

1809.

NOVEMBER.

## L A W S OF M A R Y L A N D.

C H A P.  
LXIV.

with wood, stone, gravel, clay, or other proper and convenient materials, well compacted together, a sufficient depth to secure a solid foundation for the same, and the said artificial road shall be faced with clay, gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and materials will admit, an even surface, rising towards the middle by a gradual arch, and shall for ever hereafter maintain and keep the same in perfect order and repair; provided, that no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to or from any place of public worship, or funerals, on days appointed for that purpose.

XIII. AND BE IT ENACTED, That so soon as the said president, managers and company, shall have perfected the said road from the town of New-Castle aforesaid any distance not less than five miles, and so from time to time any distance not less than five miles progressively towards French-town aforesaid, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and make report to him, whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall, by license under his hand, and the great seal of this state, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling on the same with horses, cattle and carriages.

XIV. AND BE IT ENACTED, That the said company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed, as aforesaid, it shall and may be lawful for them to appoint such and so many tollgatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any persons riding, leading or driving, any horse or mule, or driving any cattle, hogs, sheep, sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the same; that is to say, for every space of five miles in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of hogs, sheep or cattle, to wit: For every score of hogs, six cents; for every score of sheep, four cents; for every score of cattle, twelve and one half cents; for every horse or mule, laden or unladen, with his rider or leader, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chair or coach, phaeton, chaise, stage, wagon, coachee or light wagon, with two horses and four wheels, twelve and one half cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatever name they may go, the like sums, according to the number of wheels and of horses drawing the same; for every cart or wagon, or other carriage of burthen, the wheels of which do not in breadth exceed four inches, six cents each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and shall not exceed seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, and shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll more than fifteen, one cent and a half for each horse drawing the same; and for any such carriage, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and when any such carriage as aforesaid shall be drawn by oxen or mules in the whole or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse, in charging the aforesaid tolls; provided always, that it shall not be lawful for the said turnpike company to erect, or cause to be erected, any toll-gate or gates on either of the roads leading through Cæcil county, over which the said turnpike road shall pass, any thing in this act to the contrary notwithstanding.

XV. AND BE IT ENACTED, That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of the county, such justice shall issue a precept, directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justices shall, at such time and place, by the oath or affirmation of the said freeholders, inquire whether the said road, or