

fect 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 superintendance 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 county commissioners.

SEC. 17. *And be it enacted,* That if any person or persons whosoever, riding in or driving any sulky, 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 bar, or along or over any private passage-way or other ground near to, or adjoining the 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 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 practice any 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 the said president, managers, and company of the road on which such fraud shall or may be practised, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before 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

CHAP. 196.

Penalty for violation

provisoes,