

justice shall issue a precept, directed to any constable, commanding him to summon three freeholders, to meet, at a certain time to be mentioned in the said precept, on the place in the said road which shall have been 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, by the oaths or affirmation of the said freeholders, 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, under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the gates or turnpikes, and from thenceforth the toll hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put in good and perfect order and repair before the next Allegany county court, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, who shall thereupon cause process to issue, returnable at any time during the said court, or on the first day of the ensuing court, as the justices may think proper, to summon the person or persons intrusted by the said company with the care and superintendence of the said road, which process being returned "executed," the person or persons summoned thereby shall immediately thereafter plead to issue to the inquisition aforesaid, and a jury shall immediately be empannelled to try the same, who, if they shall find the facts contained in the inquisition to be true, shall fine the said person or persons so having the superintendence of the said road according to the nature and degree of neglect, which fine, together with the costs accruing by the prosecution of the said person or persons, shall be recovered in the same manner as fines are usually recovered in courts of justice, and shall be applied to the reduction of the county levy; and in case the said person or persons fined as aforesaid shall be insolvent for the whole or any part of the said fine and costs, the company shall be responsible for the same, to be recovered in the name of the state, by action of debt, in said court; provided, that if any person or persons should be impeded, obstructed or injured, in consequence of the said road not being in good and sufficient order and repair, after having been completed as aforesaid, according to the true intent and meaning of this act, he, she or they, shall and may have and maintain an action on the case against the said company, to recover damages therefor.

XIII. AND BE IT ENACTED; That the president and managers of the said company shall keep just and fair accounts of all monies received by them from the persons appointed to take subscriptions, and from the subscribers to the said undertaking on account of their several subscriptions, of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road be completed, and until all the costs, charges and expences, of effecting the same, shall be fully paid and discharged; and the aggregate amount of such expences shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner, and under the like penalties, as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

President, &c.
to keep just
accounts, &c.

XIV. AND BE IT ENACTED, That the said president, managers and company, shall also keep a just and true account of all and every the monies received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, and shall make and deliver a dividend of the clear profits and incomes thereof, (all contingent costs and charges being first deducted,) among all the subscribers to the said company's stock, and shall, on every first Monday in January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Also of monies
received by
their collector,
&c.

XV. AND BE IT ENACTED, That the president and directors shall, at the end of every third year after the choice of the first directors as aforesaid, lay before the general assembly of this state

An abstract to
be laid before
assembly, &c.