

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 79. foreign corporation, and a copy of the power of attorney given him by the corporation.

Penalty for neglect.  
1823, 402, § 1.

SECT. 31. If any person shall make, or renew, any policy of insurance with any person in this state, contrary to the provisions of the foregoing section, he shall forfeit, for every such offence, three hundred dollars, to be recovered in an action of debt; one half to him who may sue therefor, and the other half to the state.

## CHAPTER 80.

### OF TURNPIKE CORPORATIONS, AND TOLL BRIDGES.

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| <p>SECT. 1. Viewing committee, on application for a turnpike.</p> <p>2. Turnpike to be located by the county commissioners.</p> <p>3. To be completed within three years.</p> <p>4. First meeting, how called. Officers and proceedings.</p> <p>5. Estimation and payment of damages.</p> <p>6. Corporation may purchase the land.</p> <p>7. Width of road.</p> <p>8. Damages to be paid, before road is opened.</p> <p>9. How made, when crossing a highway.</p> <p>10. Tolls, when and where demanded.</p> <p>11. Commutation of tolls.</p> <p>12. Deduction on broad rimmed wheels.</p> <p>13. Sign boards, with rates of toll.</p> <p>14, 15. Exemptions from toll in certain cases.</p> <p>16. Persons exempted, to inform the toll gatherer.</p> <p>17. Restrictions on weight of teams, and droves of cattle and horses.</p> <p>18. Penalty, for delaying passengers.</p> <p>19. Only two persons and children to pass in wagons, toll free.</p> <p>20. Penalty, for turning out to avoid paying toll.</p> | <p>SECT. 21. Penalty, for demanding illegal toll.</p> <p>22. Liability, for defects in roads or bridges.</p> <p>23. Width of felloes of loaded wheels.</p> <p>24. Certain teamsters to tell the weight of their load.</p> <p>25. Teamsters not to lock their wheels without a shoe.</p> <p>26. Penalty, for making a road to avoid a turnpike gate.</p> <p>27. Measures to be taken for removal of gates.</p> <p>28. Proceedings, if turnpike be out of repair.</p> <p>29. Transfer of shares.</p> <p>30. Sale of shares, to pay assessments.</p> <p>31. Advertisement of sale.</p> <p>32. On discontinuance of turnpike, land to revert.</p> <p>33. Accounts to be rendered to the secretary of state. Books may be inspected by the legislature.</p> <p>34. When the legislature may dissolve the corporation.</p> <p>35. Penalty, for injuring toll gates, or attempting to pass without paying toll.</p> <p>36. Certain charters not affected by this chapter.</p> <p>37. Covered toll bridges to be lighted.</p> <p>38. Penalty, for neglect.</p> |
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Viewing committee, on application for a turnpike.  
1821, 138, § 1.

SECTION 1. Whenever any application shall be made for a turnpike road, a committee shall first be appointed by the legislature, to view, at the expense of the petitioners, the route proposed by them; and the committee shall, before they proceed to view any proposed road, give public notice of the time and place of their meeting, by publishing the same in some newspaper printed in the county, in which the road is proposed to be made; and if no newspaper is there printed, the said notice shall be given in such manner, as the committee shall think, will cause the same to be generally known

to all persons interested; and they shall further give notice, in writing, to one or more of the selectmen of each town, through which they propose to view, and of the time, when they shall make their report to the legislature.

SECT. 2. Whenever any grant is made for a turnpike road, and application is made to the county commissioners in the county, in which such road is situated, the said commissioners shall exercise the powers, and perform the duties, provided by law in the laying out of highways.

Turnpike to be located by the county commissioners.

SECT. 3. If any turnpike corporation shall neglect to complete their road, within three years from the date of their act of incorporation, the same shall be void.

To be completed within three years.  
1821, 138, § 22.

SECT. 4. The first meeting of any turnpike corporation, hereafter established, shall be held at such time and place, as shall be agreed on by a major part of the persons, to whom the grant of a charter is made, for the purpose of choosing a clerk, who shall be duly sworn, and such other officers as may be agreed on by such corporation; and at that, or any subsequent meeting, said corporation may make reasonable by laws, not repugnant to the constitution and laws of the state, for the well ordering of their affairs. Said first meeting may be called by publishing notice thereof, by the persons appointing the time and place, in some newspaper printed near the route of the intended road, at least two weeks before said meeting.

First meeting, how called. Officers and proceedings.  
1821, 138, § 16.

SECT. 5. Every turnpike corporation shall pay all sums, that may be assessed according to law, for damages for laying out such turnpike road; saving always to either party, so far as respects the damages only, the right of trial by jury, unless a committee be mutually agreed upon, according to the provisions of chapter, twenty five, relating to the laying out of highways; and in such cases, the turnpike corporation shall incur the same liabilities, and have the same rights, as to costs, as counties in the laying out of county roads.

Estimation and payment of damages.  
1821, 138, § 2.

SECT. 6. Any turnpike corporation may purchase and hold the lands, over which they shall make their road.

Corporation may purchase the land.  
1821, 138, § 2.

SECT. 7. No turnpike road, hereafter granted, shall be less than four rods wide; and the traveled part thereof shall not be less than twenty four feet wide in any part.

Width of road.  
1821, 138, § 2.

SECT. 8. No turnpike corporation, hereafter established, without the consent of the owner of any land over which their road is to pass, shall throw open any fences or inclosures upon the same, or remove any buildings, or cut down any trees, thereon standing, or make such road, or in any way injure the property of such owner, until the damages, done by the passing of the road over such land, shall have been first duly ascertained and paid, or tendered to the person entitled to receive the same; or, if said owner cannot be found within the state, until the same shall have been deposited to his use with the clerk of the county commissioners; provided however, that the officers of such corporation, or its agents or servants may enter on any such land, for the purpose of surveying and laying out the roads, and not otherwise.

Damages to be paid, before road is opened.  
1821, 138, § 19.

SECT. 9. When any turnpike road, hereafter established, shall intersect any then existing highway or town way, the proprietors

How to be built, when crossing a highway.  
1821, 138, § 9.

**CHAP. 80.** of such turnpike road shall so construct the same, that it shall be convenient for travelers, to pass from such way to such turnpike road.

Tolls, when  
and where de-  
manded.  
1821, 138, § 3, 4.

**SECT. 10.** All turnpike corporations, hereafter established, whenever their roads shall be sufficiently made and approved by the commissioners of the county, where said road is situated, may erect gates in such places, as said commissioners may direct, and demand and receive of each traveler or passenger, at each of said gates, the following rates of toll, viz: for each chariot, phaeton or other four wheel spring carriage drawn by two horses, twenty five cents; and, if drawn by more than two horses, two cents for each additional horse; for every wagon drawn by two horses, ten cents; and, if drawn by more than two, two cents for each additional horse; for every cart or wagon drawn by two oxen, ten cents, and, if by more than two, twelve and a half cents; if by more than four oxen or horses, two cents for each additional ox or horse; for every curricle, fifteen cents; for every chaise, chair, sulkey or other carriage for pleasure, drawn by one horse, twelve and a half cents each; for every cart, wagon or truck, drawn by one horse, six cents and a quarter; for every man and horse, four cents; for every sleigh or sled, drawn by two oxen or horses, eight cents; and, if drawn by more than two oxen or horses, one cent, for each ox or horse; for every sleigh or sled, drawn by one horse, four cents; for all horses, mules or neat cattle, led or driven, besides those in teams or carriages, one cent, each; for all sheep or swine at the rate of three cents, by the dozen: provided, that no turnpike gate, where full toll is to be taken, shall be erected within fifteen miles of any other turnpike gate, on the same road, unless expressly authorized by the legislature; nor shall any such gate be erected by said turnpike corporation on any county or town way, previously established.

Commutation  
of tolls.  
1821, 138, § 4.

**SECT. 11.** Any turnpike corporation may commute the rates of toll with any person, by annually taking of him a certain sum, to be mutually agreed on.

Deduction  
of tolls on  
broad rimmed  
wheels.  
1821, 138, § 4.

**SECT. 12.** Carts and wagons, having wheels, the feloes of which shall be six inches broad or more, shall be subject to pay only half the toll, which carts and wagons, otherwise constructed, are liable to pay.

Sign boards,  
with rates of  
toll.  
1821, 138, § 4.  
3 Pick. 342.

**SECT. 13.** All turnpike corporations shall erect, and keep exposed to view, in some conspicuous place, at every gate, where the toll is collected, a sign board, with all the rates of toll fairly and legibly written or painted on a white ground, in black letters of a large size. If they neglect so to do, they shall not be entitled to receive toll at such [a] gate during such neglect.

Exemptions  
from toll in cer-  
tain cases.  
1821, 138, § 5.  
4 Pick. 386.

**SECT. 14.** No toll shall be receivable at any turnpike gate, from any foot passenger, nor from any person, riding to his usual place of public worship, or passing such gate in any mode on military duty, nor from any elector going to, or returning from any town meeting, for the choice of electors of president and vice president, or for the choice of governor, senators or representative to congress, or to the state legislature, nor from any person residing in the town where such gate may be placed, unless he is going, or returning from, beyond the limits of said town, nor for any person

going to or from any place, on the common and ordinary business of a family.

SECT. 15. The officers, soldiers and musicians of all military companies, together with their ordnance and equipage, on days of training or review, while under arms or in going to, or returning from their place of parade, and all persons going to or from any funeral; or to or from public worship, on the sabbath, may pass over, and upon any toll bridge or turnpike road, free of toll.

Same subject.  
1821, 138, § 5.  
1836, 213.

SECT. 16. Every traveler claiming to pass any turnpike gate or toll bridge, free of toll, shall communicate to the toll gatherer, his name and place of abode, if required by him. Whoever shall refuse or omit so to do, or shall wilfully render a false answer, and thereby evade the payment of his legal toll, shall forfeit, to the use of the proprietors of such turnpike or bridge, the sum of ten dollars, to be recovered in an action of debt.

Persons exempted, to inform the toll gatherer.  
1821, 138, § 6.

SECT. 17. If any person, driving neat cattle or horses over any turnpike bridge, or over any toll bridge, which shall be more than fifty feet in length; from one abutment, pier or trussel part to another, shall, without the consent of the toll gatherer or agent of the corporation, owning such bridge, permit more than twenty neat cattle or horses to be on such bridge, at one and the same time; or if any person shall, without such consent, drive or transport over any such bridge, any loaded cart or wagon, or other carriage, the weight whereof shall exceed forty five hundred pounds, exclusive of the team and carriage, and shall thereby break down or injure such bridge; such person or the owner of such neat cattle, horses, cart, wagon, carriage or load shall not recover any damages for his own injury or loss against such corporation.

Restrictions on weight of teams, and droves of cattle and horses.  
1821, 138, § 14.

SECT. 18. If any turnpike or bridge corporation, or any agent thereof, shall unreasonably delay or hinder any person, driving any cart or wagon, sleigh or other carriage, from passing any turnpike gate or toll gate, such corporation shall forfeit and pay to such person, so delayed or hindered, not less than two dollars, nor more than twenty dollars; to be recovered by a special action on the case.

Penalty for delaying travelers.  
1821, 138, § 8.

SECT. 19. No more than two persons and children with them, not received for the purpose of evading the payment of toll, shall have a right to pass any toll bridge in any wagon free of the toll, payable by foot passengers, in addition to the toll due on such wagon.

Only two persons and children, to pass in a wagon, toll free.

SECT. 20. If any person, with his horse, team or cattle, shall turn out of such road to pass any turnpike gate, with intent to avoid paying the toll, and again enter on said road, he shall forfeit and pay treble the toll, which would have been payable at such gate, to the use of the corporation; and recoverable in an action of trespass on the case.

Penalty, for turning out, to avoid paying tolls.  
1821, 138, § 5.

SECT. 21. If any turnpike corporation, their toll gatherer, or any other person in their employ, shall demand or receive more toll than the rate, by law established, the said corporation shall forfeit a sum, not exceeding ten dollars, nor less than two dollars, for the use of the person of whom the same is demanded or received; recoverable in an action on the case.

Penalty, for demanding illegal toll.  
1821, 138, § 7.

## CHAP. 80.

Liability, for defects in roads or bridges. 1821, 138, § 7. 4 Pick. 341.

Width of felloes of loaded wheels. 1821, 138, § 12.

Certain teamsters to tell the weight of their load. 1821, 138, § 12.

Teamsters not to lock their wheels without a shoe. 1821, 138, § 15.

Penalty, for making a road, to avoid a turnpike gate. 1821, 138, § 13.

Measures to be taken for removal of gates. 1821, 138, § 17.

Proceedings, if turnpike be out of repair. 1821, 138, § 18.

SECT. 22. Every turnpike corporation shall be liable to be indicted, for defect of any of its bridges, or want of repair in its roads. If any person, liable to the payment of toll, shall sustain any injury of himself or property, from deficiency in want of repair in said bridge or road, said corporation shall be answerable to such person for the same in damages, in an action on the case.

SECT. 23. All loaded carts or wagons, passing on any turnpike road, and carrying more than forty five hundred pounds, shall be drawn on wheels having each a felloe, not less than three and a half inches wide. If any person shall pass on any turnpike road with a cart or wagon, loaded as aforesaid, and drawn on wheels having narrower felloes than aforesaid, he shall pay to the corporation, owning said road, three times the stated toll for such cart or wagon.

SECT. 24. Every person, passing on any turnpike road, and driving or having the care of a loaded cart or wagon, with wheels, the felloes of which are less than three and a half inches wide, shall, upon the request of the toll gatherer, give a true account of the weight of the load, and also his name and place of abode; and, if he shall refuse so to do, or shall make any misrepresentation, with an intent to defraud the corporation, he shall forfeit, to the use of such corporation, ten dollars.

SECT. 25. If any person driving, or having the care of, any loaded cart or wagon, passing on any turnpike road, shall lock, chain or fasten any of the wheels of such cart or wagon, without putting, under said wheel, a shoe, not less than six inches wide and twelve inches long, he shall, for such offence, forfeit, to the use of the corporation owning said road, not less than two dollars, nor more than twenty dollars.

SECT. 26. If any person shall open or make any road or passway, other than a county road duly located, leading from any turnpike road, and shall reunite said road or passway, with such turnpike road, or with any road connected with the same, for the purpose of avoiding, or aiding others to avoid, any gate on such turnpike road, he shall forfeit, to the use of the turnpike corporation, so intended to be injured, a sum, not less than two hundred dollars, nor more than one thousand dollars.

SECT. 27. The county commissioners in any county, where a turnpike gate, belonging to any corporation, is placed, on petition from such corporation or the directors thereof, stating the reasons therefor, may authorize the removal of such gate to any other place in the county, which they judge expedient. In such case, the commissioners shall give public notice of the time, place and object of their meeting, by advertising in such public newspaper, as they may think proper, ten days at least before the time appointed for such meeting; at which meeting they shall view the places, where the gate is placed, and to which it is intended to be removed, and all persons interested may be heard. The commissioners shall, thereupon, order their doings to be duly entered on their records at their next regular session; provided, that all expenses, attending any of the proceedings, shall be defrayed by the petitioners.

SECT. 28. Whenever any turnpike road shall be suffered to be out of repair, the county commissioners, in the county where the

defective road is situate, may order the gates thereof to be set open; the said commissioners having, at least ten days previously, notified the clerk of the corporation, owning such turnpike road, of complaint having been made against said road; and appointing a time and place to hear the parties, on the subject of such complaint. If, on such hearing or view of the premises, they see sufficient cause to order the gates to be set open, they shall leave a copy of their order under their hands with the said clerk, and the said gates shall, thereupon, be set open; and no toll shall be there demanded, until the said commissioners shall otherwise order.

SECT. 29. All shares in turnpike corporations shall be personal estate, and transferable by deed, acknowledged before any justice of the peace, and recorded by the clerk of the corporation, in a book kept for that purpose.

Transfer of shares.  
1821, 138, § 10.

SECT. 30. When any proprietor of shares in any turnpike corporation, hereafter established, shall neglect or refuse to pay any tax or assessment, duly made, for sixty days after the time appointed for payment thereof, the treasurer of such corporation may sell, at public vendue, a sufficient number of the shares of such delinquent proprietor, to pay the said assessment and all necessary charges. Should any surplus remain, on the sale of any share, such surplus shall be paid by the treasurer to such delinquent proprietor, on demand.

Sale of shares, to pay assessments.  
1821, 138, § 11.

SECT. 31. Before making sales of such shares, the treasurer shall give notice of the time and place appointed for the sale, and of the sums due on each share, by advertising the same, in the manner mentioned in chapter, one hundred and seventeen, as to sales on execution.

Advertisement of sale.  
1821, 138, § 11.

SECT. 32. Whenever any turnpike road, in whole or in part, shall be discontinued, the land, over which such discontinued turnpike or part thereof was laid, shall revert in the persons, their heirs or assigns, who were owners thereof, at the time such land was taken or purchased for the purpose of making such turnpike; any conveyance of said land, by deed to said corporation, notwithstanding.

On discontinuance of turnpike, land to revert.  
1821, 138, § 20.

SECT. 33. Every turnpike corporation, hereafter established, shall, within six months, from the time of erecting their gates, lodge, in the office of the secretary of state, an account of all the expenses thereof; and every such corporation, wherever established, shall, annually in the month of January, exhibit, to the governor and council, a true account of the income or dividends arising from their tolls, with their necessary annual disbursements. The books of all turnpike corporations shall, at all times, be subject to the inspection of the governor and council, and of the legislature.

Accounts to be rendered to the secretary of state. Books may be inspected by the legislature.  
1821, 138, § 21.

SECT. 34. The legislature may dissolve any turnpike corporation, hereafter established, after the expiration of twenty years from the date of its charter; or sooner, if it shall appear to their satisfaction, that the income of the road of such corporation shall have compensated them, for all moneys they may have expended, in purchasing lands for such road, and in making, repairing and taking care of the same, together with six per cent. a year; and thereupon the property of said road shall be vested in the state, and be at the disposal of the legislature.

When the legislature may dissolve the corporation.  
1821, 138, § 22.



## CHAP. 80.

Penalty, for injuring toll gates, or attempting to pass without paying toll. 1821, 138, § 5. 1827, 357, § 1. 3 Pick. 342.

Certain charters not affected by this chapter.

Covered toll bridges to be lighted. 1839, 384, § 1.

Penalty, for neglect. 1839, 384, § 2.

SECT. 35. If any person shall maliciously break down, or otherwise destroy or injure, any toll gate or [on] any turnpike or toll bridge, or shall wilfully injure such turnpike or bridge; or, if any person, liable to pay toll at such turnpike or bridge, shall pass or attempt to pass the gate thereof, with the intent of avoiding the payment of the legal toll, the same being demanded, he shall forfeit and pay not less than five dollars, nor more than fifty dollars, to the use of the proprietors of such road or bridge; in addition to any actual damage, thereby occasioned to such road or bridge.

SECT. 36. None of the provisions of this chapter shall be construed, as enlarging, diminishing or altering the rights, powers, obligations or liabilities of any turnpike corporation, existing in this state on the fifteenth day of February, in the year, eighteen hundred and twenty one.

SECT. 37. Every bridge on any turnpike, and every toll bridge, if in whole or in part covered, shall be suitably lighted, with not less than one sufficient light for every seventy five feet, in length, of said bridge, which is covered, commencing within twenty minutes after sunset, and continuing until ten o'clock in each evening; except it be at certain seasons of the year, if any, when toll is not demanded on such bridge or turnpike.

SECT. 38. Every corporation, which shall neglect or refuse to comply with the provisions of the preceding section, shall forfeit, for each evening they shall so neglect or refuse, two dollars; to be recovered by an action of debt, brought in the county, where the bridge, or any part of it, is situated, to the use of the person who shall sue therefor. Such corporation shall also be liable, in a special action for damages, to any person injured by such neglect.

## CHAPTER 81.

## OF RAIL ROADS.

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| <p>SECT. 1. Requisites, to petitions for rail roads.</p> <p>2. Corporation may take and hold necessary lands.</p> <p>3. Estimation and payment of damages.</p> <p>4. Limitation of applications therefor.</p> <p>5. Restriction on the right to take lands, without consent.</p> <p>6. Security for payment of damages.</p> <p>7. Damages on lands of minors and others.</p> <p>8. Manner of crossing turnpike or other road.</p> <p>9. Repair or amendment of such turnpike, or road.</p> <p>10. Penalty, for neglect.</p> | <p>SECT. 11. Limitation of actions, by turnpike corporations or towns in such cases.</p> <p>12. Highway may be altered, to accommodate rail road, in certain cases.</p> <p>13. County commissioners may decide, as to the manner of crossing turnpikes or roads.</p> <p>14. Corporation to provide temporary ways, whilst building across roads.</p> <p>15. Manner of crossing other rail roads or canals.</p> <p>16. To keep in repair all bridges built by them.</p> <p>17. Bell to be rung, at crossing ways.</p> <p>18. Sign boards at crossings.</p> <p>19. Gates, at crossings, in certain cases.</p> |
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