

SECT. 12. *And be it further enacted*, that in case of any loss or losses taking place, that shall be equal to the amount of the Capital stock of the said Company, and the President and Directors after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

In case of losses affecting the capital.

SECT. 13. *And be it further enacted*, that the President and Directors of said Company, shall previous to their subscribing to any policy, and once in every year after, publish in the Hampshire Gazette or in some other paper printed at Northampton, and also in some paper printed at Springfield in the County of Hampshire the amount of their stock against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Amount of stock, &c. to be published annually.

SECT. 14. *And be it further enacted*, that the President and Directors of said Company, shall when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company and submit to an examination concerning the same under oath.

Statement to be made to legislature when required.

SECT. 15. *And be it further enacted*, that Samuel Henshaw, Samuel Hinckley and Joseph Lyman Junr. Esquires, or any two of them are hereby authorized to call a meeting of the members of the said Company as soon as may be in Northampton by advertising the same for two weeks, in some one paper printed at Northampton, and some other paper printed at Springfield for the purpose of their electing the first board of directors, who shall continue in office untill the first Wednesday of October in the year of our Lord eighteen hundred and four.

First meeting.

Approved March 9, 1804.

1803. — Chapter 149.

[January Session, ch. 84.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE SALEM & CHELMSFORD TURNPIKE CORPORATION.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that Benjamin Pickman, Edward Augustus Holyoke, John Derby, Elias Hasket Derby, Nathaniel West, Simon Forrester, Clifford Crown-

Persons incorporated.

Corporate name.

Course of the road.

Gates to be erected.

Rates of toll.

inshield, John Jenks, William Prescott, & Samuel Marshall, together with such others as may hereafter associate with them and their successors shall be a Corporation by the name and style of the Salem & Chelmsford Turnpike Corporation; with all the powers & priviledges usually given & belonging to similar Corporations; for the purpose of laying out, making & keeping in repair a Turnpike-road from the town of Salem, through Danvers Reading, Wilmington and Tewkesbury to Stony Brook in Chelmsford, upon as straight a line as circumstances will admit; which Turnpike road shall not be less than four rods wide, and the part to be travelled on not less than twenty four feet wide in any part thereof, *Provided however* that if the said road, shall be laid out across the Middlesex Canal, the proprietors of said Salem & Chelmsford Turnpike road shall be obliged to make any Bridge or Bridges across the said Canal of proper height, & such form & dimensions as shall be sufficient to preserve the free navigation of said Canal and keep the same in repair and when said road shall be sufficiently made & shall be allowed and approved by a Committee appointed by his Excellency the Governor of this Commonwealth for that purpose, then the said Turnpike Corporation shall be authorised to erect two Turnpike Gates on the said road at such places & in such manner as shall be necessary & convenient & at least ten miles apart (provided such Gates shall not be erected on any part of the roads heretofore travelled) and shall be entitled to receive of each traveller or passenger, at each of said Gates the following rate of toll; Vizt. for each Pheaton, Coach, Ch[*a*]rriot or other four wheeled 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, Twelve & an half 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 sixteen Cents; for every S[*l*]eigh or Sled drawn by two Horses or Oxen twelve & an half Cents, & if drawn by more than two Horses or Oxen an additional sum of Three Cents for each Horse or Ox; for every Sleigh or Sled drawn by one Horse Ten Cents; for every Chaise, Chair, Cart, or other Carriage drawn by one Horse Twelve & an half Cents; for every Man & Horse Five Cents; for all Horses, Oxen or neat

Cattle led or driven, besides those in Teams or Carriages one Cent each ; for all Sheep & Swine Three Cents by the Dozen and in the same proportion for a greater or less Number. *Provided* that the General Court may hereafter otherways regulate the tolls to be paid by Carts & Waggons according to the width of the fellies of the Wheels, on which they shall run & the burthens they shall carry.

Proviso respecting the fellies of wheels.

SECTION 2D. *And be it further enacted* that when said Road is sufficiently built from Stony Brook Ten miles towards Salem to Wilmington & shall be allowed & accepted by the Committee aforesaid, then the said Corporation shall be authorised to erect a Gate in some part thereof in such manner & place as shall be necessary & convenient and shall be authorised to receive from each traveller or passenger the rate of toll established by the first section of this act.

Gate to be erected.

SECTION 3D. *And be it further enacted*, that said Corporation may purchase and hold land over which they may make said road, and 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 wherein said damage shall arise ; saving to either party a right of trial by Jury, according to the Law making provision for the recovery of damages happening by laying out public highways, & if said Jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the Costs of such trial by Jury.

Corporation may purchase and hold land and to be liable for damages when such is taken without agreement.

SECTION 4. *And be it further enacted*, that if said Corporation or their Toll-gatherer, 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 said 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 for the County where the offence shall be committed by the person injured, delayed or defrauded, in a special action of the case ; the writ in which shall be served on said Corporation by leaving an attested copy thereof with the Treasurer, or with some individual member seven days at least before the trial ; and the

Penalty for delaying travellers or exacting illegal toll.

Corporation liable for damages if road is not kept in repair.

Penalty for injuring gate or road.

Exemptions from toll.

Shares to be considered personal estate; mode of transfer and attachment prescribed.

Treasurer of said Corporation, or individual shall be allowed to defend the same suit in behalf of said Corporation; and 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 defect of Bridges or want of repairs in said way; & shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

SECTION 5TH. *And be it further enacted*, that if any person shall cut, break down or otherwise injure or destroy either of said Turnpike Gates or toll houses or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said Gates by force, without having first paid the legal toll at such Gate, and if any person with his team Cattle or Horse shall turn out of said road, to pass any of the Turnpike Gates & again enter on said road with intent to evade paying the toll due by virtue of this Act such person shall forfeit & pay the sum of Two Dollars to be recovered by the Treasurer of said Corporation, to the use of the same in an Action of Debt, *Provided* that nothing in this Act shall extend to entitle said Corporation to demand or receive from any person any toll, 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 on his farm, or to or from any grist-mill on the common & ordinary business of his family concerns; or from any persons passing on military duty.

SECTION 6TH. *And be it further enacted* that the shares in said Turnpike road, shall be taken, deemed & considered to be personal estate, to all intents and purposes, and shall & may be transferrable & the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace and recorded by the Clerk of 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 same time of the attachment or taking in execution, be left with the Clerk of the Corporation; otherwise the attachment or taking in Execution shall be void; and Shares may be sold on execution in the same manner as personal property; the officer making the sale, or the judgement creditor leaving a Copy of the Execution and

the officers return thereon, with the Clerk of said Corporation, within fourteen days after such sale and paying for the recording the same, shall be deemed and considered as a sufficient transfer of such Share or Shares in said Turnpike Road.

SECTION 7. *And be it further enacted*, that the said Corporation shall within Six Months after their toll shall commence at either of said Gates, lodge in the Secretary's Office, an account of all expences incurred in making said road and Bridges previous to the taking toll at such Gate; & within Twelve Months after said Turnpike road & Bridges shall be completed; lodge in said Office, an account of the expences of the whole of said road and Bridges; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from said toll, with their necessary annual disbursements on said Road & Bridges; and that the Books of 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.

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

SECTION 8. *And be it further enacted* — that whenever any Proprietor shall neglect or refuse to pay any tax or assesment duly voted & agreed upon by said Corporation, to their Treasurer, within Thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised 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 Newspaper printed in Salem the sum due on such share or Shares; and the time & place of sale; and such Sale shall be a sufficient transfer of the Share or Shares sold, to the person purchasing the same, and on producing a certificate of such Sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of Shares sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents & purposes the proprietor thereof; and the overplus if any there be shall be paid on demand by the Treasurer to the person whose Share or Shares were sold.

Shares of delinquents may be sold.

SECTION 9TH. *And be it further enacted*, that the said Corporation shall at all places where the said toll shall be collected erect & constantly keep exposed to view, a sign

Sign-board to be erected.

or board, with the rates of toll, of all the tollable articles, fairly & legibly written thereon in large or capital letters.

Money may be granted to certain persons.

SECTION 10. *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 rout of said Turnpike road, or otherwise previous to the Act of incorporation. And the said Corporation is hereby authorised to purchase and hold other real estate adjacent to and for the accommodation of said Road to the amount of Fifteen thousand Dollars.

Voting on shares.

SECTION 11TH. *And be it further enacted*, that every Proprietor in said Turnpike Road or his Agent duly authorised in writing shall have a right to vote in all meetings of the said Corporation, and be entitled to as many votes as the proprietor has shares in the same; *provided* his number of Shares do not exceed Ten but no proprietor shall be entitled to more than ten votes, for any greater number of shares he may possess.

Corporation may be dissolved when indemnified with interest.

SECTION 12. *And be it further enacted*, that the General Court may dissolve said Corporation, whenever it shall appear to their satisfaction, that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing repairing & taking care of said Road, together with an interest thereon at the rate of Twelve Per Cent. by the Year; & thereupon the property of the said road shall be vested in this Commonwealth & be at their disposal.

First meeting.

SECTION 13. *And be it further enacted*, that the said Benjamin Pickman, Edward A. Holyoke, John Derby, Elias Hasket Derby, Nathaniel West, Simon Forrester, Clifford Crowninshield, John Jenks and William Prescott or any three of them may by an advertisement in the Salem Gazette, or one of the Papers printed in Boston call a meeting of the said Proprietors to be holden at any suitable time & place after fifteen days from the publication of said advertisement; and the said Proprietors by vote of those present or represented at said meeting (in all cases accounting and allowing a vote as is provided in the eleventh section of this act) shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and shall also agree on a method for calling future meetings; and at the same or at any subsequent meeting, may make & establish any rules & regulations for the Government

Rules and regulations to be established.

of said Corporation & for effecting & completing the purposes aforesaid; and such rules & regulations may cause to be kept and executed, or for the breach thereof may order & enjoin fines & penalties not exceeding Thirteen Dollars & thirty three Cents; provided such rules & regulations are not repugnant to the Constitution & Laws of this Commonwealth. And the said Proprietors may also appoint any other Officer or Officers of the Corporation that they may deem necessary. And all representations at any meetings shall be proved in writing, signed by the person making the same, which shall be filed with & recorded by the Clerk; and this Act & all rules regulations & votes of said Company shall be fairly and truly recorded by the said Clerk in a Book or Books for that purpose to be provided and kept.

SECTION 14. *And be it further enacted* that if said Proprietors shall neglect or refuse, for the space of five Years after the passing of this Act to make the said Turnpike Road & Bridges from Stony Brook Ten Miles towards Salem to Wilmington, then this Act shall be void and of no effect; And if said Proprietors shall neglect or refuse to make said Turnpike road & Bridges from said Wilmington to Salem, for the space of eight years from the passing of this act; then they shall have no right or authority by virtue of this Act, to make the residue of said road (from said Wilmington to Salem), nor to erect another Toll gate. Completion of road.

Approved March 9, 1804.

1803. — Chapter 150.

[January Session, ch. 85.]

AN ACT MAKING PROVISION FOR THE PAYMENT OF COSTS
IN LAYING OUT TURNPIKE ROADS.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever a Committee or Jury shall be appointed by the Court of General Sessions of the Peace, for the purpose of estimating whether sufficient or insufficient damages have been allowed in laying out a Turnpike Road, the Turnpike Corporation being a party, shall be liable to Costs in those Cases in like manner, as Counties are liable in laying out County Roads.

Approved March 9, 1804.