

## CHAP. 186

said person or persons intrusted by the company 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.

Penalty for attempting to defraud of toll

SEC. 17. *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 bar, or along or over any private passage, way, or other ground near to 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 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 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 virtue of 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: *And provided also*, That nothing herein contained shall be construed to prevent any person so prosecuted, from maintaining a civil action in any court of law of this state, having cognizance thereof to recover damages for injury by such person or persons sustained.

For instituting & not prosecuting suit.

For exacting illegal tolls.

Further damages.