

C H A P. XLV. by the special commissioners appointed under the act last aforesaid, or make such alterations as they may think most beneficial for the public convenience, agreeably to the said act, and they shall cause a plot thereof to be made and returned agreeable to the directions of the act aforesaid.

And to open, &c. the turnpike roads, &c. III. **And be it enacted,** That the said commissioners, or a majority of them, shall have full power and authority to open, clear and keep in repair, the several turnpike roads in Baltimore county, and may, in their discretion, finish and complete any of the roads aforesaid which they may think in their judgment will most conduce to the public good.

Commissioners appointed, &c. IV. **And be it enacted,** That Messieurs Daniel Bowley, William Owings, Philip Rogers, John Eager Howard, Charles Ridgely, (of Hampton,) James Ogleby and Thomas Worthington, shall be and they are hereby appointed commissioners of review of the turnpike roads in Baltimore county, and shall have all the powers and authority that the commissioners of review had under the act to which this is a supplement, and the act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, passed at November session, seventeen hundred and ninety, and shall, before they act as such, take the following oath, or affirmation, to wit: " I ——— do swear, or affirm, that I will, without favour, affection, partiality or prejudice, execute the trust imposed on me as a commissioner of review by the acts of assembly, entitled, An act for laying out the several turnpike roads in Baltimore county, and the supplement thereto, and an act, entitled, An act to streighten and amend the several public roads in several counties, and for other purposes therein mentioned, to the best of my skill and judgment."

Who may contract, &c. V. **And be it enacted,** That the said commissioners of review, or a majority of them, shall have power to contract and agree with any person or persons, or company, to make, complete and repair, any of the turnpike roads directed to be laid out by the act to which this is a supplement, except the road from Baltimore-town to Reister's-town, and the York road for the distance of eighteen miles from Baltimore-town, and to transfer to any person or persons, or company, with whom they may contract as aforesaid, the right and power to exact, ask, take and receive, such rates and tolls as they may judge expedient, not exceeding the rates established by the said original act; provided nevertheless, that the said commissioners shall not farm out any of the said roads, or transfer the right of toll thereon, for any greater term than forty years.

In case of neglect, a jury to be summoned, &c. VI. **And be it enacted,** That in case any person or persons, or company, with whom the said commissioners may contract for the making, completing or repairing, of any of the aforesaid roads, shall neglect to complete or repair the same agreeably to their contract, the said commissioners, or a majority of them, shall cause a jury of five disinterested freeholders of the said county to come before them, on the roads not completed or repaired, who shall be sworn by the said commissioners, to inquire whether the said roads, or any of them, have been completed or repaired agreeably to the contract for that purpose; and the said jurors shall sign their inquisition, and deliver the same to the said commissioners, who shall cause the same to be recorded among the records of the said county within ten days thereafter; and if upon the said inquisition it shall be found, that the said road hath not been completed or repaired agreeably to the contract on which such inquisition is made, all rights acquired by the person or persons, or company, contracting for the completion or repair thereof, shall cease and determine, and the said commissioners shall thereupon exercise all such powers and authorities as by the said act might have been lawfully exercised in case no contract had been made, and shall be enabled to maintain an action in Baltimore county court, by the name of The Commissioners of Review, for the recovery of damages for the non-performance of such contract, in which action it shall be sufficient to declare for money had and received, and the contract on which the same is founded, and this act and the special matter may be given in evidence.