

CHAP. 64.

Provisos.

tion, cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *Provided always*, that the recovery in any suit shall in no case exceed the amount of such instalment or instalments as may be due on such share, together with such accumulated penalty, at the rate aforesaid, as shall equal the sums before paid on the same shares; *And provided also*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election, or general special meetings of the said company, shall have been fully paid and discharged as aforesaid,

President, managers, &c. may enter into lands, &c.

10. AND BE IT ENACTED, That it shall and may be lawful for the said president and managers, the superintendents, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground the most proper for the purpose, and quarries and beds of stone and gravel, and other materials, in the vicinity, that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix, such route or track for the same road, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground, from the place where the contemplated artificial road leading from the town of New-Castle to the line of the state of Delaware shall strike that line, to extend thence, the nearest and best practicable course, to French-town, on Elk river, in the state of Maryland aforesaid.

May enter on lands, and on tender of value may carry away timber, stone, &c.

11 AND BE IT ENACTED, That it shall and may be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and labourers, with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draught or burthen, to enter upon the lands in, over, contiguous to and near to which, the route and track of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested freeholders, any two of them agreeing, mutually to be chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justices of the peace for Cecil county, not interested therein; and upon tender of the appraised value, to cut down, dig, take and carry away, any timber, stone, gravel, sand, earth or other materials, there being most conveniently situated, for making or repairing said road.

May erect bridges over waters crossing the track, &c.

12. AND BE IT ENACTED, That the said president, managers and company, shall have power to erect permanent bridges over all creeks, as well as over all the waters crossed by the said route or track, whereon the same shall be found necessary, and shall cause a road to be laid out, not exceeding one hundred feet in width,