

## CHAP. 99.

Proviso,

as other debts of equal amount are recoverable; *Provided also*, that if the said road shall not be put into good and perfect order and repair within thirty days after the inquisition and notice aforesaid, the said copy of said inquisition so taken as aforesaid, shall be by the said justice sent to the court of the county wherein such inquisition was taken, and the said court shall thereupon cause process to issue, and bring in the body or bodies of the person or persons intrusted by the company with the care and management of said part so complained of, and shall direct a bill of indictment to be sent to the grand jury against the person or persons intrusted as aforesaid, and upon conviction shall give judgment according to the nature and aggravation of the offence and neglect, as the said court in their discretion shall think proper; provided that the fine in no case shall be less than twenty dollars nor exceeding one hundred dollars, to be recovered in the usual way that other fines for misdemeanors are recovered in said county, to be paid over to the levy court for the use of said county.

Accounts of monies received and expended to be kept.

20. AND BE IT ENACTED, That the president and managers shall keep fair and just accounts of all monies which shall have been received by them from the said commissioners, and from the said subscribers, for stock of the said company, on account of their several subscriptions, for all penalties for delays in payment thereof, and of all and every other item by them received, for the benefit of the said company, and also a fair and just account of all monies by them expended, and to be expended, in the prosecution of their work, and all contingent expenses of every nature whatsoever relative to carrying on said work, and shall at least once in every year submit such account to a general meeting of the stockholders, until said road shall be completed, and until all the costs, charges and expenses, effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock shall be expended, it shall be found that the 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 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 necessary and sufficient to accomplish the said work, and to demand and receive the monies for said shares in like manner, under the like penalties, as herein before provided for in the original subscriptions, or as shall be provided for by their by-laws.

Road not to be commenced until whole capital is subscribed for.

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21. AND BE IT ENACTED, That the aforesaid contemplated turnpike road shall not be begun, nor any workmen engaged, nor materials provided, until the whole capital stock of four hundred thousand dollars is subscribed for in manner herein before provided for; *Provided nevertheless*, that the president and managers may, if they think proper so to do, survey, lay off, and fix the route of the said road as herein before designated, and that whenever funds may come to their hands to enable them so to do.

Dividends,

22. AND BE IT ENACTED, That the said president, managers and company, shall keep a fair, just, and true account, of all and every the money to be received by the several and respective col-