

CHAP. 358. as often as may be necessary for the transaction of the business of the company.

Corporate powers

SEC. 6. *And be it enacted*, That the company hereby incorporated and organised, shall have power to make and construct a continuous plank, or plank and paved road, at intervals, from the intersection of the line of the District of Columbia with the Washington and Rockville turnpike road, through Brookville to the Baltimore and Ohio rail road, and the said company, by and with the consent of the Washington and Rockville turnpike company, and the commissioners of Montgomery county, and of Howard district, of Anne Arundel county, shall and may use and occupy the bed of said turnpike, and of the Westminster road through said district and county, and alter and change the said roads, whenever the grade or course of said road renders it expedient in their judgment; *provided*, that in case of any such change of location, and whenever it becomes necessary to occupy new ground, or use new materials, and the consent of the owner or owners cannot be obtained, a jury shall be summoned by the sheriff of the county or district, upon a warrant of a justice of the peace, for that purpose, to condemn the said land or materials, and assess the damages, in which assessment the benefits or advantages of said road shall be considered by said jury; *and provided also*, the inquisition thereupon taken, shall be signed by the sheriff and jury, and returned by the sheriff to the clerk of his county, and unless good cause be shewn against the said inquisition of the jury, it shall be affirmed by the court at the next meeting thereof, after the verdict of the jury, and recorded, but if the said inquisition should be set aside, the said court may, in its discretion, as often as may be necessary, direct another inquisition in the manner above described.

Provisoes

To erect toll-gate and charge toll

SEC. 7. *And be it enacted*, That whenever the said road shall be completed, or any three consecutive miles thereof, the said company may erect one or more toll-gates upon said road, but not within three miles of each other, and may demand and receive toll, not exceeding two cents per mile, for any vehicle drawn by two animals, and for any vehicle drawn by more than two animals, one-half cent per mile for every additional animal; for every vehicle drawn by one animal, one cent per mile; for every score of sheep, or swine, or neat cattle, two cents per mile; for every horse and rider, one cent per mile, and for every led or driven horse, one half cent per mile.