

they shall deem necessary to carry on their intended works, and to fix their salaries and wages, and to draw on the bank for all monies as shall have been so as aforesaid deposited by the commissioners aforesaid, which draughts shall be signed by the said respective presidents, or in their absence, by a majority of a quorum, and countersigned by their treasurer, and generally to do all such other acts, matters and things, as by this act, and the respective by-laws, rules, orders and regulations, of the company, they shall be authorised to do.

C H A P.
LI.

X. AND BE IT ENACTED, That after thirty days public notice in all the public papers aforesaid of the time and place appointed for the payment of any proportion of the said capital stock of either of the said companies, any stockholder shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, his, her or their assignee, shall, in addition to the payment so called for, pay at the rate of five *per cent.* per month for delay of such payment; and if the same, and the said additional penalty, shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part on account of such share or shares, the same shall be forfeited to the said company, and may and shall be sold and assigned by the president and managers of said company to any person willing to purchase the same, for such price as can be obtained for the same, and the purchaser or purchasers aforesaid shall have all the benefit and advantage of such assignment and purchase as if he, she or they, had been an original stockholder.

Penalty on neglecting to pay, &c.

XI. AND BE IT ENACTED, That the said roads shall be made in, over and upon, the beds of the present roads, as laid out and confirmed by the commissioners of review, and the several acts of assembly relating to the same, and also upon every extension of the said roads as established by this law; provided always, that should it appear, on a resurvey of any part of the extension of said roads by sworn surveyors, that a considerable saving in distance would thence arise to the public, and in expence to the company or companies, that in all such cases it shall be lawful to depart from the tract of the road so originally laid down, and improve the shorter and less expensive route; provided also, that in all such deviations the road shall not be diverted or taken from any town or village through which it now passes, nor shall it pass through the meadows, gardens, orchards or grain-fields, whilst the grain or crop is growing therein, without the consent of the proprietor or proprietors thereof; and provided also, that no deviations shall be made from the beds of the Reister's and York-town turnpike roads as now laid out and confirmed.

Roads to be made over the beds of the present roads, &c.

XII. AND, whereas Baltimore county has, from time to time, laid out and expended considerable sums of money in turnpiking said roads, and it is reasonable and just that the said county should be reimbursed the value to the company of the said turnpike improvements made thereon; therefore, BE IT ENACTED, That the levy court of Baltimore county, at their next meeting after the respective presidents and managers shall have been chosen, shall be and they are hereby authorised and directed to appoint three persons, such as they may deem suitable, for each of the respective roads aforesaid, due notice of which appointment, in writing, with the names of the persons appointed, shall be given to the presidents respectively, and upon such notice being given, the said respective presidents and managers shall forthwith appoint a like number on the part of their respective companies, within ten days after being informed as aforesaid of the appointments by the levy court, and shall immediately give notice thereof to the said persons appointed by the levy court, which six commissioners, so appointed for each respective road, shall, within ten days after the notice aforesaid, meet, and proceed to choose from out of the next adjoining county to that respective road, three other persons, such as they may deem suitable, which nine persons, after being duly qualified before some justice of the peace, truly and impartially to estimate the value of the aforesaid turnpike improvements to the respective companies, shall compose a commission, neither of which shall be interested in the stock of the said road which they may be appointed to value, and shall proceed to value and determine the then value of the said improvements on the said roads, and deliver a copy of their said award, within twenty days after the day of the first meeting of said commissioners, under their respective hands and seals, or in case of disagreement, a majority of the said commissioners shall sign and seal the same, and deliver one such copy thereof to the clerk of the levy court of Baltimore county, and another to the president and managers of the company for the road for which they shall have been appointed, each, provided they accept to act under such appointment, under the penalty of five hundred dollars, one half thereof to the use of the said county, and the other half for the use of the said company, to be recovered as other fines and forfeitures are for the uses aforesaid under this act; and the said road shall, upon returning and the filing of said award with the clerk of Baltimore county levy court, become the property of the said company, they first paying each commissioner, so chosen to determine the value of each respective road, the sum of five

Court to appoint persons, &c.