

be sworn to the faithful discharge of the duties of said Office, and such other officers, as may then and there be agreed upon by said corporation, and at the same or subsequent meetings, may make & establish such byelaws, rules & regulations, as they shall judge necessary & convenient provided that the same shall not be repugnant to the Constitution & Laws of this Commonwealth. — And the said corporation may then and there agree upon a method of calling meetings in future as they shall judge proper.

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

SECTION 8TH. *And be it further enacted* that the said Corporation shall within six months after the said road is compleated lodge in the Secretarys office an account of the expences thereof & shall also 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 said road.

Corporation may be dissolved when indemnified with interest.

SECTION 9TH. *And be it further enacted*, that the Legislature may dissolve the said corporation whenever it shall appear to their satisfaction, that the income arising from the Toll shall have fully compensated the said Corporation, for all their expenditures, in exploring, purchasing, and taking care of, and repairing said road, together with an Interest thereon at the rate of twelve per Centum by the year, and thereupon the property of said road shall be vested in this Commonwealth, and be at the disposal of the Legislature thereof. *Approved March 16, 1805.*

1804. — Chapter 142.

[January Session, ch. 96.]

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF LAYING OUT & MAKING A TURNPIKE ROAD FROM EFFINGHAM, IN THE STATE OF NEW HAMPSHIRE, TO SACO IN THE COUNTY OF YORK.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that James Bradbury, Thomas Cutts, Samuel Dalton, Nicholas Emery, Joseph Huckens, Isaac Lord, James Marston 3d, together with such other persons as may hereafter associate with them, and their successors, shall be a Corporation by the name of The Ossapee Turnpike Company, and by that name, may sue and be sued, and exercise all the privileges and powers, which are

Persons incorporated.

Corporate name.

by law incident to similar Corporations, for the purpose of laying out, and making a Turnpike road from the Easterly side line of the town of Effingham, between South River so called, and the Northerly boundary of the town of Parsonsfield, and running easterly over the most practicable ground through said Parsonsfield, near the Congregational and Baptist meeting houses, and through Limerick, near the dwelling house of John Morrill Esquire, and onward through Phillipsburgh and Buxton, to Saco, crossing Saco River, at or near the Bar Mills, so called, and erecting and keeping in repair all necessary bridges in the route aforesaid. *Provided* that if the said Corporation neglect to complete the said Turnpike road for the space of seven years after the passing of this act, the same shall be void.

Course of the road.

SECT. 2D. *Be it further enacted*, that the said Joseph Parsons, Nicholas Emery, and Joseph Huckens, or either of them, may by an advertisement in the Portland Gazette, or Eastern Argus, call a meeting of the said Proprietors, to be holden at any suitable time and place, after thirty days from the first publication of the advertisement: and the said Proprietors by a vote of the majority of those present shall choose a Clerk who shall be sworn to the faithful performance of his duty: and shall also agree on a method of calling future meetings: and at the same or any subsequent meeting, may make and establish, any rules and regulations that may be necessary or convenient for regulating the affairs of the said Corporation, and for 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 and enjoin fines and penalties, not exceeding Thirteen dollars, and thirty three cents, for any breach thereof: *Provided* such rules and regulations, are not repugnant to the Constitution and Laws of this Commonwealth. And the said Proprietors may also appoint any other Officer or Officers, which they may think necessary: and all representations at any meeting shall be made in writing, signed by the person or persons making the same, which shall be filed with, and recorded by the Clerk. And this act, and all votes, rules, and regulations of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept. And said proprietors, or a majority present, at said first meeting may adjourn the same, and

First meeting.

any future meetings may be adjourned by the majority present, as to them shall appear proper. And every proprietor in the said Turnpike road, or his agent, duly authorised in writing, shall have a right to vote in all meetings of the said Proprietors, according to his number of shares in the same, *Provided* that no proprietor shall be entitled to more than ten votes.

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

SECTION 3. *And be it further enacted*, that the said Corporation may purchase and hold any land over which they may make the said road; and the Justices of the Court of general sessions of the said Peace, in the County of York, are hereby authorized on application from the said Corporation to lay out such road or any part thereof, as with the consent of the said Corporation they may think proper by a Committee from said Court; 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 [be] obtained by voluntary agreement, to be estimated by said Committee, saving to either party, the right of trial by Jury, according to the Law, which makes provision, for the recovery of damages, arising from the laying out of highways. And the said Corporation is hereby empowered to purchase and hold other real estate, adjacent, or near to, for the greater accommodation of the travel on the said road, to the amount of Three Thousand dollars.

Penalty for injuring gates or road and for attempting to evade toll.

SECTION 4. *And be it further enacted*, that if any person shall cut, break down or otherwise injure or destroy, either of the Turnpike gates, or sign boards, or shall dig up, or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding ten dollars, nor less than five dollars, to be recovered by the Treasurer of the said Corporation, to their use, in an action of Trespass. And if any person with his horse, team, or cattle, turn out of the said road, to pass the said Turnpike gate, 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 two dollars, to be recovered by the treasurer of the said Corporation, to the use of the same, in an action of debt. *Provided, however*, that nothing in this act shall extend to entitle the said Corporation to demand or receive toll

Exemptions from toll.

of any person, who shall be passing [i][o]n foot, or 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, or on the common business of family concerns, or from any person or persons passing on military duty. *Provided, also,* that not more than one half of the toll before mentioned shall be paid for any cart or waggon, the Fellies of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on Carts & Waggons according to the width of the Fellies of the Wheels, on which they shall run, and the burthen they shall carry.

SECTION 5. *And be it further enacted,* that if the said Corporation, their toll gatherer or others in their employ, shall unreasonably delay or hinder any traveller or passenger, 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, 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 case 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 of York, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial. And the said Treasurer 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 good repair.

SECTION 6. *And be it further enacted,* that the said Turnpike Road shall not be less than four rods wide, and the path to be travelled on not less than twenty four feet wide, in any part thereof; and when ten miles of the road shall be sufficiently made & finished, and shall be so allowed and approved by a Committee, appointed by the Court of general sessions of the Peace, for the County of York, (provided that no member of said Committee, shall hold any share or interest in the said Turnpike,) then the said

Penalty for
delaying travel-
lers or exact-
ing illegal toll.

Width of road,
&c.

Corporation shall be authorized to erect one turnpike gate, on the said road, in such place as the Committee of the said Court of Sessions shall appoint: and every gate which may be afterwards erected, shall be subject to the same conditions of the approbation of a Committee appointed as aforesaid, by the court of General Sessions of the Peace for the said County of York. *Provided* that no more gates shall be erected on said road than one to every ten miles of road so made and approved as aforesaid. And no gates shall be erected on any part of the Old Travelled road. And it shall be lawful for the said corporation to demand and receive, of each Traveller or passenger, at each of the said gates, the following rates of Toll, viz. For each and every Coach, chariot, phaeton, curricle, or other four wheel carriage for pleasure drawn by two Horses, twenty five Cents, and if drawn by more than two horses, two cents for each additional horse; for each cart or waggon for burthen, drawn by two oxen or horses ten cents, and if drawn by more than two, an additional sum of two cents, for each additional beast; for every chaise, chair, or other two wheel carriage for pleasure, drawn by one horse twelve & a half cents; for every horse & rider six cents and a quarter; for every sled or sleigh for burthen, drawn by one beast six and a half cents, and if drawn by more than one, two cents for each additional beast; for each sleigh for pleasure drawn by one horse ten cents and if drawn by more than one, two cents for each additional horse; for all horses, mules, oxen or neat cattle led or driven, not in teams or carriages one cent each, and for all sheep & swine, at the rate of three Cents per dozen and in that proportion for a greater or less number — *Provided, however,* that the said Corporation may when they see cause, commute the rate of toll with any person, or with any corporation, by taking of him or them, a certain sum annually as may be mutually agreed on, in lieu of the toll aforesaid. And at all times when the toll gatherer shall not attend his duty, the gates shall be left open, and every person may pass free of toll. And the said corporation shall at each place where the toll shall be collected, erect in some 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 or printed in large or capital letters.

Toll estab-
lished.

Sign-board to
be erected.

Shares to be
considered
personal estate
and to be
transferable.

SECTION 7. *Be it further enacted,* that shares in said Turnpike shall be deemed personal estate to all intents &

purposes, and shall be transferable by Deed, duly acknowledged, shall be recorded by the Clerk of the said Corporation, in a book to be kept for that purpose.

SECTION 8. *Be it further enacted*, that whenever, any proprietors shall neglect or refuse, to pay any Tax or assessment duly voted and agreed upon by the said 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 and Cumberland (and if there shall be no newspaper printed in either of the said counties at the time, then in the newspaper printed at such other place as shall be nearest to the said Turnpike road) the sum due on any such share or shares, and the time & place of sale, at least thirty days previous thereto; and 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 delinquents to be sold and mode prescribed.

SECTION 9. *Be it further enacted*, that the said Corporation shall within six months after the said road is completed, deposit in the Office of the Secretary of this Commonwealth, an account of the expences thereof and shall annually afterwards exhibit to the Governor and Council, an account of the income or dividends arising from the toll, with their necessary annual disbursements on the said road. And the books of the said Corporation shall at all times be subject to the inspection of the general Court, or of the Governor and Council when called for.

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

SECTION 10. *Be it further enacted* that the Legislature 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 money they may have expended, in purchasing, repairing, and taking care of the said road, together with an

Corporation may be dissolved when indemnified with interest.

interest thereon, at the rate of twelve per cent by the year ; and thereupon the property of the said road shall be vested in the Commonwealth, & be at the disposal of the Legislature. *Provided, however,* that if the said Corporation shall neglect for seven years, from the date of this act, to complete the said Turnpike road, then this grant shall be null and void.

Approved March 16, 1805.

1804. — Chapter 143.

[January Session, ch. 97.]

AN ACT PROVIDING FOR THE PUNISHMENT OF THE CRIMES OF ROBBERY AND OTHER LARCENIES; AND FOR THE PREVENTION THEREOF.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the Authority of the same,* That any person who shall feloniously steal, take and carry away, of the property of Another, any money, goods or chattels, or any bond, promissory note, bill of Exchange, or other bill, order or Certificate, or any book of accounts for or respecting any money or goods, due or becoming due and payable, or to be delivered, or any deed or writing containing a conveyance of lands, or other real Estate, or any other valuable Contract remaining in force, or any receipt, release, or defeasance; or any writ process or public record; shall be deemed Guilty of the crime of Larceny; and every such offender and any person present, aiding and abetting in any such Larceny or accessory thereto before the fact, by counselling, hiring or otherwise procuring the same to be done, who before any court having Jurisdiction thereof shall be duly convicted of either of the felonies and Offences aforesaid shall be punished; when the money goods or other Article or Articles stolen shall not exceed in Amount or value the sum of One hundred dollars, by solitary Imprisonment for a term not exceeding six months, and by confinement afterwards to hard Labour for a term not exceeding one year, or by a fine not exceeding one hundred Dollars and imprisonment in the common Gaol for a term not exceeding one year; And when the money goods, or other Article or Articles stolen, shall exceed in Amount or value the sum of One hundred dollars, then by solitary Imprisonment for a term not exceeding one year and by confinement afterwards to hard labour for a

Punishment for
the crime of
larceny.