

**C H A P. LXX.** shall award accordingly; and if such jury shall not award a larger sum of money, as restitution for damages sustained as aforesaid, than was actually offered by the commissioners, the party refusing to make sale, or refusing the price offered by such commissioners, shall pay the costs of such inquiry, but in case the same shall exceed the sum offered by the said commissioners, then the same shall be paid out of the monies raised in virtue of this act for opening the said roads; provided always, that no road shall be newly carried or conducted through any yard, garden or orchard, against the will or consent of the owner, nor shall any field in which grain, tobacco, or grass intended for hay, is growing, be laid open until the crop is ripe and may be taken away.

And lay out the roads, &c.

**XII. AND BE IT ENACTED,** That the said commissioners, or a majority of them, met as aforesaid, for the purposes aforesaid, shall, as soon as may be after the passing of this act, and within twelve months after the first day of January next, (a) lay out, survey, mark and bound, the several public roads herein before mentioned, of the width of not less than two rods and not more than three rods, in a straight a direction and advantageous a manner as the nature of the ground and legal restrictions will admit, and, without delay, shall execute, sign and seal, plain plots of the same, with explanations thereof, and such plots and explanations shall be delivered to the clerk of the county, and by him recorded among the records of the said county; in testimony of the same being established by law; for all which services rendered by the said commissioners they shall be entitled to receive, out of the county assessment, the sum of seven shillings and six-pence for each day they shall attend as commissioners in discharge of the aforesaid trust, and the said justices may and shall, at their levy courts, allow such charge, and levy the same as other public expences are usually levied.

(a) By 1793, ch. 67, the justices of the levy court are empowered to appoint persons to complete the said roads.

Contracts to be paid, &c.

**XIII. AND BE IT ENACTED,** That all contracts entered into by the said commissioners with the owner or owners of land through which any public roads may pass, shall be paid out of the money assessed for the purpose of clearing and amending the said roads, by an order drawn by the justices aforesaid on the collector; provided nevertheless, that the said commissioners shall not exceed three pounds per acre for any lands by them agreed for or purchased for the use aforesaid.

Justices to call on the collector, &c.

**XIV. AND BE IT ENACTED,** That the justices aforesaid may and shall, at their levy court annually, call on the collector for the settlement of all monies levied and assessed for the use of the county aforesaid, and in case of neglect or refusal of the said collector, immediately to commence suit for the recovery thereof, in which no appeal or writ of error shall be had or brought, nor more than one imparlance shall be allowed.

Another road to be laid out, &c.

**XV. AND BE IT ENACTED,** That another public road shall be laid out, cleared and opened, at the charge of Baltimore county, (b) not exceeding forty feet wide, from the Little Falls of Gunpowder to Baltimore-town, in continuation of the road directed by this act to be laid out from Belle-Air, in Harford county, to the said falls, in a straight a direction as the nature of the ground will admit; provided, that the said road shall not be carried through any garden, yard, house or orchard, without the owners consent; and provided also, that no part of the funds already appropriated by law to the laying out and making several turnpike roads in Baltimore county, shall be applied to the clearing of the said road until the said turnpike roads have been completed.

(b) By 1795, ch. 57, the justices of Baltimore county shall apportion so much of their funds for roads as they may think proper for repairing the said road.

Commissioners appointed, &c.

**XVI. AND BE IT ENACTED,** That James Gittings, Thomas Todd and James Baker, or any two of them, be and they are hereby appointed commissioners on the said road, to mark, bound, clear and make, the same, and to return a plot thereof in the usual manner; and the commissioners of review are hereby directed to draw orders in favour of the said commissioners, when applied for, on the collector of the said county, for such sum as may be necessary to enable them to lay out, mark, bound and return, a plot of the said road; and after the completion of the said turnpike roads, for such further sum as may be necessary for clearing and making the said road agreeably to this act.

Who may agree for damages, &c.

**XVII. AND BE IT ENACTED,** That the said commissioners may agree with the owner or owners through whose land the said road may pass, for the sum to be paid therefor, and where they cannot agree they shall have power to summon a jury as herein before directed; and the damages so contracted for or assessed shall be paid out of the money for which the commissioners of review shall draw their order, after the completion of the turnpike roads as aforesaid.

**XVIII. AND**