

limited by the said Justice, and in default thereof the same shall be levied as next hereinafter provided.

XXVI. And be it enacted, That if any person not exempted by law from paying toll, shall pass or attempt to pass any toll gate, 5 check gate or side bar lawfully established, without first paying the legal toll, and with intent to avoid paying the same, he shall forfeit a sum not exceeding £5, to be recovered in the same manner as other fines and for feitures may be levied under the provisions of this Act, and in case no sufficient distress can be found to satisfy 10 any warrant that may be issued against the goods and chattels of the offender, such offender shall then be committed to the Common Gaol of the County or United Counties, for any period not exceeding one month: Provided always, That a warrant of commitment may issue, and the party convicted may be imprisoned 15 thereon in the first instance upon any conviction under this section of this Act, without issuing any warrant of distress against goods and chattels, where the offender after conviction shall neglect or refuse to pay the amount of the fine and costs, and it shall be made to appear to the satisfaction of the acting Justice or Justices, 20 by affidavit, that the offender has no goods or chattels within the jurisdiction of such Justice or Justices.

Penalty for passing or attempting to pass Gates, &c., without payment of toll.

Provido.

XXVII. And be it enacted, That it shall be lawful for the keeper of any toll-gate, where toll may legally be taken, to seize, detain, and prevent from passing through his gate, any animals or 25 carriages liable to toll, until the legal toll thereon shall be paid, and to keep the same until such payment, at the risk and costs of their owner.

Carrriages, &c., on which tolls are not paid may be detained.

XXVIII. And be it enacted, That the Directors of any Road Company shall and may, from time to time, commute with any 30 person whose place of abode shall adjoin or be within half a mile of their road, for the toll payable at the nearest gate on each side of such place of abode; but no such commutation shall be for a longer time than one year, and it may be renewed at the end of each period for which it shall be made; Provided always, that in 35 case of disagreement as to the terms of commutation, each party shall name an Arbitrator to settle the same, who in case of disagreement, may name a third, whose or any two of whose decision shall be final.

Directors may commute for tolls.

Provido.

XXIX. And be it enacted, That the fines and forfeitures 40 authorized to be summarily imposed by this Act, shall and may be levied and collected by distress, and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no

Fines, how levied.