

pleted from the beginning to the end thereof, it shall appear, from the average profits of the said two years, that the said income and profits thereof will not bear a dividend of ten per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president and directors to increase the tolls herein allowed so much upon each and every allowance thereof as will raise the dividends up to ten per centum per annum, in which increase they shall be regulated by the net profits of the preceding year.

C H A P.  
LXIX.

XX. AND BE IT ENACTED, That in case the said tolls, as hereby first established, shall, in any one year from and after the term of two years after the completion of the said road, exceed in net profits the sum of ten per centum per annum, then the legislature may, at any subsequent session, and from time to time, reduce the said tolls, provided that when thus reduced they shall not yield in net profits a less sum than ten per centum per annum; and in making such reduction they shall be governed by the average of the clear income and profits arising from the tolls of the two years next preceding such reduction.

Tolls may be reduced, &c.

XXI. AND BE IT ENACTED, That in case the tolls should be increased by the said president and directors, by virtue of the authority herein before given them, and when so increased, they shall exceed in net profits the sum of ten per centum per annum, that then and in such case, the legislature may, at any subsequent session, and from time to time, reduce the said tolls, provided that when thus reduced they shall not yield in net profits a less sum than ten per centum per annum; and in making such reduction they shall be governed by the average of the clear income and profits arising from the tolls of the two years next preceding such reduction.

Tolls, if increased, may be reduced, &c.

XXII. AND BE IT ENACTED, That in case the said president and directors shall not comply with the provisions of this act, in publishing an account of their expenditures and net proceeds semi-annually, and also in laying before the legislature every two years after the choice of the first directors as aforesaid, a statement upon oath, of their capital expended, and the profits arising from the same, they shall forfeit and pay, for each neglect, the sum of five hundred dollars.

Penalty for not complying, &c.

XXIII. AND, for the punishment of all offences created by this act, and committed by the corporation or their agents, BE IT ENACTED, That prosecutions by action shall be carried on and prosecuted against the said president in the county court of the county in which the said president shall reside; and all fines or forfeitures imposed by this act, which may affect other persons, shall be recovered by indictment against the party offending in the county court of the county in which he or she shall reside, and the same, when received, shall be paid to the state, or to such person or persons to whose use the same are by this act appointed; and if any person shall refuse to pay the toll or tolls imposed by this act, at the respective places at which they may be demanded by law, or shall evade the payment thereof, by going round the toll-gates, such toll shall be recovered by warrant issued by any justice of the peace of the county in which the payment of such toll may be demanded, by virtue of this act, or of the county in which such person shall reside; and all such justices are hereby authorized and required to issue such warrants on the application of the said president and directors, or their agent or toll receivers, and to hear and determine the said complaint, and to pass judgment, and award execution thereon, in the same manner as they are authorized to proceed in other cases by the act, entitled, An act for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned.

Prosecutions may be carried on, &c.

XXIV. AND BE IT ENACTED, That the said proprietors, or a majority of them holding at least five hundred shares, shall have full power, at any general meeting, to lessen said tolls, or determine what article shall pass free of tollage.

Tolls may be lessened, &c.

XXV. AND BE IT ENACTED, That the said president and directors shall have full power and authority, from time to time, to farm the said tolls and toll-gates, or either of them, for such term or terms during the continuance of the said corporation, and upon such conditions, as they, in their discretion, shall deem expedient, provided, that the same shall be ratified and confirmed by the general meeting of the stockholders that shall next happen thereafter.

And may be farmed out, &c.

XXVI. AND BE IT ENACTED, That if any person shall drive any carriage or waggon, cart or other carriage of burthen, round any turnpike gate, with intention to avoid the payment of the tolls, and if any person shall lead or drive his riding horse liable to tolls round any such turnpike gate, with intent to evade the payment of the toll, such person, if a free man, shall forfeit and pay two dollars for every such offence, or if a servant or slave, the master or mistress shall forfeit and pay one dollar.

Penalty for attempting to avoid payment, &c.