

of the country, and, therefore, they are, as regards their property at least, pure citizens to all intents and purposes whatever. (h) The *fifteenth* section gives to the defendants a voluntary, and a compulsory mode of acquiring land for the use of their rail road from the *owners* of it. They may agree with the *owners* if they can; if not then, they may force the *owners* to alienate in the manner prescribed. There is not the slightest intimation of any distinction as to the character of the *owners* so spoken of; except where it is said that if the *owners*, or any of them, be a *feme covert*, &c. But this rather tends to enlarge than restrain the comprehensive meaning of the term *owners*, by which all must be embraced, whether natural or artificial persons; bodies politic as well as individuals. So far it seems to be admitted, that this act is clear of all ambiguity.

But the *sixteenth*, *seventeenth* and *nineteenth* sections do not, in any manner, modify or restrain the general terms of the *fifteenth* section. It appeared, that the proposed rail road, in its route, must cross many highways; and that it might be convenient to allow it to pass along the same route then occupied by an existing turnpike, or over a public bridge; and it also appeared, that in all this there was nothing so incompatible as that the one road should be allowed to obstruct or destroy the other. And therefore it was declared, that the defendants should be authorized to construct their rail road across any established road, so that it did not impede its passage; and also, that they might contract for the use of any turnpike or bridge with which it might be necessary or advantageous to connect their rail road. The manifest intention of these enactments was to provide for the preservation of the then existing and established public uses to which any land might have been subjected; so that, in creating one public convenience another public convenience might not be destroyed. It was the preservation and making compatible with each other two or more public uses which might be brought into collision with each other, so that the people might be deprived of none of their public benefits, which was the sole and only object of these latter sections; and considered in this light they accord, in every respect, and perfectly, with all that is declared in the *fifteenth* section; and can, by no means, be considered as altering or restraining any right or power

---

(h) *Nabob of Arcot v. The East India Company*, 3 Bro. C. C. 303.