

CHAP. 267. tinue to be, for the space of ten days, out of order and need repairing, information of the same having been served in writing, directed to the president and directors of said road company, and left with the keeper of said toll-gate, or with the said president, designating the part or portion of said road, and the same remaining unattended to for the space of five days thereafter, information of the same being furnished by any two responsible freeholders, residents in Frederick county, to any justice of the peace in and for said county, it shall be the duty of said justice to issue his precept, directed to the sheriff of said county, commanding him to summon three judicious inhabitants of said county to meet at a certain time in said precept to be mentioned, at the place on said road of which complaint is made, notice of which meeting shall also be given to the keeper of the toll-gate, or to the president of said road, and the said sheriff shall, at the said time and place, by the oath or affirmation of competent witnesses, inquire whether said complaint is well founded, or whether the complaint aforesaid is groundless and ill-founded, and shall cause inquisition to be made by personal examination of the part of said road about which complaint is made himself, and three persons constituted as judges in the premises, and if the said road, bridge, culvert, &c., shall be found by them to be in good repair, the parties making the complaint shall pay all the costs and charges of the inquisition, but if the said road, bridge or culvert, &c., shall be found by the said judges to be out of order and repair, according to the intent and meaning of this act, the said sheriff shall certify and send a copy of said inquisition to the keeper of said toll-gate, and thenceforth the tolls hereby granted to be collected at said gate for passing and repassing, shall cease to be demanded, paid or collected until the said defective part or parts of said road, bridge, culvert, &c., shall be put in good order and in perfect repair, to be certified to by the sheriff and a majority of the said judges aforesaid; and if the same shall not be put into such order and repair before the next meeting of the Circuit court of Frederick county, the sheriff aforesaid shall certify and send a copy of said inquisition to the judge of the court aforesaid, and said court shall thereupon order *capias ad respondendum* against the president and directors, to which the prosecuting attorney for the

Penalty.