

CHAPTER 287.

CHAP. 288.

*A supplement to an act entitled, An act relating to the Franklin Turnpike Road.* Passed March 7, 1843.

WHEREAS it is represented that the Franklin Turnpike Road Company never did perfect and construct five miles in length of its turnpike road as required by the provisions of its charter, and that the charging of tolls on said road is without the authority of law—therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the judges of Baltimore county court are hereby authorized and required, upon the application of any person stating that any individual charges or receives tolls on said turnpike road, to issue a summons for such person as is alleged to have received such tolls, and if it shall appear to the court that such tolls ought not to be received or charged, by reason that the said turnpike road was never constructed and perfected to such extent and in such manner as to authorize the charging and receiving tolls according to the provisions and conditions of the charter of the said company, or by reason of said turnpike road not being kept in the state and condition required by the provisions of said charter, then the said court shall adjudge that the person so offending by receiving tolls, shall re-pay the tolls so received with costs.

SEC. 2. *And be it enacted,* That if the court under the foregoing section, shall determine that tolls ought not to be charged or received on said turnpike road, then the gates shall be taken off from said road, and no tolls shall thereafter be charged or received for travelling the same, and the said court in the proceedings authorized by this act shall have full power to coerce the appearance of the party accused, by attachment, and to summon witnesses and to direct an issue to be procured and tried by a jury if such proceedings be required by any party interested.

CHAPTER 288.

*A further supplement to an act regulating writs of error and granting appeals to the Court of Appeals.* Passed March 7, 1843.

*Be it enacted by the General Assembly of Maryland,* That in any case now pending or hereafter to be depending in the Court of Appeals of the Eastern or Western Shore