

C H A P.
LXV.

also the surplus of money advanced, if insufficient to pay for an additional share, shall be liable to forfeiture, if the president and directors shall choose to declare the same forfeited, and in such case it shall and may be lawful for the said president and directors to sell and dispose of such forfeited shares for the use and benefit of the said corporation; and if any of the subscribers or proprietors, after any payment shall have been so ordered and advertised as aforesaid, shall refuse or neglect to make such payment within the time limited; and the said president and directors shall elect, instead of the forfeiture aforesaid, to proceed against such subscriber or proprietor, in order to compel such payment, it shall and may be lawful for the said president and directors, in the name of the said corporation, to prosecute an action at law against such person, either in the general court, or county court in the county where such person shall reside, and if a copy of the declaration in such case be served with the writ ten days before the court to which such writ shall be returnable, the said court shall proceed to trial and judgment at the first term; and any purchaser or purchasers of any forfeited shares shall, in case of non-compliance with his or their contract, or failure to make any future payments that may accrue upon such purchased share, after the time of such purchase, be liable, in the election of the said president and directors, to forfeiture, or to such summary proceedings as aforesaid, in the same manner as any original subscriber or proprietor.

A road to be
laid out, &c.

IX. And be it enacted, That the said company shall cause the said road to be laid out sixty-six feet wide, twenty-one feet whereof in breadth, at least, shall be made artificial road, which shall be bedded with wood, stone, gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface; and the said road shall be made so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, except in its passage over the South Mountain, over which the said road shall be made so nearly level in its progress, as that it shall in no place upon said mountain rise or fall more than will form an angle of six degrees with an horizontal line, and shall for ever thereafter maintain and keep the same in good and perfect order and repair.

President, &c.
may agree
with owners
applying for
satisfaction,
&c.

X. And be it enacted, That if the proprietors of the lands through which the said road may pass, and which shall be condemned by the said president and directors as aforesaid, shall apply to the president and directors for any satisfaction, the said president and directors, or a majority of them, may agree with the owner or owners of said land for the purchase thereof, and in case of disagreement, or in case the owner shall be a *feme-covert*, under age, or *non compos*, or out of the state or county, on application to any one justice of the county in which said lands may be, the said justice shall issue his warrant, under his hand, to the sheriff of his county, commissioning him to summon twelve freeholders, inhabitants of the said county, not related to the said owner, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, of which five days notice shall be given by the sheriff to the owner of the said land, or left at his last place of abode, or given to his or her guardian if an infant, or if out of the state or county by publishing notice thereof not less than six weeks successively in one of the Baltimore papers; and the sheriff, on receiving said warrant, shall then summon the said jury, and when met, shall administer an oath, or affirmation, to every jurymen, who shall swear, or affirm, (as his case may require,) that he will justly, faithfully, impartially and honestly, value the lands, and all damages, if any, the owner thereof will sustain by the road passing through the same, having true regard to all circumstances of conveniences, benefits or advantages, according to his skill and judgment; and the inquisition thereupon taken shall be signed by the sheriff, and seven or more of the jury, and shall be conclusive, and the same shall be returned to the clerk of the county, to be by him recorded, at the expence of the said company; and the valuation expressed in such inquisition shall be paid by the