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CHAP. 129.



tendance, which fees and allowance shall be paid by said company; and the said company, or their agents, shall have power to remove said materials across any land not in meadow or grain, upon paying a reasonable compensation to the owner or owners, for any injury or damages, to be ascertained by a jury as above in case the same cannot be obtained by agreement.

Sec. 10. *And be it enacted*, That the said company shall cause the said road to be laid out and opened, which said [ ] shall be fifty feet in width, and shall cause eighteen feet thereof to be made an artificial road of stone or gravel, upon the plan, style, depth and level, of the road leading from Frederick city to the Monocacy Bridge, on the George-Town road, as far as is consistent with the nature of the ground, and shall during the continuance of this incorporation, maintain and keep said road in good and perfect order and repair.

Road to be laid out fifty feet in length.

Sec. 11. *And be it enacted*, That as soon as the president and managers and company, shall have perfected the said road for any distance from either end of the said road not less than five miles, and so on from time to time any other like distance progressively, they shall give notice to the governor of the state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him in writing, whether the said road is so far executed in a masterly, workmanlike manner, according to the true intent and meaning of this act, and if their reports shall be in the affirmative, then the governor shall, by license under his hand, and seal of the state, permit and suffer the said president, managers and company, to erect and fix such and so many gates 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, wagons, carts and carriages.

Report to be made to governor and council.

Sec. 12. *And be it enacted*, That the said company shall have power to erect bridges over all waters crossing the said road, and may enter upon and take all land or materials necessary for the construction of said bridges; *Provided nevertheless*, that the president and managers of said company may agree with the owners for the purchase of the same, and in case they shall not be able to agree, or the owner should be a *feme covert, non compos mentis*, or under age, the president shall then proceed in the manner directed by the ninth section of this act, and all appropriations of land, or materials, for the construction of said

May erect bridges. Proviso