

sum not exceeding one third part thereof, in such way and manner as the Government may judge most for the interest and honor of the Commonwealth, subject to the rules, regulations and provisions to be by them made and established.

Original amount of altered bills to be paid.

SECT. 11TH. *And be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank, Counterfited or altered in the Course of its circulation to a larger amount, notwithstanding such alteration.

Bank liable to taxation.

SECT. 12TH. *And be it further enacted*, that nothing contained in this Act shall be construed to prevent the Legislature from taxing the said Bank at any time hereafter whenever they shall judge it expedient.

Part of capital to be devoted to agricultural interest.

SECT. 13TH. *And be it further enacted*, That one eighth part of the whole funds of said Bank shall always be appropriated to loans to be made to Citizens of this Commonwealth and wherein the Directors shall wholly and exclusively regard the agricult[e][u]ral Interest which loans shall be made in sums of not less than one hundred dollars nor more than five hundred Dollars, and upon the personal Bond of the Borrower with collateral security by sufficient Mortgage of Real Estate for a Term not less than one year, and on Condition of paying the Interest annually on such loans, subject to such forfeiture and right of redemption as by law provided.

Capital may be increased for accommodation of applicants for "Mechanic Bank."

SECT. 14TH. *And be it further enacted*, that the Stockholders of this Bank may increase the Capital of said Bank Sixty thousand dollars, payable at such times, and in the same manner as the aforesaid Capital of two hundred thousand dollars, and subject to the same conditions. *Provided however* that the said sum of Sixty thousand dollars shall be reserved for such of the applicants for the Mechanic Bank, in the town of Salem as are not interested in the Essex Bank, nor otherwise interested in this Bank.

Approved March 8, 1803.

1802. — Chapter 120.

[January Session, ch. 82.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF LAYING OUT AND MAKING A TURNPIKE ROAD FROM NEWBURY PORT TO CHELSEA BRIDGE.

Preamble.

Whereas the laying out and making of the said road will be of great public utility, and Micajah Sawyer &

others have petitioned this Court for an Act of incorporation, to empower them to lay out and make said road, and have subscribed to a fund for that purpose; Therefore,

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* That Micajah Sawyer, William Coombs, Nicholas Pike, Arnold Welles, William Bartlett, John Pettingell, William Smith, John Codman and James Prince, and all such persons as are or shall be associated with them, and interested in said fund, and their Successors, shall be a Corporation by the name of The Newburyport Turnpike Corporation; and shall by that name sue & be sued, and shall have a common seal, and enjoy all the privileges and powers which are by law incident to a Corporation, for the purpose of laying out and making a turnpike road, and keeping the same in repair; that is to say, a road beginning at the head of State Street, so called, in Newburyport, and from thence to be continued in a course south twenty four degrees west as nearly as possible, through the towns of Newbury, Rowley, Ipswich, Topsfield, Danvers, Lynnfield, Lynn, Malden, and Chelsea, to the Chelsea Bridge, so called; the said road to be as nearly in a strait line as practicable, from the head of State Street in Newburyport to Chelsea Bridge.

Persons incorporated.

Corporate name.

Course of the road.

SEC. 2D. *And be it further enacted,* That the above mentioned persons, or any three of them, may by an advertisement in the Newburyport Herald printed in Newburyport, and in the New England Palladium printed in Boston, call a meeting of the said proprietors, to be holden at any suitable time and place after fifteen days from the publication of said advertisement; and the said proprietors, by a vote of the majority of those present or represented at the said meeting, (in all cases accounting and allowing a vote to each single share) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and who shall agree on a method for calling future meetings; and at the same, or at any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation; for effecting, completing and executing the purposes aforesaid; or for collecting the toll hereafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order & enjoin fines and penalties, not exceeding thirteen dollars and

First meeting.

Rules, &c. to be established.

thirty three cents, for any breach thereof. *Provided* such rules and regulations are not repugnant to the laws or Constitution of this Commonwealth. And the said proprietors may also choose and appoint any other Officer or Officers, that they may deem necessary; and all representations at any meeting shall be proved in writing signed by the person making the same, which shall be filed with, and recorded by the Clerk; and this Act and all rules, regulations and votes of the said Corporation, shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose. *Provided also*, that no one proprietor in this Corporation, shall have more than twenty votes.

Width of road prescribed.

SEC. 3D. *And be it further enacted*, That the same turnpike road shall be laid out and made by the said Corporation, of sufficient width in every part thereof for the accommodation of the public, that is to say, four rods wide through the whole of said road, and the made way, or path for travelling, shall be of sufficient width, and not less than thirty two feet wide in any part thereof.

Three gates to be erected when the road is approved.

And when the said road shall be sufficiently made from said Newburyport to said Chelsea Bridge, and shall be so allowed by any three men to be appointed by His Excellency the Governor of this Commonwealth, for that purpose, then the said Corporation shall be authorized to erect three turnpike gates, at such convenient distances within the said road, as a majority of the proprietors by them or their Officers, shall direct: *Provided* that neither of the gates aforesaid, shall be placed on any part of the roads heretofore travelled; and shall be entitled to receive at each one of the said gates, from each traveller and passenger, the following rate of toll, to wit, For every coach, phaeton, chariot or other four wheel carriage for the conveyance of persons, drawn by two horses, twenty five cents, and if drawn by more than two horses, an additional sum of four cents for each horse. For every cart, waggon, sleigh or sled, or other carriage of burthen, drawn by two oxen or horses, twelve and an half cents, and if by more than two, an additional sum of three cents for every such ox or horse. For every curricule sixteen cents. For every sleigh for the conveyance of passengers drawn by two horses, twelve and an half cents, and if drawn by more than two, an additional sum of three cents for each horse. For every sled or sleigh drawn by one horse,

Rates of toll.

ten cents. For every chaise, chair or other carriage drawn by one horse, twelve and an half cents. For every man and horse five cents. For all oxen, horses and neat cattle led or driven, besides those in teams and carriages, one cent each. For all sheep and swine three cents by the dozen; and in the same proportion for a greater or less number. *Provided* that the General Court may hereafter otherwise regulate the tolls to be paid by carts and waggons according to the width of the fellyes of the wheels on which they shall run, and the burdens which they shall carry.

SEC. 4TH. *And be it further enacted*, That said Corporation may purchase and hold any land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace in the respective Counties through which it passes, are hereby authorized on application from the said Corporation to lay out such road, or any part thereof within their respective jurisdictions, as with the consent of the said Corporation, they may think proper. And the said Corporation shall be holden to pay all damages which shall arise to any person, by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the County in which such damage shall arise; saving to either party a right of trial by Jury according to the law which makes provision for the recovery of damages happening by laying out public highways.

Corporation allowed to hold the necessary land.

SEC. 5TH. *And be it further enacted*, That if the said Corporation or their tollgatherer, or others by them employed shall unreasonably delay or hinder any passenger or traveller at either of said gates, or shall demand or receive more toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding ten dollars nor less than two dollars, to be recovered before any Justice of the Peace, of the County where the offence may be committed by any person injured, delayed or defrauded, in a special action of the case, the writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer or some individual member of said Corporation, living in the County where the said action may be brought, or by reading the same to said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation or

Penalty for delaying passengers and demanding illegal toll.

individual member, shall be allowed to defend the same suit in behalf of the said Corporation; and the said Corporation shall be liable to pay all damages that shall happen to any person from whom the toll is demandable for any damage which shall arise from the defect of bridges or want of repairing said ways; and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Penalty for
injuring the
gates or road.

SEC. 6TH. *And be it further enacted*, that if any person shall cut, break down, or otherwise destroy any of said gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same; or shall forcibly pass, or attempt to pass by force said gates, without first having paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding fifty dollars, and not less than ten dollars, to be recovered by the Treasurer of said Corporation to their use, in an action of trespass on the case. And if any person with a team, cattle or horses, turn out of said road to pass any of the turnpike gates aforesaid, and again enter said road, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay three times as much as the legal toll at such gate or gates established as aforesaid, to be recovered by the Treasurer aforesaid to the use aforesaid, in action of debt. *Provided* that nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse team or cattle to or from his common labour, or to or from any mill, or on the common or ordinary business of family concerns within the said town, or from any person or persons passing on military duty.

Exemptions
from the toll.

Shares to be
deemed per-
sonal estate
and may be
attached, &c.

SEC. 7TH. *And be it further enacted*, That the shares in said road, shall be deemed personal estate, to all intents & purposes, and shall be transferable by deed duly acknowledged before any Justice of the peace, and recorded by the Clerk of the said Corporation in a book to be kept for that purpose; and when any such share shall be attached on mesne process or taken in execution, an attested copy of such writ of attachment or execution, shall at the time of the attachment or taking in execution, be left with the Clerk of said Corporation, otherwise the attachment or taking in execution shall be void; and such shares may be taken and sold by execution in the same

manner as other personal estate; and the Officer or judgment creditor leaving a copy of such execution, with the return thereon, with such Clerk, within fourteen days after such sale, and paying for the recording thereof, shall be deemed, a sufficient transfer of the same.

SEC. 8TH. *And be it further enacted*, That the said Corporation shall within six months after said turnpike road shall be completed, lodge in the Secretary's Office an account of all the expenses of said road, and the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with the necessary annual disbursements on said road; and the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor & Council, when called for.

Account of cost of road and annual returns to be exhibited.

SEC. 9TH. *And be it further enacted* That whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in one or more public Newspapers printed in the County of Essex, and the Newspaper printed in Boston, by the printers of the General Court, the sum due on such shares, and the time and place of sale, at least thirty days previous to the time of sale, & such sale shall be a sufficient transfer of such share or shares so sold, to the person purchasing the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents, the proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer, to the persons whose shares were then sold.

Shares of delinquent proprietors may be sold.

SEC. 10TH. *And be it further enacted*, That the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the said income arising from said toll shall have fully compensated the said Corporation, for all monies they may have expended

Corporation may be dissolved when indemnified with interest.

in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of twelve dollars on the hundred for a year from the time of the same; and thereupon the interest in the said turnpike road shall vest in the Commonwealth. *Provided* that if the said Corporation shall neglect to complete said turnpike road for the space of five years from the passing of this Act, the same shall be void and of no effect.

The toll may be commuted.

SEC. 11TH. *And be it further enacted*, That the said Corporation be, and it is hereby empowered to commute the rate of toll with any person, or with the inhabitants of any town through which their turnpike road is made, by taking of him or them any certain sum annually, or for a less time, to be mutually agreed on, in lieu of the toll established in and by this Act.

Monies may be granted certain persons.

SEC. 12TH. *And be it further enacted*, That the said Corporation is hereby allowed to grant monies to such persons as rendered services to the proprietors in exploring the route of the turnpike road, or otherwise, previous to the Act of incorporation. And the said Corporation is hereby authorized to purchase and hold other real estate adjacent to, and for the accommodation of the said road, to the amount of twenty thousand dollars.

Approved March 8, 1803.

1802. — Chapter 121.

[January Session, ch. 83.]

AN ACT FOR THE FURTHER PROTECTION OF THE MANUFACTURES OF STONE LIME WITHIN THIS COMMONWEALTH.

Preamble.

Whereas Lime Casks, which have been filled at various Lime-kilns, and have been branded as the Law requires, after being brought to market, sold, and emptied, are generally a perquisite of labourers or apprentices, and are sold by them promiscuously to other manufactures, at a low price, without defacing the first brands, and are again filled with lime at other Kilns, greatly to the detriment and injury of those whose name they bear,

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all Stone Lime shall be packed into New Casks, and brought to Market in the same, inspected and branded as the Law provides.

Lime to be packed in new casks.