

any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition not to be in such good order and repair as herein is required, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take, or attempt to exact, tolls for the intermediate distance between the gates aforesaid from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay, to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any justice of the peace as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good and perfect order and repair before the next ensuing county court of Cæcil county, the said justices shall certify, and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the 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 as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons intrusted as aforesaid, and upon conviction, shall give judgment according to the nature and aggravation of the neglect, as the court, in their discretion, shall judge proper, provided the fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the levy court, to be applied for the use of the county.

XVI. AND BE IT ENACTED, That the president and managers of the said company shall keep fair and just accounts of all monies which shall be received by them from the said commissioners and from the subscribers, for the stock of the said company, on account of their several subscriptions, and of all penalties for the delay in payment thereof, and of the profit on the shares which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of their work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until said road shall be completed, and until all the costs, charges and expenses, of 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 of the said company shall be nearly expended, it shall be found that the said 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 sufficient to accomplish the work, and to demand and receive the monies received for such shares, in like manner, and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by the by-laws.

XVII. AND BE IT ENACTED, That the said president, managers and company, shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls, the several gates or turnpikes on the said road, which shall not exceed one for every five miles, after the said road is completed from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said work, being first deducted and reserved among all the subscribers to the stock of the said company, and shall, on the first Monday in the month of March and September in every year, publish the half yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XVIII. AND BE IT ENACTED, That the said president and managers shall, at the end of every third year from the date of the incorporation until two years next after the whole road shall be completed, lay before the general assembly of this state an abstract of their accounts, shewing the whole amount of the capital stock expended in the prosecution of the said work, and of the income and profits arising from said toll for and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall be completed from the beginning to