

CHAP.
LXXVII.
And cause
roads to be
cleared, &c.

IV. AND BE IT ENACTED, That the said supervisor, under the direction of the levy court, shall cause the said roads to be cleared sixty-six feet wide, twenty-one feet whereof in breadth, at least, shall be made artificial road, which shall be bedded with wood, stone or gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same, and the said roads shall be faced with gravel, or stone pounded, or other hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface.

V. AND, whereas the streightening 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 have been continued by the plots of said roads, which plots have been lodged in the clerk's office of Baltimore county, shall apply to the levy court of said county for any satisfaction for the addition of the forty-six feet to the present legal breadth of the said road, the said levy court may agree with the owner for the purchase of such addition, and may allow him therefor at a rate not exceeding fifty dollars per mile, and where the said roads 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 lands, (buildings, orchards, yards, gardens, excepted,) the justices of said levy court may agree with the owner of such improved ground for the purchase thereof, and may allow him therefor at a rate not exceeding eighty-six dollars 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 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, any two justices of the said levy court may 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 his county, not connected with the party claiming damage, and not interested in the lands in question, and not holding any land through which either of the turnpike roads shall run, to be and appear before a justice of the peace for said county, on the premises, at a certain day in the said warrant to be expressed, which jury, upon their oath, to be administered by the said justice of the peace, shall inquire who is or are the owner or owners of the said land over which the said road runs or passes, and what damage such owner or owners will sustain by reason and occasion of carrying such road over and through the said lands, and the said jury are hereby required to consider the convenience and benefit, and the disadvantages, (if any,) by reason of such road passing through such land, and the said sheriff shall return the inquest of the jury under his hand, and their hands and seals, to the justices of the levy court aforesaid.

On applicati-
on, court may
agree, &c.

VI. AND BE IT ENACTED, That if any of the said roads shall pass through any buildings, orchards, gardens or yards, with the consent of the owner, the justices of the said levy court may allow him such consideration as they think reasonable.

Justices may
allow, &c.

VII. 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.

Fields, &c. not
to be laid open,
&c.

VIII. 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 one of the said public roads or highways, or any part thereof, or to put or place any rubbish, dirt, logs, stones, or any other obstruction, in the said highways or roads, such person or persons, being thereof convicted in the court of oyer and terminer and gaol delivery for Baltimore county, shall be fined or imprisoned at the discretion of the said court, according to the nature of the offence, in a sum of money not exceeding ten dollars, nor exceeding ten days imprisonment; and the supervisor of said roads, on notice of any obstruction or nuisance on any of the said roads, shall, and he is hereby authorised and required, to remove, or cause the same to be removed.

Penalty on al-
tering, &c. any
road, &c.

IX. AND BE IT ENACTED, That it shall and may be lawful for the supervisor of said roads, or any person by his authority, to take and carry away any stones lying on any lands convenient to any of the said roads, such stones not having been collected together by the owner or owners of the same, to make and repair the same, without the leave of the owner or owners, or making him or them any compensation therefor; and it shall also be lawful for the said supervisor, or any person by him authorised, to cut down any trees not fit for shingle timber, or dig pits for gravel, on any land adjoining any of the said roads, not being in any orchard, meadow, garden or yard, to
make

Supervisor
may take
stones, &c.