

DEC. SESS.  
1813.

Persons e-  
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law. Penalty.  
How to be re-  
covered.

and every ass or mule as equal to one horse in charging the aforesaid tolls.

13. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That if any person or persons owning, riding in or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties as aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground or land near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast, or cattle of draught or burden from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Baltimore and Strasburg turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit, before any justice of the peace in like manner, and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Repairs. Pe-  
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14. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That if the said company shall neglect to keep the said road in good repair for the space of ten days, and information thereof shall be given to any two justices of the peace for the proper county, such justices shall issue a precept to be directed to any constable, commanding him to summon five judicious and disinterested free holders, to be named by said justices, to meet at a certain time in the said precept, to be mentioned at the place in the road, which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justices shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good repair as aforesaid; and shall cause an inquisition to be made under their hands and seals, and under the hands and seals of the said freeholders, and if the said road shall be found by the said inquisition to be out of repair, contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which said defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them, shall cease to be de-

manded, paid or satisfied by the said company, or by the said defectives put into good and lawful use, and if any of the said defectives take or attempt to take any action between the gates at the time the road shall be out of repair, the said defectives shall forfeit for the same, before any justice of the peace, all the moneys they are or may be entitled to, and shall not be permitted to sue in any court of quarter sessions, or any other justices shall be liable in damages in addition to the justice of the peace shall thereupon award to the bodies of the said company with the said road as shall be directed by the justice inquest, against the said company; and upon the said road according to the said court. *Provided*, that the said company nor exceed the sum of ten dollars to be imposed as fines for misdoings in the said county, and in the said ways of the peace, to be applied to the said county or county is or may be of.

15. AND BE IT FURTHER ENACTED, *by the authority aforesaid*, That if the said company shall neglect to pay the moneys which shall be due to the said commissioners, or to the said justices, and of the said tolls, and of the said moneys which may be due to the said company by the said works, or by the said account, until the said moneys be fully paid, or until the said costs, charges and expenses be fully paid, or until the said stock of the