

C H A P.  
XXIII.

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.

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, where necessary, of six feet in breadth, and three feet in depth, (or of 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 miry 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.

Commissioners  
may agree  
with the pro-  
prieters of  
land, &c.

IX. **And**, whereas the freighting 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, directed to the sheriff of the county, commanding him to summon and return a jury of good and lawful men of his county, to be and appear before one or more justices of the peace for the said county on the premises, at a certain day in the said warrant expressed, which jury, upon their oath, to be administered by some justice of the peace, shall inquire who is or are the owner or owners of the land over which the road runs or passes, and what damages 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