

county road, or on part of the bed thereof, the consent of the county commissioners of the county in which said road may lie having been first given in writing and recorded among the proceedings of said county commissioners, and also recorded in the book or journal of proceedings of said corporation. The location of the bed of any part of said county road may be changed by said corporation for the purpose of a better construction of said turnpike or plank road or passenger railway, provided the land to be occupied, be obtained by agreement with the owners thereof, or by condemnation; at least fifteen feet in width of the bed of any turnpike road shall be covered with broken stone, or gravel, or other hard or durable materials, to the depth of at least twelve inches, unless the natural bed be hard, and the bed of any plank road shall be well and securely laid and covered with plank or wood for the same width.

Power to
change bed of
county road.

Construction of
roads.

108. When any turnpike, or plank road, or passenger railway, shall have been finished one mile in length, the president and directors shall report to the county commissioners of the county in which it may lie, under the oath of the president and a majority of the directors, and of the treasurer of the corporation, the actual cost of said road so far as finished; and thereupon, the county commissioners shall appoint three citizens of the county to examine said road, and determine whether the same is constructed in such manner as will subserve the public interests for the uses to which said road is applicable, who shall report to said county commissioners in writing, and said report shall be reviewed by said county commissioners, and if they shall determine that the road is properly constructed, then as to such turnpike or plank road the company shall be authorized to erect a toll-gate thereon, and to charge such rates of toll as will yield eight per centum per annum, net profit on said actual cost, for distribution to the stockholders, and the same proceedings shall be had as each succeeding mile shall be completed, until the said turnpike, or plank road, or passenger railway shall be

Report to
county com-
missioners

Duty of county
commission-
ers.

Toll-gates.