

such person or persons shall be liable to the said company in a civil action for the injury sustained, and the form of such action shall be trespass, vi et armis, in which treble damages and full costs of suit shall be recovered, but in no case shall both the remedies be had by the said company for one and the same offence and damage.

CHAP. 218.

Civil action

SEC. 16. *And be it enacted*, That the Treasurer of the Western Shore be, and he is authorised and directed to subscribe for and in behalf of the State of Maryland, ten thousand dollars of the stock in said company; *provided always*, that before any subscription shall be

Treasurer to  
subscribe  
\$10,000

Proviso

made, the treasurer shall be satisfied by sufficient testimony that ten thousand dollars, the balance of the capital stock has been actually subscribed by individuals or private corporation, that there has been, and actually have paid thereon, the first instalment as provided by this, or such as may be called for by virtue or under the authority of this act; *provided also*, before any instalment which may be called for by said company shall be paid for by the treasurer, upon the stock subscribed by the treasurer, the treasurer shall be satisfied by a certificate under the seal of said company, signed by the president and five directors, and such other testimony as the treasurer may deem sufficient, that stock to the amount of ten thousand dollars to the said company has been subscribed for by individuals or private corporations, and that the instalment thereon, similar to that required to be paid on behalf of the State, and all the previous instalments which may have accrued thereon have been paid, which said instalments shall be paid as called for by the said company in certificates of stock of the State, bearing an interest of five per centum per annum, in the manner hereinbefore provided.

Further proviso

How payable

SEC. 17. *And be it enacted*, That if the said canal and inlet shall not be commenced in three years from the passage of this act, and shall not be finished in five years from the time of the commencement thereof, then this act shall be null and void.

Limitation