

pany, without having first paid the toll fixed by the Directors of the said Company to be received at any such gate, such person shall, upon conviction thereof, in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to
 5 pay all damages sustained by the said Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than ten dollars nor less than one dollar; and in default of payment thereof the offender shall be committed to the Common Gaol of the District where such offence shall have been committed, for any time
 10 not exceeding one month.

Recovery of
penalty and
damages.

33. The fines and forfeitures 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 be-
 15 fore whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrants, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Fines may be
levied by dis-
tress.

34. If any person or persons shall, after proceeding on the said road with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay a fine not exceeding five nor less than two dol-
 25 lars, which said sum shall be expended on the said road or towards the discharge of any debt due by the Company; and any Justice of the Peace for the District in which such part of the said road is situate, shall, on conviction of such offender, fine such offender in the said penalty.

Penalty for
evading tolls.

35. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates which shall be erected in pursuance of this Act, and any person who opens or permits to be opened and maintained at any time any road affording egress to the public by a bye-road so constructed as to permit the evasion of the payment of toll
 35 on the said turnpike road at any distance less than two miles from either side of the said turnpike road, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons leading or
 40 driving any animal or carriage whereon such payment is evaded, being thereof convicted before any one Justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty dollars, which shall be laid out in improving the said roads, and it shall not be lawful for any person whomsoever to open or suffer to be opened any
 45 road whatsoever opposed to the interests of the said Company, under a penalty not exceeding one hundred dollars, and not less than twenty dollars for each contravention and for each and every day such road shall remain open against the person or persons contravening this section and against those who shall make use of such roads.

Penalty for
allowing per-
sons to pass
through lands
to evade tolls.

36. It shall be lawful for any Municipality or County through which the said roads pass at any time within one year from the passing of this Act, to acquire from the said Company all the rights and privileges
 50 vested in them by virtue of this Act, and to become the proprietor of

Municipalities
may acquire
roads.