

CHAP.
LXIV.

the end thereof, it shall appear, from the average profits thereof for the said two years, that the said clear income and profits thereof will not bear a dividend of six *per centum per annum* on the whole capital stock of the said company so expended, then it shall be lawful to and for the said president, managers and company, to increase the tolls herein allowed, in equal proportions, upon each and every allowance thereof, so as to raise the dividends up to six *per centum per annum*; and at the end of every ten years after the said road shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years, and if, at the end of any such decennial period, it shall appear from such abstract that the clear profits and income of the company will bear a dividend of more than ten *per centum per annum*, then the said toll shall be so reduced as to reduce the said dividend down to ten *per centum per annum*.

XIX. AND BE IT ENACTED, That the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road, with boards and index hands, pointing to the direction of such roads, on both sides whereof shall be inscribed, in legible characters, the name of the town or place to which such road leads, and the distance thereof in measured or computed miles, and shall also cause milestones to be placed on the side of the said road, to designate the distances to and from the principal places thereon, and also shall cause to be affixed on the gates to be erected, for the information of travellers and others using the said road, a printed list of the rates of toll which from time to time may be lawfully demanded.

XX. AND BE IT ENACTED, That if any person or persons shall wilfully break, deface, pull up or prostrate, any milestone which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures subscribed thereon, or shall wilfully break, pull down, deface, destroy or injure, any direction-post which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate, the letters, figures or other characters, marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act at any such gate or turnpike, he or they, so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, a sum not exceeding twenty dollars, to be paid for and recovered, with costs of suit, before any justice of the peace, in manner aforesaid.

XXI. AND BE IT ENACTED, That all wagoners, carters, and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any wagoner, carter or driver, shall offend against this provision, he shall forfeit and pay a sum not exceeding two dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same before any justice of the peace, to be recovered, with costs, in like manner aforesaid.

XXII. AND BE IT ENACTED, That if any tollgatherer on the said road shall demand from any person or persons using the said road any greater rate or toll than by this act is authorised and allowed, such tollgatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the county in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county where such offence shall have been committed.

XXIII. AND BE IT ENACTED, That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid shall recover, by the judgment of the justices before whom such suit or prosecution shall be depending, or by action before the court of the county, such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

XXIV. AND BE IT ENACTED, That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within three months next after the fact committed, and the defendant or defendants in such