

the same; and all carriages as aforesaid which shall be drawn by oxen in the whole or in part, or by mules, two oxen shall be estimated as equal to one horse, and every mule as equal to one horse, in charging all the tolls as aforesaid; provided, that it shall not be lawful for the said company to charge tolls on that part of the road between Patterson and Stricker's mill and the city of Baltimore, until the same shall have been completely turnpiked with stone, or gravel or wood, as aforesaid.

C H A P.
XCI.

XIV. AND BE IT ENACTED, That for the purpose of ascertaining the weight which may be drawn along the said road in any cart, wagon, or other carriage of burthen, it shall and may be lawful for the said president, managers and company, to erect and establish scales and weights at or near such or so many of the gates erected, or to be erected in pursuance of the said recited act, as they may think proper, and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burthen, carries a greater weight than is or shall be by law allowable, it shall be lawful for their toll-gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon or other carriage of burthen, shall be drawn into the said erected scales at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving or having care or charge of any such cart, wagon, or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, a sum not less than five dollars nor more than eight dollars, to be recovered in the same manner as debts under ten pounds are recovered.

And erect
scales, &c.

XV. AND BE IT ENACTED, That no wagon, or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall not roll at least ten inches, shall be drawn along the said road with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road with more than eight tons; that no cart or other carriage with two wheels, the same breadth of wheels as the wagons aforesaid, shall be drawn along the said road with more than half the burthen or weight aforesaid; and if any cart, wagon, or carriage of burthen whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burthen shall be greater than three hundred weight, shall forfeit and pay four times the customary tolls, for the use of the company; provided always, that it shall and may be lawful for the said company, by their by-laws, to alter any or all the regulations herein contained respecting the burthens on carriages to be drawn over the said road, and to substitute other regulations, if upon experiment such alterations shall be found conducive to the public good; provided nevertheless, that such regulations shall not lessen the burthens of carriages above described.

Weights to be
drawn in wa-
gons, &c. re-
gulated, &c.

XVI. AND BE IT ENACTED, That if the said company, after the said road be completed as aforesaid, shall neglect to keep the said road in good and perfect order for the space of fifteen days, and information shall be given to any justice of the peace within the county, 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 roads, 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 the judges of the county court, who shall thereupon cause to be brought before them the body or bodies of the person or persons intrusted 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 intrusted by the company aforesaid, 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 their 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 should neglect to have the said place repaired within fifteen days after the aforesaid fine shall have been laid, then the said court shall proceed to fine the said president, managers and company, in their discretion, not exceeding two hundred dollars, for the use of the county under the direction of the levy court.

Penalty for not
keeping roads
in repair, &c.