

C H A P. XLV. fits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them, and their successors and assigns, in fee-simple, or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of all and every other matter and thing which a corporation or body politic may lawfully do, by making by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, and of the United States.

President, &c. may enter on lands, &c. VII. AND BE IT ENACTED, That it shall and may be lawful to and for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands, tenements and enclosures, through which the said intended road may be thought proper to pass, and to examine the ground most proper for the purpose, and to survey, lay down, mark and fix, such rout or tract for the same, as in the best of their judgment and skill will combine shortness of distance with the most convenient and practicable ground, from the burnt mill aforesaid to the nearest western navigation; and if the proprietor or proprietors of any ground through which the said road may pass shall require a compensation for the same, and should be unable to agree with the president, managers and company, or their agent, for the price of the same, such proprietor or proprietors shall apply to the court of the county in which the land lies, whose duty it shall be to direct the sheriff of their county to summon twelve freeholders, unconnected with the person or persons owning the ground, and disinterested in the shares of the Allegany turnpike road company, who shall view and assess the value of the ground aforesaid, and damages, which assessment shall be paid by the president, managers and company, or their agent, before the said road shall be opened through said ground.

And erect bridges, &c. VIII. AND BE IT ENACTED, That the president, managers and company, shall have power to erect permanent bridges over all waters crossing the said rout or tract, wherever the same shall be found necessary, and shall cause a road to be laid out forty feet wide, twenty feet at least whereof shall be made an artificial road, which shall be bedded with wood, stone, gravel, or some other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same.

Company may erect gates, &c. IX. AND BE IT ENACTED, That the said company having cut out, dug and bridged, the said road, so as to make it convenient and easy for carriages of burthen to travel the same, may erect two gates, one of which shall be within three miles of each end of the road, at which it shall and may be lawful for them to appoint such and so many toll-gatherers as they may think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving, any horses, hogs, cattle, sheep, sulky, chair, cart, waggon, sleigh, or any other carriage of burthen or pleasure, from passing through the said gates or turnpike, until they shall have respectively paid the same; that is to say, at each gate the following sums of money, and so in proportion for any greater or lesser number of cattle, sheep or hogs, viz. For every score of hogs, ten cents; for every score of sheep, ten cents; for every score of cattle, twenty cents; for each person travelling on horseback, six cents; for every horse led or driven, four cents; for every carriage with two wheels, fifteen cents; for every carriage with four wheels, and drawn by not more than two horses, twenty-five cents; for every carriage of four wheels, and drawn by more than two horses, thirty cents; and for every sleigh or slide, six cents for each horse drawing the same.

Same rates may be charged, &c. X. AND BE IT ENACTED, That all such carriages as aforesaid to be drawn by oxen, or partly by oxen and partly by horses or by mules, the same rates of tolls shall be charged as if the whole were drawn by horses.

Four years allowed, &c. XI. AND BE IT ENACTED, That the term of four years be allowed the aforesaid company for completing the aforesaid road, and when the said road shall be completed, by being bedded with stone, wood, gravel, or some other hard substance, well compacted together, of a sufficient depth to make a solid foundation, it shall and may be lawful for the aforesaid company to demand and receive double the tolls herein before mentioned upon each article herein before mentioned.

Penalty for neglect, &c. XII. AND BE IT ENACTED, That if, at any time after the said road shall be completed, the said company shall neglect to keep the same in good and perfect order and repair for the space of ten days, and information shall be given to the justice of the peace of the neighbourhood, such justice