

Dec. Sess.  
1815.



Damage:

Proviso.

Gates

Toll-gather-  
ers and tolls.

pounded, or other hard substance, in such manner as to form an even road, a little arched in the middle, and so level in its progress that it shall no where rise nor fall more than will form an angle of four degrees on an horizontal line, and shall forever hereafter maintain and keep the said road in good and perfect order and repair.

13. AND BE IT ENACTED, That if the said road shall be founded and laid out over and upon any land whereby the owner or owners thereof may suffer damage, the person or persons sustaining such damages may make application to the judges of the county court, or in the recess thereof to any judge of said court where such damages have been committed and claimed, and thereupon the court or judge shall direct five disinterested freeholders, who shall view the same, whose duty it shall be to take into consideration the benefit and advantage that will be derived to the owner of said land from the road passing through the same, and assess the damages accordingly; and the said appraisers shall make out a certificate, upon oath, of the amount of damages by them assessed, and make return thereof to the said court or judge who shall have issued the order; which said court or judge shall direct the same to be recorded, to be and remain as evidence of the debt to be paid by the managers and company to the person entitled to receive the same; *Provided*, that when the said artificial road shall be laid out on the bed of any old confirmed road now in use, the owner of the land through which the same may pass shall not be entitled to any compensation therefor; *Provided also*, that where the contemplated artificial road shall happen to run on and occasionally depart from any old and confirmed road as aforesaid, that the owner of such old road, running nearly parallel with the new, may at the discretion of the owner aforesaid, be shut up with the approbation of the levy court of the county.

14. AND BE IT ENACTED, That so soon as the president managers and company, shall have perfected the said road from the said beginning any distance not less than five miles, and so from time to time not less than five miles progressively toward Hagers-Town aforesaid, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful persons to view and examine the same, and make report thereon whether the said road is so far done and 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 licence under his hand, and the great seal of the state, permit and suffer the said president, managers and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle and carriages.

15. 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 licenced as aforesaid, it shall and may be lawful for said company to appoint so many toll-gatherers as they shall think proper, to collect and receive from all and every person or persons using the said road; the tolls and rates hereinafter men-