

SEC. 2. *And be it further enacted by the authority aforesaid,* That no Courts of Probate shall be holden within or for said County of Middlesex, except those commencing on the days, and at the places aforesaid, any usage or Custom to the Contrary notwithstanding.

Approved March 8, 1803.

1802.—Chapter 139.

[January Session, ch. 101.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE MAINE TURNPIKE ASSOCIATION.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Samuel Freeman, Woodbury Storer, Isaac Parker, William Symmes, Daniel Tucker, Isaac Ilsley, Peter Warren, Stephen Waite, Stephen Patten, J. D. Hopkins, Jos. Holt Ingraham, Mattw. Cobb, John Mussey, Samuel F. Hussey, Thomas Sandford, Thomas Webster, Robert Boyd, John Deane, James Neal, John Quinby, Abner Bagley, John Alden and Robert Southgate, together with such others as may hereafter associate with them, and their successors shall be a Corporation by the name and [and] style of The Maine Turnpike Association, with all the powers and privileges usually given and belonging to similar Corporations, for the purpose of laying out, making & keeping in repair a turnpike road from the line of the State of New-Hampshire to Portland, and from thence to Augusta Bridge, upon as straight a line as circumstances will admit; and erecting and keeping in repair such Bridge or Bridges as may be necessary on said route, which turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty four feet in width, in any part thereof; and when said Road or any ten miles thereof shall be sufficiently made, and shall be allowed and approved by a Committee appointed by each of the Courts of General Sessions of the Peace, for each of the Counties of York, Cumberland, Lincoln and Kennebec for that purpose, (provided that no member of either of said Committees shall have any share or interest in the said turnpike, and shall judge only of the portion of the said turnpike, in the Counties in which they reside) then the said Turnpike Corporation shall be authorized to erect turnpike Gate or Gates on the said Road, at such place

Persons incorporated.

Corporate name.

Course of the road.

Turnpike gates to be erected.

or places as the said Committee, of the said Court of Sessions, and the said Corporation shall judge necessary and convenient, for collecting the Toll, *Provided* that no turnpike Gate be erected on, or any Toll demanded on any part of the present travelled Roads; the said Gates to be not less than ten miles distant from each other, and shall be entitled to receive of each traveller or passenger at each of the said Gates, the following rates of Toll, *Vizt.* For each Coach, Phaeton, Chariot or other four wheel carriage, 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 or Waggon drawn by two Horses or oxen ten cents, and if drawn by more than two horses or oxen, an additional sum of three cents for each Horse or Ox, for every curricule fifteen cents; for every chaise, chair or other carriage drawn by one horse twelve cents; for every man and horse six cents; for every Sled or Sleigh drawn by two oxen or horses nine cents, and if drawn by more than two oxen or horses, an additional sum of two cents for each ox or horse; for every sled or sleigh drawn by one horse eight cents; for all horses, mules, oxen, or neat cattle, led or driven, besides those in teams or carriages one cent each; for all sheep or swine at the rate of six cents, for one dozen. — *Provided* that said Corporation may, if they see cause commute the rate of Toll, with any Corporation, person or persons, by taking of him or them, a certain sum annually, to be mutually agreed on, in lue of the toll aforesaid. And the said Corporation, at each place where the toll shall be collected, shall erect in a conspicuous place, and constantly keep exposed to open view a sign or board, with the rates of Toll, of all the Tollable articles fairly and legibly written thereon, in large or Capital Characters.

Toll estab-
lished.

Sign-boards to
be erected.

Corporation
allowed to hold
the necessary
land.

SECT. 2D. *Be it further enacted*, that said Corporation may purchase and hold land, over which they may make said road, and the Justices of the Court of General Sessions of the Peace, in the Counties of York, Cumberland, Lincoln and Kennebec as with the consent of the said Corporation, they shall think proper, and the said Corporation shall be liable to pay all damages, that may arise to any Person, by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committe, appointed by the Court of General Sessions of the Peace, of the County

wherein the land lieth, saving to either party the right of trial by Jury, according to the Law, which makes pro[v]ision for the recovery of damages, arising from the laying out of Highways.

SECT. 3D. *Be it further enacted*, that if said Corporation, or their toll gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, 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 shall be committed by any Person injured, delayed, or defrauded, in a special action of the case; the writ in which shall be served on the said Corporation, by leaving a Copy of the same with the Treasurer, or with some individual Member, living in the County, where the action may be brought, or by reading the same to the said Treasurer, or individual Member, at least seven days before the Trial — And the Treasurer of the said Corporation, or 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, which may happen to any Person, from whom Toll is demandable, for any damage which shall arise from defect of Bridges, or want of repairs in the said way; and shall also be liable to presentment by the Grand Jury for not keeping the same in repair.

Penalty for delaying passengers, or exacting illegal toll.

Corporation liable for damages occasioned by the road being out of repair.

SECT. 4TH. *Be it further enacted*, that if any Person shall cut, break down, or otherwise injure, or destroy either of the said turnpike 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 the said gates by force, without first having paid the legal Toll at such gate, such person shall forfeit and pay a fine, not exceeding fifty Dollars, nor less than five Dollars, to be recovered by the Treasurer of the said Corporation, to their use, in an action of trespass, or on the case. And if any Person with his team, cattle or horse, turn out of the said road, to pass any of the turnpike gates, and again enter on the said road, with intent to evade the Toll, due by virtue of this Act, such Person shall forfeit and pay three times so much as the legal Toll would have been, to be recovered by the Treasurer of the said Corporation, to

Penalty for injuring the road or gates.

Penalty for evading toll.

the use of the same in an action of debt, or on the case. — *Provided* that nothing in this Act shall extend to entitle the said Corporation to demand and 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 labor on his farm, or to or from any grist mill, or on the ordinary & common business of family concerns, or from any person or persons passing on Military Duty.

Shares to be deemed personal estate, and may be attached.

SECT. 5TH. *Be it further enacted*, that the shares in the same turnpike road shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferred; and the mode of transferring the said shares, shall be by Deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the said Corporation, in a Book for that purpose to be provided and kept. And when any 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 the said Corporation, otherwise the attachment or taking in Execution shall be void, and such shares may be sold on Execution, in the same manner as is, or may by law be provided, for making sale of Personal Property on Execution. And the Officer making the sale, or the judgment Creditor leaving a Copy of the Execution and the Officers return on the same with the Clerk of said Corporation, within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike Road.

First meeting.

SECT. 6TH. *Be it further enacted*, that the first meeting of the said Corporation, shall be held at such time and place, as shall be agreed on by the major part of the Proprietors, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his said office and such other officers, as may then and there be agreed on by the said Corporation. And the said Corporation may at the same time establish such rules and regulations, as shall be judged necessary, for the well ordering of its affairs; and also upon a method for calling future meetings. *Provided however*, that such rules and regulations shall in no case be repugnant to the Constitution and Laws of this Commonwealth.

SECT. 7TH. *Be it further enacted* that the said Corporation, shall within six months after the said road is completed, lodge in the Secretary's office, an account of the expences thereof, and that the said Corporation shall annually exhibit to the Governor & Council, a true account of the income or dividend arising from the said Toll, with their necessary annual disbursements on the said Road, and that the books of the 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.

An account of cost of road and annual returns to be exhibited.

SEC. 8TH. *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 Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the 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 the said taxes and necessary incidental charges, after having given public notice of such sale in the Newspapers printed in the Counties of York, Cumberland, Lincoln and Kennebeck; and in case there shall be no newspaper printed in either County at the time, then in the newspaper at such place as shall be the nighest to the said turnpike road, the sum due on any 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 the share or shares so sold to the person purchasing the same; and on producing a certificate of such sale from the Treasurer, to the Clerk of the 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 and purposes the proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose shares were then sold.

Shares of delinquent proprietors may be sold; manner of sale, &c.

SEC. 9TH. *And be it further enacted*, That the General Court may dissolve the said Corporation whenever it shall appear to their satisfaction, that the income arising from the said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said road, together with an interest thereon at the rate of twelve per cent. by

Corporation may be dissolved when indemnified with interest.

the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal. *Provided however*, that if the said Corporation shall neglect to complete the said turnpike road for the space of ten years from the passing of this Act, the same shall be void and of no effect. *Approved March 8, 1803.*

1802. — Chapter 140.

[January Session, ch. 102.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE NEWBURY PORT BANK.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that Micajah Sawyer, Michael Hodge, John Greenleaf, Johua Carter, Israel Young, Thomas Cary Junr., Charles Jackson, Samuel Allyne Otis and Dudley Atkins Tyng, their associates successors and assigns, shall be and hereby are created and made a Corporation by the name of The President Directors and Company of the Newbury Port Bank, and shall so continue from and after the first day of June next, until the first Monday in October, in the year of Our Lord one thousand Eight hundred and twelve, and by that name shall be and hereby are made capable in Law to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever, and also to make have and use a Common Seal, and the same again at pleasure to break, alter and renew; and also to ordain establish and put in execution such bye laws, ordinances and regulations, as to them shall appear necessary and convenient for the Government of the said Corporation, and the prudent management of their affairs. *Provided*, such bye laws, ordinances and regulations shall in no wise be contrary to the Laws and Constitution of this Commonwealth; and the said Corporation shall be always subject to the rules, restrictions limitations and provisions herein prescribed.

SECT. 2D. *And be it further enacted*, that the Capital Stock of the said Corporation, shall consist of a sum not more than Two hundred thousand dollars, nor less than one hundred thousand dollars in Gold or Silver to be divided into shares of one hundred dollars each; and

Persons incor-
porated.

Corporate
name.

Amount of
stock, and value
of shares.