

CHAP. 314.

the state or his deputy in that portion of the state through which the canal passes, is hereby directed to issue a scire facias out of Cecil county court for a forfeiture of its charter or to institute any other proceedings which in their or either of their judgments may be deemed necessary to raise and determine the question of its forfeiture.

Entitled to trial and judgment at first term.

SEC. 6. *And be it enacted*, That the said proceedings so instituted, shall be entitled to a trial and judgment at the first term to which it is returnable, unless in the discretion of the court, upon affidavit made by the defendants, there should be a good ground of continuance to the succeeding term.

Right reserved.

SEC. 7. *And be it enacted*, That the State of Maryland hereby reserves to itself the right to change and modify any of the provisions of this act and lessen the rates of toll upon passengers passing through the said canal, hereby granted to the said corporation, by the first section of this act, if the public interest should hereafter require it.

In case said company may not accept the provisions of this act, and within 60 days after its passage charge, it may be recovered back.

SEC. 8. *And be it enacted*, That if the said Chesapeake and Delaware Canal Company shall not accept of the provisions of this act, and shall nevertheless at any time after sixty days from the passage of this act charge and collect any toll upon passengers, passing through said canal, and any passenger so paying the same shall be entitled to recover back from the said company such illegal toll in the same manner as is allowed to passengers paying excessive toll by the third and fourth sections of this act; and it shall be the duty of the attorney general or any of his deputies, upon information laid before him or them of such illegal exaction of toll, to institute the same proceedings against the said corporation as are directed by the fifth and sixth sections of this act, which are hereby made subject to the same provisions, as cases arising under those sections.

May establish and maintain line of boats.

SEC. 9. *And be it enacted*, That the said company shall have the power and authority and they are hereby authorized to establish and maintain a line or lines of boats for the conveyance and transportation of passengers and merchandize or other articles to and from the city of Baltimore and Philadelphia through the said canal, and to and from all intermediate places; and the said company is hereby invested with all the rights, privileges and powers needful and proper to be exercised for that purpose; *provided however*, that, said line or lines of boats shall have no preference whatever over the other lines running through said canal and regularly engaged in conveying passengers, and if any such preferences shall at any time be given, it shall subject the said canal company to the

Proviso.