

said companies in accordance with the provisions of sub-title turnpike, plank road and passenger railway companies, and this section shall apply as well to all turnpike and plank road companies incorporated under special acts of the General Assembly of Maryland, as to those incorporated under the provisions of this article.

1894, ch. 807.

242. It shall be the duty of all companies, which may have been or may hereafter be incorporated under any law or laws of this State, to make any turnpike, plank or other toll road or roads, to keep and maintain the same in such good order and repair and of such width as required by the terms of the law under or by which incorporated; and if any such company shall fail to keep its road in such good order and repair, or of the width required by the terms of its charter, or of the provisions of this article, if incorporated hereunder, for a space of fifteen days, any person or persons may file a petition in the circuit court for the county and the Superior Court of Baltimore city, in which the part of such road not in good condition and repair, or not of the width or of the material required by its charter, or by the laws by which it has been incorporated, lies, alleging the failure of such company to keep its road-bed in good order and repair or of such required width; whereupon any judge of the court in which such petition may be filed, may and shall pass an order directing the sheriff to summon a jury of six persons, who shall be freeholders, to the clerk's office of the circuit court for the county, or to the clerk's office of the Superior Court of Baltimore city, not interested in such roads, unless it be as users thereof, to meet on the part or parts of the roads mentioned in such petition; and the said jurors being first sworn by such sheriff, true inquiry to make as to the condition of the road complained of, shall view the part or parts of the roads complained of, and determine upon such view and the evidence of such witnesses as may be produced by the petitioners or the company as to the condition of such road, and the time such condition may have continued; and an inquisition in writing shall be signed and sealed by such jurors, and returned by the sheriff to the clerk's office of the circuit court for the county, or to the clerk's