

rized to erect a toll-gate thereon and to charge and receive tolls at such rates in all respects, and upon such terms, conditions and limitations as are prescribed in reference to the Baltimore and Reisters-town Turnpike Company, by their charter or any supplement thereto. CHAP. 164.

Sec. 13. *And be it enacted*, That the president and directors shall have the power to lay off and construct on the bed of said road a passenger railway to be propelled only by horse power, and that the same shall consist not of more than two tracks and that the said company shall not be entitled to exact or receive a fare exceeding five cents a mile for each passenger whom they may transport. Passenger railway.

Sec. 14. *And be it enacted*, That the act passed at January session, eighteen hundred and fifty-eight, chapter two hundred and sixteen, be and the same is hereby repealed. Repealed.

Sec. 15. *And be it enacted*, That the said Green Spring Avenue Company, shall grade and put in good condition for travel all that portion of their road which may be located through the lands of Lloyd N. Rogers, within nine months from the time they commence the actual grading or construction of said road on any part of said Rogers' land, or the removal of any of said Rogers' fences in preparing for such grading or construction, and from and after the expiration of said period of nine months, it shall not be lawful for said company or its agents, without the consent of said Rogers, his heirs or assigns to enter upon any part of said Rogers' lands beyond the limits of the said road as then located for the purpose of constructing or repairing the same or otherwise; *Provided, however*, that this limitation of nine months shall not apply if the construction of the road through said Rogers' land, shall be delayed by any injunction obtained at the instance of said Rogers, his heirs or assigns after the commencement of the grading or construction of said road through the lands of said Rogers. Requirement and restriction.

Sec. 16. *And be it enacted*, That this act shall take effect from the date of its passage. In force.