

any justice of the peace, in like manner as debts of a similar amount may be sued for and recovered. *Provided always*, that if any person or persons shall be prosecuted under this section, and the said prosecution shall not be sustained on the part of the prosecutor, then and in such case, the person or persons prosecuted as aforesaid, shall receive from the company the sum of twenty dollars, in lieu of damages from delay and vexatious prosecution, recoverable as other fines under this act; and if any toll gatherer shall knowingly demand and receive any greater toll from any person or persons than such toll gatherer is authorised to demand and receive, by virtue of this act, such toll gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the county in which the forfeiture is incurred, and for the payment of which the said company shall be responsible; *and provided also*, that nothing herein contained shall be construed to prevent any person so prosecuted, from maintaining a civil action in any court of law of this State, having cognizance thereof to recover damages for injury by such person or persons sustained.

Sec. 18. *And be it enacted*, That the president and managers of the said company, shall keep a fair and just account of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and all penalties for delay in payment thereof; and of the amount of the profits on the shares which may be forfeited as aforesaid; and also all monies by them expended in the prosecution of their said work; and shall once at least in every year, submit such an account to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expense 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 when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said 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 their number of shares to such an extent as shall be deemed sufficient to accomplish the work, and receive subscription on original terms, and demand the money subscribed for such shares in like manner, and under like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

CHAP. 159.

Provisoes.

President and Managers to keep account of monies.