

persons, enquire whether the said parts of said road so complained of are in such good order as aforesaid, and shall cause an inquisition to be made and certified, under the hands of himself and said persons; and if the said parties by said inquisition, shall find the said places of said road to be out of order and repair, contrary to the true meaning and intent of this Act, the said Justice shall certify and send one copy of the said inquisition to the President of said Company, and if the same should not be put in good order and repair within fifteen days thereafter, the aforesaid Justice shall certify and send a copy of the inquisition aforesaid, to the next term of the Circuit Court for said County, and the Judge thereof shall cause to be brought before him the person or persons intrusted by the said Company with the care and superintendance of such parts of said road so to be found defective; and if the said person or persons shall be convicted of the offence by the said inquisition charged, the said Court shall fine the said person or persons according to the nature and aggravation of the neglect, in its discretion, not exceeding one hundred dollars for every month since said inquisition shall find that such places shall have been out of order and repair; and in case the said Company shall neglect to have such places repaired within fifteen days after the fine aforesaid, then the Court shall proceed to fine the President of said Company in its discretion, not exceeding the sum of two hundred dollars, for the use of the County, under the direction of the County Commissioners; and any person paying toll, during the time that the said road shall be out of order, may recover the amount so paid, from said Company.

Intent to defraud.

Sec. 11. *And be it enacted*, That if any person or persons, whomsoever, riding or driving himself or any animal or thing for which tolls are prescribed by this Act, shall pass through any private gate, or bar, passage, way or other ground, with the intent to defraud the said Company, and avoid the payment of the toll or duty for passing through any of its gates or turnpike, such person or persons, in all or any of the ways or means so offending, shall for every such offence respectively, forfeit and pay to said Company any sum not less than