

suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

C H A P.
LXIV.

XXV. AND BE IT ENACTED, That if the said company shall not proceed to carry on the said work within three years after this act comes into operation, or shall not, within ten years thereafter, complete the said road, according to the true intent and meaning of this act, then, in either of those cases, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties, privileges and franchises, by this act granted to the said company.

XXVI. AND BE IT ENACTED, That if the legislature should, at any time after the year one thousand eight hundred and thirty-one, think proper to take possession of the said road, three persons shall be appointed by the governor, and three by the president and managers of the said company, and three by the judges of the court of Cæcil county aforesaid, who are hereby required to appoint the same, who, or any six or more of them, not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the governor of this state, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid by the state to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.

XXVII. AND BE IT ENACTED, That if the said road shall be laid out and founded over and upon any land whereby the owner thereof shall suffer damage, the person or persons sustaining such damage may make application to the court of Cæcil county aforesaid, and thereupon the court shall appoint six fit and disinterested persons to view and judge the amount of the damages so done, which, if approved of by the court, shall be paid by the company; provided always, that it shall be the duty of the reviewers in assessing damages, to take into consideration the advantages derived from the said road passing through the land of the complainant; and that when the said road shall happen to be laid out and founded on any former laid out and confirmed road, the owner or owners of such lands shall not be entitled to receive compensation from the company for any damages sustained thereby.

XXVIII. AND BE IT ENACTED, That it shall not be lawful for the said company to put, cause, or suffer to be put, any let, hinderance or obstruction whatever, with intent to obstruct or prevent any other incorporated company for a similar purpose from forming a junction with the aforesaid New-Castle and French-town turnpike road, or in any manner to prevent the passing or repassing to and from the same, nor to prevent any such incorporated company, hereafter to be established by law, in case the company hereby incorporated shall neglect to do so, to repair and improve that part of the said turnpike road which may be opposite to the place where any such future turnpike road may join the same, nor to prevent the Chesapeake and Delaware canal company, or any other canal company, from cutting and making a canal across said New-Castle and French-town turnpike road.

C H A P. LXV.

An ACT to repeal and abolish the forty-fifth Article of the Constitution and Form of Government.

Passed 6th of
Jan. 1810.

BE IT ENACTED, by the General Assembly of Maryland, That the forty-fifth article of the constitution and form of government be and the same is hereby repealed and utterly abolished.

II. AND BE IT ENACTED, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alteration of the constitution and form of government therein contained, shall be taken and considered, and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing therein contained to the contrary notwithstanding.

C H A P. LXVI.

An ACT for the relief of John Campbell, of Queen-Anne's County.

Passed 6th of
Jan. 1810.

WHEREAS it is represented to this general assembly, that John Campbell, of Queen-Anne's county, has been engaged in the mercantile business, and has suffered considerable losses in said business, and that he has lost a valuable vessel in the West-Indies, which has rendered him unable to pay his debts: And whereas the said Campbell has followed the sea for several years past,