

C H A P.  
XXIII.  
Commissioners  
of review ap-  
pointed, &c.

VII. AND BE IT ENACTED, That Otho Holland Williams, Charles Ridgely, son of William Benjamin Nicholson, James Gittings and Daniel Bowley; (a) and any three of them, shall be and are hereby appointed commissioners of review of the said roads, and of the proceedings of the said commissioners in virtue of this act; and the commissioners aforesaid, appointed to survey and lay out the said roads; after they shall have laid out and marked the same, are hereby directed to return the courses and plots thereof, with their remarks and observations thereon, to the said commissioners of review, who are hereby authorized and required to view and examine the several roads aforesaid, and thereafter to confirm, correct and alter, the same, as they shall adjudge proper; and the said commissioners of review shall cause to be made out three fair plots and certificates of the said roads, containing the courses thereof, and such other descriptions as they may think necessary, and they shall sign their names to each plot and certificate; and return one certificate and plot to the clerk of Baltimore county, and another to the commissioners of Baltimore town, to be by them respectively recorded, and they shall deliver the third to the commissioners appointed to lay out the said roads respectively; and the several roads so laid out and confirmed, or corrected, and returned as aforesaid, shall be for ever afterwards taken, held and adjudged, in all courts of law and equity, public roads and common highways.

(a) By 1795, ch. 45, other commissioners are appointed. By 1796, ch. 44, the time for reviewing, and ultimately ascertaining, the direction of the roads, is extended to the 1st of September, 1797. By 1797, ch. 105, it is extended to the first Monday in October, 1798, and by 1798, ch. 53, to the 1st Monday in October, 1799. Several additional powers are given to the commissioners of review by 1790, ch. 32, sections 13 and 14.

Roads to be  
cleared, &c.

VIII. AND BE IT ENACTED, That the said commissioners appointed to lay out the roads aforesaid, shall cause the said roads respectively, when laid out and marked as aforesaid, to be cut down and well cleared fifty-two feet wide, and grubbed and stoned forty feet wide, and shall cause a ditch to be cut on each side of the said forty feet, when necessary, of six feet in breadth, and three feet in depth, (or such other breadth and depth as they may judge sufficient,) to receive all water that may be drawn off the said road by drains; and the said commissioners shall also cause proper and convenient causeways, not less than twenty feet wide, to be made and raised over mire or low ground, and shall cause bridges, not less than sixteen feet wide, with walls (or posts and rails,) to be built over branches or runs of water, with stone or brick arches fully sufficient, at all times, for the water to run under, and the said commissioners shall cause the said forty feet, where the ground will permit, to be raised in the middle thereof not less than eighteen inches higher than the sides, with a gradual fall to each side, and, where necessary, from the nature of the soil, they shall cause the said forty feet to be covered or crowned with small stones, or coarse gravel, and on the south side of the said roads, and in the line of the said forty feet, the said commissioners shall cause locust, cedar or chestnut posts, not less than six inches square, and not less than three feet in and five feet above the ground, to be set up, not exceeding three hundred yards distance from each other, and on the north side of the said roads, and in the line of the said forty feet, the said commissioners shall cause stones to be erected, not less than two feet in and three feet above the ground, at the end of every mile, and on each stone to be cut the distance to Baltimore town; and the said commissioners, for the direction of strangers, shall, on every road crossing the said public roads, and on every road leading therefrom, set up guide-posts, with boards with hands, letters and figures, painted thereon, noting the place to which such road goes, and the distance.

By 1790, ch. 32, so much of this act as respects the duty of the commissioners appointed for laying out the roads therein mentioned, after making their returns of the plots thereof, is repealed.

Commissioners  
may agree with  
proprietors, &c.

IX. AND, whereas the straightening and widening the old roads, and making the new, may cause damage to the owners of the land through which the said roads may pass, and it is reasonable and just that the owners should (if they require it,) receive compensation therefor, BE IT ENACTED, That if the proprietor of the land through which the present roads now pass, and which shall be continued by the said commissioners, shall apply to them for any satisfaction for the addition of the forty-six feet to the present legal breadth of the said road, the said commissioners may agree with the said owner for the purchase of such addition, and may allow him therefor at a rate not exceeding eighteen pounds fifteen shillings current money per mile; and if the said new road shall pass through any unimproved land, the owner may be allowed at the same rate per mile of sixty-six feet wide; and if the addition to the old road of forty-six feet, or the new road of sixty-six feet, shall pass through any improved ground, (buildings, orchards, gardens and yards, excepted,) the said commissioners may agree with the owner of such improved ground for the purchase thereof, and may allow him therefor at a rate not exceeding thirty-two pounds current money for every mile of such road of sixty-six feet wide, and at the same rate for every mile of forty-six feet wide; and in case the owner of the said lands shall refuse to make sale thereof at a reasonable price, or be under any incapacity or disability of making such sale, or contracting therefor, the said commissioners respectively may issue their warrant,