

Road to be kept in good repair—penalties in case of failure, &c.

in good and perfect order for the space of fifteen days, and information shall be given to any Justice of the Peace of the neighborhood, within the county, where the repair ought to be made, such Justice shall issue a precept to be directed to any Constable commanding him to summon three disinterested persons, to be named by the said Justice in the said precept, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said Justice shall at such time and place on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid and shall cause an inquisition to be made and certified under the hands of himself, and a majority of the said persons, and if the road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said Justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpike or gates between which such defective place shall be, and from thenceforth the tolls granted by the said act, of which this act is amendatory, to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected until the said defective part or parts of said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put in good and perfect order and repair before the next Circuit Court for said county, the aforesaid Justice shall certify and send a copy of the inquisition aforesaid, to the Judge of the said Circuit Court, who shall thereupon cause to be brought before him the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be found defective, and if the said person or persons entrusted by said company shall be convicted of the offence by the said inquisition charged the said Judge of said court shall fine the said person or persons according to the nature and aggravation of the neglect, in his discretion, not exceeding one hundred dollars for every week such place shall have been out of order and repair; and in case the said company shall neglect to have the