

to open and make the said road, and to dig, take and carry away, any stone, gravel, sand, earth, or other materials, there being most conveniently situate, for making or repairing the said road; *Provided always*, that the freeholders chosen or appointed as aforesaid, in making said valuation, shall take into consideration the advantages and disadvantages arising to the proprietors of such land on account of said road, and where no damage shall be assessed, the owner of the land shall pay all costs and expenses incurred by such appraisement.

CHAP. 126.
Proviso

“Sec. 10. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall have power to erect permanent bridges over the creeks and waters crossed by the said route or track, whereon the same shall be found necessary, and shall cause a road, sixty feet in width, to be laid out and made from the Philadelphia and Lancaster turnpike road by the route aforesaid to the city of Baltimore, of which sixty feet the said president, managers and company, shall be bound to make an artificial road at least twenty feet in width, of firm, compact and substantial materials, composed of gravel, pounded stone, or other small hard substances, in such manner as to secure a good foundation and an even surface, so far as the nature of the country and the materials will admit, in the whole extent of the said road, wherever it shall be necessary, and the natural surface require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act, and shall for ever hereafter maintain and keep the same in good repair; *Provided*, that no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to or from any place of public worship or funeral, on days appointed for that purpose, or from militia-men on days of training, or from electors attending the general and township elections, going to and returning from the same.

May erect bridges over waters crossed by route of road—Width of road.

Proviso

“Sec. 11. *And be it further enacted, by the authority aforesaid*, That so soon as the said president, managers and company, shall have perfected any distance of the said road, not less than ten miles, and so from time to time any distance not less than five miles progressively from the same, towards either of the places aforesaid, they shall give notice thereof to the governor of this commonwealth, if on the part of the road lying in Pennsylvania, or to the governor of Maryland if on that part lying in Maryland, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle or carriages; *Provided always*, that no gate shall be erected, nor toll demanded from any person or persons travelling said road, until after the license aforesaid shall have been granted, under a penalty

On completion of part of road, governor may appoint persons to examine it

Proviso.