

whereas, the charter incorporating the said Baltimore and Harford Turnpike Company, is and should be construed as a contract between the Public and the Company, the terms of which contract are expressed in their said charter, wherein the good and perfect order and repair of their said Highway, is made a condition precedent to the exercise of their franchise to take toll; *and whereas*, it is a manifest wrong and injustice to the public that the said Baltimore and Harford Turnpike Company should levy tolls while in violation or evasion of those conditions and provisions of their said charter, relating to and providing for the good and perfect order and condition in which their said highway shall be kept, with the design, purpose and intent, on the part of the Legislature, thereby to secure and promote the well being, use, benefit, advantage, convenience, and general prosperity of the public. In consideration of all of which, and the better to define, enforce and secure the rights and remedies provided by and contained in, but obscured by the ambiguous language or the absence of technical legal forms of expression, in the said charter of the Baltimore and Harford Turnpike Company; Therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That if at any time hereafter, the Baltimore and Harford Turnpike, or any part or parts, portion or portions, place or places, thereof, shall, in pursuance of the directions of the charter, (by inquisition,) be found defective and out of order and repair, contrary to the intent and meaning of the charter, it shall be the duty of the Justice of the Peace, before whom the said inquisition hath been found, to cause a copy of the said inquisition, duly certified under his proper hand and seal, to be served upon the Secretary or any officer of the said Baltimore and Harford Turnpike Company; and if within fifteen days thereafter, that is from and after the day of the service of the said copy of the inquisition, the part or parts, portion or portions, place or places, of the said Baltimore and Harford Turnpike, found by inquisition to be and described as out of order and repair, contrary to the force, effect, contemplation, intent and

Road in good
repair necessa-
ry to collection
of tolls, &c.