

SEC. 3. *And be it enacted*, That in case the said company shall hereafter directly or indirectly charge and collect a greater amount of toll than twenty-five cents for each passenger for passing through the entire distance of said canal; or shall charge and collect directly or indirectly, any toll upon the seventy-five pounds of baggage, allowed to be carried without toll by each and every passenger under the second section of this act, the passenger so paying the same may recover the same back from the said company by a proceeding before a justice of the peace, in the same manner as small debts under the sum of twenty-six dollars and sixty-six and two-third cents are now recoverable out of court; *provided nevertheless*, that nothing in this act contained, shall prohibit said company from making special contracts with the proprietors of any boats or lines of boats, passing through said canal for payment by such proprietors of such consideration as may be agreed on for the allowance of an increased rate of speed beyond the customary speed of passenger boats in respect of boats so constructed as to be capable of passing through said canal, without injury thereto, at a rate of speed beyond the speed allowed to vessels generally, by the regulations of said company; *provided further*, that all boats of like construction shall be allowed to pass through said canal, at the like rate of speed on the same terms as the most favored; *and provided further*, that no preference shall be allowed to boats or lines of boats, the proprietors whereof shall so enter into special contracts, over other passenger boats, in passing the locks in regular turn, or in any other respect except in the allowance of increased speed.

SEC. 4. *And be it enacted*, That the service of the summons for the said corporation, issued by the justice of the peace, in any proceeding before him, growing out of this act, upon any acting officer or agent of the company, shall be deemed a good service upon the company itself; and upon the return by the officer to whom such summons is directed, of the service of the process upon any such acting officer or agent, the justice of the peace before whom the same may be heard, may and shall proceed in the usual form to try and determine the matter in controversy, as if the said corporation had been regularly summoned by service on the president.

SEC. 5. *And be it enacted*, That if the said canal company shall charge and collect any other tolls on passengers or boats carrying passengers or their baggage than those hereby authorized, it shall be considered as a wilful violation of this act, and the attorney general of

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Not permitted to charge more than 25 cents for each passenger.

Provisoes.

Service of summons for corporation issued by justice, valid.

The charging or collecting of any tolls but those authorized, a violation of charter.