

X. AND BE IT ENACTED, That the term of ten years be allowed the aforesaid company for completing the aforesaid road, and when the said road shall be completed, in the manner herein before directed, it shall and may be lawful for the aforesaid company to demand and receive double the tolls herein before mentioned upon each article herein before mentioned.

C H A P.  
LII.  
Ten years allowed, &c.

XI. AND BE IT ENACTED, That if any part of the said road, bridges or causeways, upon which tolls shall have been received, shall be and continue to be out of good and perfect order and repair for the space of ten days, and information thereof shall be given to any justice of the peace for the neighbourhood, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet, at a certain time in the said precept to be mentioned, at the place in the said road, bridge or causeway, of which complaint is made, notice of which meeting shall also be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall, at such time and place, by the oaths or affirmation of the said freeholders, inquire whether the said road, bridge or causeway, or any part thereof, are in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hand of himself and of a majority of the freeholders, and if the said road, bridge or causeways, shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the said keepers of the turnpike gates between which such defective places shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for passing the interval of road between them, shall cease to be demanded, paid or collected, at such turnpikes or gates, until the said defective part or parts of the said road, bridge or causeway, shall be put into good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order before the meeting of the next court to be held for Allegany county, the said justice shall certify and send a copy of the said inquisition to the justices of the court aforesaid, who shall thereupon cause process to issue, returnable at any time during the said court, or the first day of the ensuing court, as the court may think proper, to summon any person intrusted by the said company with the care and superintendence of the said road within the limits of the county aforesaid, which process being returned "executed," the person summoned thereby shall immediately thereafter plead to issue to the inquisition aforesaid, and a jury shall immediately be empannelled to try the same, who, if they shall find the facts contained in the inquisition to be true, shall fine said person so having the superintendence of the said road according to the nature and degree of neglect, not exceeding fifty dollars, which fine, together with the costs imposed by the prosecution upon the said person, shall be recovered in the same manner as fines are usually recovered in the court aforesaid, and shall be applied to the reduction of the county levy; and in case the person so fined as aforesaid should be insolvent for the whole or any part of the fine aforesaid, the company shall be responsible for the same, to be recovered in the name of the state, by action of debt or information, in any court of record within this state.

Justice, in certain cases, may issue a precept, &c.

XII. AND BE IT ENACTED, That the president and managers of the said company shall keep just and fair accounts of all monies to be received by them from the persons appointed to take subscriptions, and from the subscribers to the said undertaking on account of their several subscriptions, of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road be completed, and until all the costs, charges and expences, of effecting the same, shall be fully paid and discharged; and the aggregate account of such expences shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner, and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided for by their by-laws.

President, &c. to keep just accounts, &c.

XIII. AND BE IT ENACTED, That the said president, managers and company, shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, and shall make and deliver a dividend of the clear profits and incomes thereof, (all contingent costs and charges being first deducted,)

Also of monies received by their collector, &c.