

C H A P.
XXXII.

current money per acre; but if such agreement doth not obtain, then the court to whom application shall be made, shall issue their warrant, directed to the sheriff of the county, commanding him to summon and return a jury of twelve good and lawful men of the said county, to be and appear before one or more of the said justices, on the premises, at a certain day in the said warrant to be expressed, which jury, upon their oath, to be administered by some one of the justices aforesaid, shall inquire who is or are the owner or owners of the land over which any such road shall pass, and what damages such owner or owners will actually suffer from the passing of the road over the land as aforesaid, taking into due consideration all conveniences and inconveniences, advantages and disadvantages, arising from such circumstances, whether by the improvement of an old road, or in making a new one; and such sheriff shall return the inquest of the jury aforesaid, or of any eight of them agreeing, under their hands and seals, and attested by his official signature, to the next county court to be held for the county wherein such inquest shall have been taken, and the amount of damages therein expressed shall be paid by order of the said court, out of the monies to be levied as aforesaid, and appropriated to such road; provided, that no new road shall be made through any building, enclosed yard, garden or orchard, against the will of the owner, nor shall any field in which grain, hemp, flax, tobacco, or other cultivated vegetables, except grass, shall be growing, be laid open until after the season for collecting and securing the crop; but if it be expedient to lay out any such road through an enclosed yard, garden or orchard, and the owner will consent thereto, then the damages sustained thereby shall be adjusted and paid as in other cases, and the road may be made accordingly.

Penalty on al-
tering any
road, &c.

IX. **And be it enacted,** That if any person or persons shall presume to alter or change, or in any manner obstruct or encroach on, any of the said roads, or on any part or parts thereof, or to cut down or destroy, deface or injure, any of the bridges, causeways, boundaries, marks, directions, or other establishment thereon, such person or persons, being thereof convicted in the general or any county court, shall be fined at the discretion of the court, not exceeding ten pounds, according to the nature and degree of the offence, and all fines imposed in such cases shall be appropriated to the purpose of repairing such damages, and improving the road, and shall be paid to, and accounted for by, the supervisors of the counties wherein such damages shall be sustained.

Supervisors,
&c. may take
away stones,
&c.

X. **And be it enacted,** That it shall and may be lawful for the supervisors aforesaid, and persons to be employed by them, to take and carry away any stones, gravel, or earth of a firm quality, that may be found on any land adjoining the roads for which the same may be wanted, without leave of the owner, or making him any compensation therefor; provided, that no stone, gravel, sand or earth, quarried or collected by the owner for his own use, or for sale, shall be so taken or applied.

Road to be 66
feet wide, &c.

XI. **And be it enacted,** That the commissioners appointed for laying out the road in Baltimore county, shall and they are hereby required to survey, mark and bound the same sixty-six feet wide, and to return a plot and explanation thereof, under their hands and seals, to the commissioners of review appointed for the said county by an act, entitled, An act for laying out several turnpike roads in Baltimore county, who shall have the same powers to alter, amend and improve, such survey and plot, as they have by virtue of the act aforesaid respecting the roads therein mentioned; and in case of the death, resignation, or refusal to act, of either of the commissioners appointed for the road in Baltimore county, the said commissioners of review shall have power to appoint others in their place and stead.

Plot, &c. to
recorded, &c.

XII. **And be it further enacted,** That the plot and explanation aforesaid, being approved by the said commissioners of review, shall be recorded among the land records of Baltimore county, in testimony of the same being established by law; and the said road, so established, shall be under the superintendance, direction and control, of the said commissioners of review, and the same shall be executed in the same manner, and shall be under the like regulations, improvements and establishments, as the roads mentioned in the aforesaid act,