

## 1803. — Chapter 98.

[January Session, ch. 32.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF  
THE UNION TURNPIKE CORPORATION.Persons incor-  
porated.Corporate  
name.Committee to  
lay out the  
road.Corporation  
may purchase  
and hold land,

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same* That Henry Bromfield, Metaphor Chase, William Nichols, Benjamin Kimball, Leonard Farwell, Oliver Taylor John L. Tuttle, Joel Hosmer, Jonas Lee, Flint Davis, John Egarton, Ivory Longley, John Kelsey, Thomas Parker, Abraham Peirce, Josiah Hartwell, Luke Joslyn, Abel Phelps, Enoch Kendall and Samuel Chase and such other persons as shall associate with them their successors and assigns, shall be and they hereby are made a Corporation by the name of the Union Turnpike Corporation, and by that name shall be and hereby are made capable in Law, to sue and be sued, plead & 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 rules regulations and bye laws as to them shall appear necessary and convenient for the government of said Corporation and the prudent management of their Affairs, for the purpose of making and keeping in repair a Turnpike road from where the Cambridge and Concord Turnpike road terminates in Concord, in the most convenient and direct rout to the place where the fifth Massachusetts Turnpike road terminates in Leominster — *Provided* such rules regulations and bye laws shall not be repugnant to the Constitution and Laws of this Commonwealth and that said Corporation shall always be subject to the rules regulations limitations and restrictions herein after provided — and Hugh McLellan Esqr., of Colerain, Isaac Gregory Esquire of Royalston and William Hildreth Esqr. of Dracut are hereby constituted and appointed a Committee to locate and establish the same, which locating Committee shall assign the places on said road where the Gates shall be erected.

SEC. 2D. *Be it further enacted* that said Corporation may purchase and hold any land over which said road

shall be located and the Justices of the Courts of General Sessions of the Peace of the several Counties thro' which said road shall pass are hereby authorised on application from said Corporation to lay out said road or any part thereof within their respective jurisdictions in the same rout where said Committee shall locate and establish the same and said Corporation shall be holden to pay all damages which may arise to any person by taking his or her land for such road where the same cannot be obtained by mutual agreement, to be estimated by a Committee appointed by said Court in the county where such damages shall arise, upon application of the party who may sustain such damage, for that purpose; saving to either party the right of having the damage estimated by a jury according to the law which makes provision for the recovery of damages arising from laying out public highways — *Provided* that whenever an excess of damages shall be assessed the expences shall be paid by said Corporation.

and to be liable for damages where land is taken without agreement.

SEC. 3D. *Be it further enacted* that said Turnpike Road shall be laid out of sufficient width in every part thereof for the accommodation of the public not less in any part thereof than four rods wide, and the path for travelling shall be made by said Corporation not less than twenty four feet wide in any place, and when said Turnpike Road shall be sufficiently made and so approved and accepted by a Committee appointed by the Court of General sessions of the peace in the several Counties thro' which said road shall pass, each Committee to accept that part of said road which shall be within their own County; then said Corporation may, and are hereby authorised to erect two Turnpike gates on said road in such manner and place as the said Committee shall judge necessary and convenient for collecting the toll, so that said gates be not erected on any old travelled Road, and shall be entitled to receive of each traveller or passenger at each of said gates the following rates of toll Vizt. for every Coach, Chariot Phaeton or other four wheel carri[a]ge for the conveyance of persons, drawn by two horses twenty five cents, and for each additional horse three cents; for every Curricule twenty Cents; for every Chaise Chair Sulky or other two wheel carriage for the conveyance of persons twelve and an half cents; for every waggon or cart drawn by two oxen or horses twelve and an half

Width of the road, etc.

Rates of toll.

cents and for every additional horse or ox three Cents ; for every Cart or other wheel carriage drawn by one horse eight Cents ; for every sled or sleigh drawn by two Oxen or horses ten Cents ; and for every additional Horse or Ox two Cents ; for every Sled or Sleigh drawn by one horse six Cents ; for every man and horse six Cents, for every horse, mule, or Ass led or driven besides those in teams and carriages, three cents each ; for every Ox besides those in teams and other neat cattle one cent each ; for all sheep or swine three Cents by the dozen and in that proportion for a greater or less number, *Provided* that nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from his usual place of 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 common or ordinary bussiness of family concerns within the same town in which he lives or resides, or from any person passing on Military duty — *Provided also* that not more than half 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 and Waggons according to the width of the fellies of the Wheels on which they shall run and the Burthens they shall carry.

Proviso respecting the fellies of wheels.

Penalty for delaying travellers and for excessive toll.

SEC. 4TH. *Be it further enacted* that, if said Corporation or their tollgatherer or others by them employed shall unreasonably delay or hinder any traveller or passenger at the toll gate, 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 in the County where such injury shall happen by any person so injured or defrauded in a special action on the case, the writ in which shall be served on said Corporation by leaving an attested Copy of the same with the Treasurer or Clerk of said Corporation at least seven days before the trial, and the Treasurer or Clerk of said Corporation or any individual member shall be allowed to defend the same suit in behalf of said Corporation, and the said Corporation shall be liable to pay all damages that shall happen to any person from whom toll is demandable, which shall arise from defect of bridges or

Corporation to be liable for damages arising from defects in bridges, etc.

want of repairs on said road; and shall also be liable to be presented by the Grand Jury for not keeping the same in good repair.

SEC. 5TH. *Be it further enacted* that if any person shall cut or break down or otherwise destroy or injure said gate or gates or shall dig up or carry away any earth or other materials from said road or shall place or leave any obstruction in said road or in any other manner unreasonably damage the same, or shall forcibly pass, or attempt to pass by force said gate or gates without first having paid the legal toll, such person shall forfeit and pay a fine not exceeding fifty dollars nor less than five dollars to be recovered by the Treasurer of said Corporation to their use in an action of trespass, if any person with a carriage team horses cattle or other tollable articles shall turn out of said road to pass the turnpike gate or gates aforesaid and again enter on said road, with an intent to avoid the toll established by this Act, such person shall forfeit and pay a sum not exceeding ten dollars nor less than two dollars to be recovered by the Treasurer of this Corporation for their use in an action of trespass on the Case — *Provided* that no person shall be liable to pay damage as aforesaid for travelling on the present road, notwithstanding some part of the same road may be taken for the Turnpike road aforesaid. And if the said Turnpike road or any part thereof shall be suffered to be out of repair the Justices of the Court of common pleas or a major part of them, or a Committee by them appointed for that purpose in the County where such want of repairs shall be, may upon complaint being made to them in writing, cause the Clerk or Treasurer of said Corporation or any principal member thereof to be served, with a written notification thereof at least seven days before the time of hearing, by such Justices or Committee who may upon such hearing order such gate or gates to be set open, and no toll demanded or taken thereat untill said Justices or Committee shall grant liberty therefor.

Penalties for  
injuring road,  
forcibly pass-  
ing gates, or  
evading toll.

SEC. 6TH. *Be it further enacted* that the shares in said Turnpike Road shall be considered as personal estate to all intents and purposes, and shall be transferable by deed duly acknowledged before any Justice of the peace and recorded by the Clerk of said Corporation in a book to be kept for that purpose; and whenever such share

Shares to be  
considered per-  
sonal estate;  
mode of transfer  
and attachment  
prescribed.

shall be attached on mesne process, an attested copy of such process shall be left at the time of the attachment with the Clerk of said Corporation otherwise the same 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 said Clerk within fourteen days after such sale and paying for recording thereof shall be deemed a sufficient transfer of the same.

Shares of delinquents may be sold.

SEC. 7TH. *Be it further enacted* that whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said Corporation to their Treasurer within sixty days after the time fixed 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 said delinquent proprietor or proprietors in such manner as said Corporation shall agree upon, of the sum due on such share or shares and of the time and place of sale, said notice to be at least thirty days before the time of sale, and such sale shall be a sufficient transfer of such share or shares to the person or persons who shall purchase the same; and on producing a certificate from the Treasurer to the Clerk of said Corporation the name of said purchaser with the number of shares so purchased shall be by the Clerk entered on the books of said Corporation and such purchaser shall be considered to all intents and purposes the Proprietor thereof, and the overplus arising from such sale if any there be shall be paid on demand by the Treasurer to the person whose shares were so sold.

First meeting.

SEC. 8TH. *Be it further enacted*, that John L. Tuttle, Metaphor Chase, and John Egerton or a majority of them be and they hereby are authorised to call a meeting of said Corporation at such time and place as they may think proper, by giving notice thereof in the Independent Chronicle published in Boston, at least ten days previous to the time appointed for said meeting for the purpose of choosing a Clerk who shall be sworn to the faithful discharge of his trust and such other officers as shall be then and there agreed upon by said Corporation for the regular conducting the concerns thereof, and may also agree

upon such mode of calling future meetings as they shall judge proper and each proprietor in said Turnpike road by himself or his Agent duly authorised in writing shall have a right to vote in all meetings of said Corporation, and shall be entitled to as many votes as the said Proprietor has shares in the same; *Provided* that no individual Proprietor shall be entitled in any case to more than ten votes.

SEC. 9TH. *Be it further enacted* that said Corporation shall within six months after said road is completed, lodge in the office of the Secretary of this Commonwealth an account of the expences thereof, and that said Corporation shall once in three years exhibit to the Governor and Council a true account of the income or dividend arising from said toll with the necessary annual expences of keeping said road in repair; 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 and Council when called for.

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

SEC. 10TH. *Be it further enacted*—that said Corporation be and it hereby is empowered to commute the rate of toll with any person or with the inhabitants of any town through which said road may pass by taking of him or them any certain sum annually or for a less time to be mutually agreed upon in lieu of the toll established in and by this Act.

The rate of toll may be commuted.

SEC. 11TH. *Be it further enacted* that said Corporation shall at the places where said toll is to be collected, erect and keep constantly exposed to view, a sign or board with the rates of toll of all tollable articles, fairly written thereon in legible characters.

Signboard to be erected.

SEC. 12TH. *Be it further enacted* that said Corporation be and it hereby is authorised to grant monies to such persons as have rendered services to the Proprietors in exploring the rout of said Turnpike road or otherwise, previous to the Act of incorporation; and said Corporation is hereby authorised to purchase and hold other real estate adjacent to, and for the accomodation of the said road, to the amount of fifteen thousand dollars.

Money may be granted to certain persons.

SEC. 13TH. *Be it further enacted* that the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from the toll shall have fully compensated the Proprietors for all

Corporation may be dissolved when indemnified with interest.

monies they may have expended in purchasing making keeping in repair and taking care of said road, together with an interest of twelve percentum by the year and thereupon the property of said road shall be vested in this Commonwealth and be at their disposal — *Provided however*, that if said Corporation shall neglect to complete said Turnpike road for the space of four years from the date of this Act, the same shall be void and of no effect.

SEC. 14TH. *Be it further enacted*, That the Gates which may be erected on the said Turnpike, shall not be within ten miles of each other.

*Approved March 2, 1804.*

### 1803. — Chapter 99.

[January Session, ch. 33.]

AN ACT ESTABLISHING A FUND FOR THE SUPPORT OF THE CONGREGATIONAL MINISTER IN THE TOWN OF WINDHAM, IN THE COUNTY OF CUMBERLAND, AND APPOINTING TRUSTEES FOR THE MANAGEMENT THEREOF.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Paul Little Esqr., Doctor James Paine, Josiah Chute, Thomas Craigue, Abraham Anderson, Paul Little Junr., and Josiah Webb, be, and they are hereby constituted a body politic and Corporate, by the name of “The Trustees of Windham Ministerial Fund,” and they and their successors, shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same to final Judgment and Execution, by the name aforesaid.

SEC. 2. *And be it further enacted*, That said Trustees and their successors, shall and may annually elect a President, and clerk to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers for the better managing of their business.

SEC. 3. *And be it further enacted*, That the number of Trustees shall not at any one time, be more than seven,

Persons incorporated.

Corporate name.

President, clerk, and treasurer, to be elected.

Number of trustees limited.