

be excepted to, or objection thereto be filed with the intent and design of defeating, setting aside or quashing the same, in the court or courts above, having jurisdiction, for or on account, or in consequence of any matter of form, omission, technicality or irregularity, (other than gross or manifest fraud in obtaining or returning the said inquisition,) such matter of form, omission, technicality or irregularity, shall not be construed a new pursuance of the directions of the charter, within the sense and meaning of the aforesaid clause.

Sec. 3. *And be it further enacted*, That in all suits to recover toll hereafter a copy of inquisition as aforesaid duly certified by the Justice of the Peace before whom the said inquisition hath been found, or in the event of his inability by death or otherwise his judicial representative, shall be admissible in evidence to show the condition and state of the Baltimore and Harford Turnpike, or the part or parts, portion or portions, place or places, nearest the gate or house at which the toll was demanded and sought to be recovered, and constitute a good and sufficient bar, to every such suit or pretended right of action or recovery; unless it shall be made to appear as a matter of judicial record that said inquisition hath been set aside for gross or manifest fraud in obtaining the same, or by competent legal testimony, that the right of the plaintiff to recover as narrated arose before the finding of the said inquisition, and if the plaintiff shall introduce evidence to prove that within fifteen days after the service of a copy of the inquisition, the part or parts, portion or portions, place or places of the said Baltimore and Harford Turnpike found to be, and described by the said inquisition to be, out of order and repair, have been caused to be put, and placed in good and perfect order and repair, in a masterly and workmanlike manner as aforesaid, then and in that event it shall be competent for the defence to rebut such evidence by counter testimony, and such trials shall be conducted in all respects as other matters, of fact and law, and the same principles of evidence and of the common law regulate them as other matters passed upon, weighed, determined and tried before a court and jury.

Suits for the collection of toll—evidence, &c.

Sec. 4. *And be it further enacted*, That all legal costs, charges and expenses incurred in the find- Costs—by whom paid.