any pits or holes therein, or to cut down any tree growing thereon, such person, being thereof convicted in the general, or any county court, shall be fined or imprisoned, or both, in the discretion of the court, according to the nature of the offence; and any justice of the peace, or sheriff, of Baltimore county, on notice of any obstruction or nuisance on the said road, shall and he is hereby authorized and required to remove, or cause the same to be removed, and to restore the said road to its proper state and condition, and shall charge the expence thereof to his county, and shall be allowed therefor in the next county assessment.

Persons altering the roads may be fined, &c.

XIII. **And be it enacted,** That it shall and may be lawful for the commissioners appointed to survey and make the roads aforesaid, or any person by their authority, to take and carry away any stones lying on any land adjoining any of the said roads to make and repair the same, and also any rubbish, or smallest broken stones of any quarry (ready digged by the owner) on any land adjoining the road for which the same may be wanted to make or repair the same, without the leave of the owner, or making him any compensation therefor; and it shall also be lawful for the said commissioners, or any person by them authorized, to cut down any trees, (not fit for timber) or dig pits, not in any way in breadth or length above ten yards over at the most, for gravel, on any land adjoining any of the said roads, not being in any orchard, meadow, garden or yard, to make or repair the said roads, and shall pay the owner the value of such wood or gravel; and the said commissioners, if required, shall cause any pit, digged as aforesaid, to be filled up within one month after request.

Commissioners may carry away stones, &c.

XIV. **And be it enacted,** That if any person shall fell a tree into any of the said public roads, or into any stream of water, whereon there shall be any public bridge built in virtue of this act, and shall not remove the same within forty-eight hours, or shall kill a tree within the distance of fifty feet from any of the said roads, such act shall be deemed a nuisance, and every free man so offending, or the parent, master or owner of every child, apprentice, servant or slave, so offending, with his or her knowledge, shall forfeit and pay five pounds current money for every offence; and if any fence shall be made across any of the said public roads, the owner or tenant of the land from whence such fence shall be made, shall pay ten shillings for every twenty-four hours the same shall be continued.

Penalty on persons felling trees, &c.

XV. **And be it enacted,** That after the said roads, or any part of them, shall be made and completed, and shall be so declared by the said commissioners of review, they shall annually appoint some fit and proper person to be surveyor of each of the said roads for one year, who shall, every four months, during his being surveyor, take a view of the road for which he shall be appointed, and of the bridges thereon, and shall make a return to the said commissioners in writing under his hand, on oath or affirmation, in what state and condition he finds the

Commissioners to appoint surveyors, &c.