

C H A P.  
CXXVIII.

their discretion, hold the excess thus arising above the said ten *per centum* in reserve, to meet any future deficiency, or, if in their judgment a continuance of the then tolls would produce a like annual excess, to lower the tolls, or any of them, so as to bring the aggregate on the said road to ten *per centum per annum*, and the said court may, in their discretion, on the representation of the aforesaid company, revise the tolls herein established, so as to render them in their operation more favourable to the commerce and the industry of the citizens.

XX. AND BE IT ENACTED, That the stockholders of the present company shall be entitled to receive ten *per centum per annum*, and no more, over and above all charges and deductions whatsoever; and the president and managers of the said company shall keep a just and true account of all and every the monies received by their several and respective collectors of tolls at the several and respective gates and turnpikes on the said road, from the beginning to the end thereof, which account shall be upon oath or affirmation, as the case may be, and shall make a dividend of the clear profits and income thereof, not exceeding ten *per centum* in any year, among all the stockholders of every description, and shall, on the first Monday in May and November in every year, publish the half yearly dividend made of the said clear profits as aforesaid, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XXI. AND BE IT ENACTED, That all such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

XXII. AND BE IT ENACTED, That if the said company, after the said road is 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 of the neighbourhood, 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 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 shall cease to be demanded, paid or collected, until the said defective part or parts 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 county court of said county, the aforesaid justice shall certify, and send a copy of the inquisition aforesaid, 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.

XXIII. AND BE IT ENACTED, That if any person or persons whomsoever, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burthen or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gate or bars, or along or over any private passage way, or other ground near to or adjoining any turnpike gate which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any wagon, or carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such tolls or duty may be evaded or lessened, all and every person or persons, in all, every, or any of the ways or manners aforesaid offending, shall, for every such offence, respectively forfeit and pay to

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