

to keep the same in good and sufficient repair; and whenever any such Company shall suffer any portion of their road, on which tolls shall have been taken as aforesaid, to go to decay or get out of repair, it shall and may be lawful for the Warden of any of the Counties in which such road is situated, upon the requisition of 5 twelve freeholders residing within any of the said Counties, stating such road, belonging to any such Company, is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, to direct the engineer for the County, and, if there be no such County officer, then any competent engineer, to 10 examine the said road; and it shall be the duty of such engineer, so appointed, upon receiving such directions, immediately to inspect and examine the same, and if upon examination the road shall be found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the 15 requisition, then he shall notify the President of the Company to whom the road may belong, by leaving a written notice with any of the keepers of the toll-gates belonging to such Company, stating that, in pursuance of directions from the Warden of the County, he has inspected their road and found it to be out of repair, and 20 requiring them to take notice thereof, and cause the same to be repaired within a certain limited time, to be named in such notice, and which time shall be such as in the opinion of the engineer will be ample and sufficient for making the required repairs.

Tolls not to be collected after a certain period, until repairs are made.

**XLIV.** And be it enacted, That if the Directors of the Company, 25 after the service of the notice in the manner set forth in the preceding section, shall refuse or neglect to repair the roads, in a good and sufficient manner, within the period limited in the said notice, then, from and after the expiration of such period, until such repairs shall be completed, it shall not be lawful for the Directors 30 of such Company, or any person authorized by them to ask, demand, or receive any toll from any person passing through their toll gates, with or without any beast or vehicle, on such road, any thing hereinbefore contained to the contrary notwithstanding.

Penalty for taking toll when the Road is out of repair.

**XLV.** And be it enacted, That if any person acting as a keeper 35 of a toll-gate, on a road belonging to any such Company, which shall have neglected or refused to make the necessary repairs within the period limited in the written notice before mentioned, shall, after the expiration of such period, and before the required repairs shall have been completed, ask, demand or receive any toll, 40 from any person travelling with or without any beast or vehicle, along such road, or shall refuse to allow them to pass through such toll-gate without payment thereof, such person shall, upon conviction before any Justice of the Peace for the County in which such toll gate shall be situated, upon the oath of one credible witness, 45