

C H A P.
LXXIX.

on than three tons; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall 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 wheel 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, the excess of burthen shall be three hundred weight or upwards, 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 or 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.

XVII. AND BE IT ENACTED, That the treasurer of the western shore be and he is hereby constituted a court of inspection; and it shall and may be the duty of the said company, once every year, (and oftener if required by the court,) to lay before the same a correct and methodical account of their disbursements and expenditures, and of the amount of the tolls collected and received on the said road for and during the twelve months preceding, and whenever the tolls shall, during two following years, exceed ten *per centum*, free of all charges on the institution, the said court shall, in 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 commerce and the industry of the citizens.

XVIII. 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 beginnings to the ends thereof, which accounts shall be upon oath, or affirmation, as the case may be, and shall make a dividend of the clear profit 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 November and May 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.

XIX. 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.

XX. 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, an 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 herebefore 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 the 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