

Dec. Ses. 1817

tendance of such part of the said road as shall be found defective, and if the said person or persons, intrusted by the companies aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall fine the said person or persons according to the nature and aggravation of the neglect, in their discretion, not exceeding one hundred dollars for every week such place shall have been out of order and repair; and in case the said company should neglect to have the said place repaired within fifteen days after the aforesaid fine shall have been laid, then the said court shall proceed to fine the said president, managers and company, in their discretion, not exceeding two hundred dollars, for the use of the county under the direction of the levy court.

23. *And be it enacted,* That if any person or persons whomsoever, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burthen or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gate or bars, or along or over any private passage way, or other ground near or adjoining any turnpike gate which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any wagon or carriage of burthen or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such tolls or duty may be evaded or lessened, all and every person or persons, in all, every, or any of the ways or manners aforesaid offending, shall for every such offence respectively forfeit and pay to the said respective president, managers and company, of the road on which said fraud shall or may be practised, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner as debts of a similar amount may be sued for and recovered: *Provided always,* that if any person or persons shall be prosecuted under this section, and the said prosecution shall not be sustained on the part of the prosecutor, then and in such case the person or persons prosecuted as aforesaid shall receive from the company the sum of twenty dollars in lieu of damages from delay and vexatious prosecution, recoverable as other fines under this act; and if any toll-gatherer shall knowingly demand and receive any greater toll from any person or persons, than such toll-gatherer is authorised to demand and receive by this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the county in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Penalty on persons attempting to evade the tolls.

Proviso.

24. *And be it enacted,* That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertakings, on account of the several subscriptions, and of all penalties for delay in payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall once at least in every year submit such account to the general meeting of the stockholders, until the

Accounts— shares may be increased.