

C H A P.  
CXXVIII.

the county where the said materials may be, and shall not be under any legal disability to receive the money adjudged, and give sufficient discharges therefor, and the president and managers shall pay, or secure to be paid, the damages so adjudged, before they shall proceed to remove the said materials; and if the owner or owners of such materials shall reside out of the county, or be under any legal disability, then the president and managers shall enter into bond, conditioned for the payment of the damages assessed to the person or persons who may be duly authorised to receive the same, and shall lodge said bond, and a copy of said valuation, in the office of the clerk of the county court, to be by him recorded, and upon such bond, or any office copy thereof, suit or suits may be instituted against the obligors therein named, by any person or persons entitled to receive such damages; and the justice and sheriff shall be entitled to receive the same fees for services under this act as they are allowed in similar cases; and the persons summoned as jurymen to value the damages sustained as aforesaid, shall each receive one dollar for every day he shall attend for that purpose; which fees and allowance shall be paid by the president and managers of the company at whose instance the persons may have been summoned; and the said president, managers and company, and the persons employed by them, shall have power to remove the said materials for making the road aforesaid, from and over any ground not in grain or meadow, on their paying to the owner or owners of such ground a reasonable compensation for any injury or damages occasioned by such removal, to be ascertained by a jury in case the same cannot be obtained by consent or agreement of the parties.

XII. AND BE IT ENACTED, That the said president, managers and company, shall cause the said road to be laid out and opened sixty-six feet wide, and bridges to be erected over all the waters crossing the said road, and shall cause eighteen feet thereof in breadth at least to be made an artificial road, which shall be bedded with wood, stone or gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will reasonably admit, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall for ever hereafter, during the continuance of the said incorporation, maintain and keep the same in good and perfect order and repair.

XIII. AND BE IT ENACTED, That the said president, managers and company, in case they shall find it impracticable to make the whole of the said road of stone or gravel, that then they shall have power and authority to cause such parts of the said road as they may think proper, to be cleared and opened, of the width aforesaid, and levelled to the width of eighteen feet, and ditched on the sides, so as to carry off the water, and made rounding in the middle with gravel or earth; and when the said road is so completed, or any five miles thereof from either end progressively, it shall and may be lawful for the said president, managers and company, to erect toll-gates, and demand and receive one half of the tolls as herein after specified, in case the whole of the said road had been bedded and made with stone or gravel, being first licensed by the governor in manner aforesaid; and in case the said road should become out of repair, the gates shall be liable to be opened in manner as in this act prescribed, and the travellers to pass free and without paying toll, till such part or parts of the said road be repaired.

XIV. AND BE IT ENACTED, That as soon as the said president, managers and company, shall have perfected the said road for any distance from either end of the said road, not less than five miles, and so on from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skillful and judicious persons to view and examine the same, and report to him, in writing, whether the said road is so far extended in a masterly workmanlike manner, according to the true intent and meaning of this act, and if their reports shall be in the affirmative, then the governor shall, by license under his hand, and seal of the 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, wagons, carts and carriages.

XV. AND BE IT ENACTED, That in case the said president, managers and company, shall establish any toll-gates within five miles of either end of the said road, they shall not be permitted to demand or receive any greater toll at either of such gate or gates than for five miles.

XVI. AND BE IT ENACTED, That the said company having perfected the said road, or such parts thereof from time to time as aforesaid, and the same being examined, approved and licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many tollgatherers as

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