

Dec Ses 1817.

Legal rate of
per cent—divi-
dend.Oxen &c.—
rate.Repairs—neg-
lect—penalty,
&c.

er the tolls, or any of them, so as to bring the aggregate on the said roads to ten per centum per annum; and the said court may, in their discretion, on the representation of the said company, revise the tolls herein established, so as to render them in their operation more favourable to the commerce and industry of the citizens.

20. *And be it enacted*, That the stockholders of the said respective companies 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 respective companies shall keep a just and true account of all and every the monies received by the several and respective collectors of tolls, at the several and respective gates and turnpikes on the said roads, from the beginning to the end thereof, which account shall be upon oath, or affirmation, as the case may be, and shall make a dividend of the clear profits and income thereof, not exceeding ten per centum in the year, among all the stockholders of every description, and shall, on the first Monday in May and November in every year, publish the half yearly dividends 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.

21. *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.

22. *And be it enacted*, That if the said companies after any of the said roads are completed as aforesaid, shall neglect to keep the said roads in good and perfect order for the space of three days, and 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 hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until three days after 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 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 companies with the care and superin-

tendance of such roads, and if the said justice shall certify, the said justice shall not exceeding ten per centum have been omitted, should neglect after the aforesaid shall proceed their discretion the county under

23. *And be it enacted*, That any person riding in, or driving a wain, sleigh, or leading any horse or mule, shall thereon or over any part of any turnpike with an intention to pay the toll or duty, if any person shall be taken off, wagon or cart, fraudulent manner, any such toll person or persons aforesaid offend, shall forfeit and pay any sum not exceeding the sum of twenty dollars, with costs of action, as debts of a contract, and shall be liable to be prosecuted therefor, under this section, the part of the said persons prosecuted, the sum of twenty dollars, prosecution, toll-gatherer, from any person, to demand a sum, and pay the same, and the use of the same, the payment of

24. *And be it enacted*, That any person who shall receive by the said companies, or by the members to the said companies, and of the amount of the said companies, aforesaid, a sum of their said money, such account