

tract with the owner of such ground, or in the manner authorized by the original charter hereinbefore referred to; and in locating and constructing the said rail road, and preserving, repairing, and protecting the same from injury, the said directors shall be entitled to exercise all the powers and authority vested by the aforesaid act of incorporation, passed at November session, in the year eighteen hundred and nine, chapter sixty-four, and by the act of December session, eighteen hundred and fifteen, chapter nine, in the president, managers and company, in the said acts mentioned, so far as they are not inconsistent with the provisions of this act.

Sec. 5. *And be it enacted*, That it shall be the duty of the said New-Castle and Frenchtown Turnpike and Rail Road Company, to keep open and in good repair at least twenty feet in breadth of the turnpike road aforesaid, from Frenchtown to New-Castle, subject to the same penalties for neglect, and entitled to the same tolls prescribed and allowed by the acts of Assembly hereinbefore mentioned; and whenever, in the construction of the rail road authorized by this act, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the directors of the said company so to construct the said rail road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall also be the duty of the said directors to provide for such individual proper wagon ways across said rail road; and if any road shall be hereafter authorized by the legislature or courts of this state, the direction of which shall lead across the rail road hereby authorized, it shall be the duty of the company in this act mentioned, so to construct or alter that part of the rail road as shall permit the passage of any road hereafter to be allowed by the legislature or courts of this state, at the expense of the company or person opening the same.

Sec. 6. *And be it enacted*, That the said directors may procure and use on any rail road which shall be constructed by them in virtue of this act, all machines, wagons, carriages and other vehicles, which they may deem proper or necessary, for the purposes of transportation on said road, and they shall have power to charge and receive as tolls for using the said road, not exceeding three cents per ton per mile; for the transportation of passengers, not more than twenty-five cents each for the whole distance, including customary baggage, not exceeding one hundred pounds weight for each; for transporting the whole distance any trunk, box, bale, basket or package, and not exceeding one hundred pounds weight, twelve and an half cents; and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any part of the said rail road, or to transport persons, or property of any description thereon, without the license or permission of the said directors.

Authorized to use machines, &c

Collect tolls

Rate of tolls

Cross ways, &c provided for

Required to keep up former Turnpike road

Powers of former company granted