

Just principle of equivalent, for benefits conferred, would authorise them. But even supposing that the present president and managers of the company are ever so friendly and well disposed to do what is correct and proper, what security have the citizens of Washington county, generally, and those of Funk's town particularly, that some future president and managers shall not vex and harrass them, and put such restraints upon their intercourse as would prove destructive to their property. The stock may go into other hands, the present president and managers will not always be in office; and the toll-gate may be removed over and over again, even to points more injurious to the public interest than it is now.

And fatal experience has already taught the citizens of Washington, what little dependence is to be placed on the generosity, or even justice, of chartered turnpike companies. The president and managers of the Cumberland Bank Road, which stock is owned by the very same persons that are the owners of the Boonsborough turnpike, have erected a toll-gate within a few hundred yards of the west bank of Conococheague creek, where their road commences, and near the entrance of a bridge built at the expense of another turnpike company, and within a mile of a toll-gate erected by that company; thus subjecting the citizens of Washington county, and every traveller, to the payment of toll at three gates on a distance of eight miles; whereas, had the road been completed by a single company, they would only have been entitled to toll on two gates for ten miles. This is also a grievance, and calls loudly for redress, and shews what little reliance is to be placed on the justice of such companies, when their interests are in question. In the case referred to, they have injured the Hager's-town and Conococheague Turnpike Company, and the public generally; yet this company may also say, they stand upon their rights.

By an act passed at November session 1811, chapter 166, the levy court of Washington county were authorised and empowered to appoint commissioners to straighten, open and amend, the road leading from Boonsborough to Funk's-town; and they were also authorised to levy on the assessable property of the county the necessary sum of money for defraying the expense attending the opening, straightening and amending, of said road. This was done at the expence of several thousand dollars to the county, incurred for damages awarded to persons through whose lands the new road was located, and for opening and amending the same.

And by an act passed at December session 1818, chapter 114, a company was incorporated for making a turnpike road, and building bridges, over Antietum and Beaver creeks, in Washington county, beginning at the public square in Hager's-town, and running thence in the nearest and best direction, to Funk's-town, thence through the main street of Funk's-town to the town of Boonsborough, on or near the bed of the new road from Funk's-town to Boonsborough. The stock in this company was not subscribed for, and nothing more was done until the session of 1821, when the present company was incorporated. And in drawing the bill for that purpose, three words, "and through Funk's-town" were accidentally omitted. And this is the only ground the president and managers have to stand upon in support of their rights; rights which the legislature never intended to grant them; rights gained in a way that cannot be vindicated on the plain principles of equity, justice, or even common sense.