

ed in 1813, the road would have then been extended at once from Boonsborough to Cumberland. This, however, has proved beneficial to the banks—for another company has made between seven and eight miles of a turnpike, and built an excellent stone bridge over the Conococheague creek, on the same route, and the banks have had their charters extended for ten years longer.

It was this state of things therefore, that accidentally caused two citizens of Washington county, in passing through Baltimore, to mention the subject to the present president of the Boonsborough turnpike road company, and his reply was nearly thus—"You are going to Annapolis, and if the legislature will extend the charters of the banks for a few years, the road will be made." This was on the same, or the following day, mentioned to John Barney, esquire, one of the delegates from Baltimore city, who immediately asked and obtained leave to bring in a bill on the subject. A bill was afterwards brought forward in the senate, and passed the house of delegates without amendment.

This act invests the president and managers of the Boonsborough turnpike road company "as respects the said road, with all and singular the rights, privileges, immunities and advantages, held, used and possessed, by the several turnpike companies incorporated by the act of assembly, passed at November session 1804, ch. 51, entitled, "An act to incorporate companies to make several turnpikes through Baltimore county, and for other purposes."

The memorialists "suggest, that in no respect have they transcended the literal limitations of their charters. The act of 1821, chapter 151, before referred to, by which your memorialists were incorporated, and created the company, as set forth in the first section of the said act," for the purpose of surveying, locating and making, by the nearest practicable route, a turnpike road commencing at the town of Boonsborough, in Washington county, and running thence to Hager's town. And the memorialists go on to say, "and it is important to observe, that the said act no where mentions the village of Funk's town, nor rendered it obligatory upon the company to carry their road through the village; but on the contrary, enjoined it on the company," to take the nearest practicable route from Boonsborough to Hager's town; and it was only from a desire to promote the interests of the people of Funk's town, and upon their urgent representations, that your memorialists were induced to deviate from the straight line, and to turn aside from "the nearest practicable route," in order to carry the road through their village."

If the company "stand upon their rights, and construe the act of incorporation literally in all its parts, by their own shewing they have not complied with the provisions of the act of 1821, chapter 151, which required them to make the said road "on the nearest practicable route," from Boonsborough to Hager's town; for they confess they have deviated from the straight line, in order to carry the road through Funk's town. And your committee would ask, from whence they derived their authority to deviate from the express letter of the law, and break their contract with the public, in order to gratify the citizens of any town or village whatever?

But the company had a right to make the road from Boonsborough through Funk's town, nay, they had not only a right, but were compelled to do so, by the provisions of their charter, and could not have diverted or taken the road from that place, had they been inclined to do an act so prejudicial to the public interests, as well as to their own. The provisions of the act of 1804, chapter 51, were not well understood by