

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>
463	Line 7 of page, dele the word <i>whole</i>	663 S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666 5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666 5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667 L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668 S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669 L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670 S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515 L.	28 of p. for <i>highway</i> read <i>highways</i>	671 L. 2 of p. for <i>in</i> read <i>on</i>
517 S. 16 L. 11 of S.	after the word <i>be</i> insert <i>the</i>	672 S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672 11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	672 11 8 before the word <i>each</i> insert <i>for</i>
523 L. 6 of p.	after the word <i>person</i> insert <i>of</i>	674 2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676 L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677 4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681 Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682 Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684 2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686 4 2 for <i>on</i> read <i>or</i>
537 S. 12 L. 2 of S.	for <i>in</i> read <i>of</i>	687 3 6 before the word <i>stamped</i> insert <i>not</i>
539 L. 11 of p.	between the words <i>the</i> and <i>day</i> should be a '—'	688 L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694 L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543 S. 18 L. 13 of S.	dele <i>the</i> before the word <i>said</i>	694 16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695 12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716 8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723 6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734 Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553 L. 2 of p.	at the end of the line insert <i>such</i>	742 L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556 S. 1 L. 18 of p.	for <i>master</i> read <i>masters</i>	744 L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557 L. 16 of p.	for <i>in</i> read <i>of</i>	745 Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560 S. 7 L. 4 of S.	for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746 2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751 5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751 5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751 5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753 8 23 for <i>spurs</i> read <i>spar</i>
576 L. 18 of p.	for <i>pounds</i> read <i>ounces</i>	754 10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758 L. 2 of p. for <i>sales</i> read <i>sale</i>
591 S. 5 L. 2 of S.	before the word <i>action</i> insert <i>an</i>	759 24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761 19 for <i>another</i> read <i>any other</i>
601 L. 11 of p.	at the end of the line insert <i>drawn</i>	761 last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762 22 before the word <i>fish</i> insert <i>any</i>
604 S. 12 L. 2 of S.	after the word <i>passing</i> insert <i>on</i>	766 6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766 Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608 S. 22 L. 5 of S.	for <i>monies</i> read <i>money</i>	769 4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772 first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774 Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617 L. 5 of the page	dele <i>a</i>	774 2 14 for <i>any</i> read <i>every</i>
617 S. 1 L. 6 of S.	for <i>purpose</i> read <i>purposes</i>	775 1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777 L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780 14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780 35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788 25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790 28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791 13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791 14 after the word <i>idle</i> dele <i>and</i>
638 L. 9 of p.	for <i>and</i> read <i>or</i>	793 5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793 27 after the word <i>Act</i> dele <i>for</i>
643 S. 4 L. 6 of S.	dele <i>are</i> after <i>and</i>	797 4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808 34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>	
658	in the title, after the word <i>Act</i> insert <i>for</i>	

cessively before the sale; and such sale shall be a legal transfer of the shares so sold to the purchaser, and when the purchaser shall produce a certificate of such sale from the Treasurer to the Clerk of the corporation, with the name of the purchaser, and the number of the share or shares sold, the same shall be entered by the Clerk on the books of the corporation; and such person shall be considered, to all intents and purposes, the proprietor thereof; and shall be entitled to a certificate in the form prescribed in the third section of this Act. Effect of sale.

SEC. 6. *Be it further enacted,* That all Acts incorporating manufacturing companies, shall be deemed and taken to be public Acts, and as such may be declared upon, and given in evidence in any Court of law, without specially pleading the same: *Provided always,* That the Legislature may from time to time, upon due notice to any corporation, make further provisions and regulations for the management of the business of the corporation, and for the government thereof, or wholly to repeal any Act, or part thereof, establishing any corporation as shall be deemed expedient. Acts authorizing such corporations, to be considered public acts.

[Approved March 8, 1821.]

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CHAPTER CXXXVIII.

An Act defining the general powers and duties of Turnpike Corporations.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That no turnpike corporation shall be created, except a committee shall have first been appointed by the Legislature, and viewed the rout proposed by the petitioners, who shall be at the expense thereof. And that all committees appointed for the purpose aforesaid, 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 where said road is proposed to be laid, if any such paper is printed therein, and if not, in such other way as they may think will give general notice to all interested, and shall also give notice to one or more of the Selectmen of each town through which they propose to view, and of Turnpike corporations not to be granted, until after a viewing committee.

Viewing committee to give notice, &c.

the time they shall make their report to the Legislature, that all persons may then appear and show cause, if any they have, against the prayer of the petition.

When turnpike is granted, Court of Sessions may appoint committee to lay it out.

SEC. 2. *Be it further enacted,* That whenever any grant is made for a turnpike road, and application is made to the Court of Sessions within the county where said road is situated, said Court shall appoint a committee of five disinterested freeholders within the same county, at the expense of the corporation, who shall be invested with the same powers, observe the same rules, be under the same restrictions; perform the same duties, and make return of their doings, in the same manner as is provided by law for similar committees appointed by said Court for laying out public highways: And said corporation shall be liable to pay all damages that may be estimated by said committee; saving to either party the right of trial by Jury respecting damages only, according to law making provision for the recovery of damages arising from the laying out highways: *Provided however,* That said corporation may purchase and hold lands, over which they may make their road; in every such case, the estimation of damages shall be omitted by said committee. And no turnpike road hereafter granted shall be less than four rods in width, and the travelled part of the same shall not be less than twenty four feet in any part thereof.

Corporation to pay damages estimated by said committee; saving to each party a right to jury, &c.

unless the corporation purchase the land.

width of such roads.

Where gates may be erected.

SEC. 3. *Be it further enacted,* That no gate shall be erected by any turnpike corporation, on any county or town road before established; and no turnpike gate shall be erected across any turnpike road where full toll shall be demanded, except said gate be ten miles distant from any other turnpike gate, on the same road, unless the Act granting the same road shall contain a different provision.

After the road is made and approved by C. C. Com. Pleas, corporation may erect gates.

SEC. 4. *Be it further enacted,* That it shall be lawful for all turnpike corporations that may be established by law, whenever the road shall be sufficiently made, and so allowed and approved by the Justices of the Circuit Court of Common Pleas within said county where said road shall be situated; and they are hereby authorized to erect gates in such place or places as the said Justices shall direct; to demand and receive of each traveller or passenger at each of

said gates, the following rates of toll, viz. For each coach, Rates of toll. 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 waggon drawn by two horses, ten cents; and if drawn by more than two, two cents for each additional horse; for every cart or waggon drawn by two oxen, ten cents; and if by more than two, twelve and a half cents; and 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, by one horse, twelve and a half cents each; for every cart, waggon or truck drawn by one horse, six and one quarter of a cent each; 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 additional 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 however*, That the corporation may if they see cause, commute the rates of toll with any person or persons or with any corporation, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid; and carts or waggons having wheels, the feloes of which shall be six inches broad or more, shall be subject to pay only half the toll which carts or waggons otherwise constructed shall be liable to pay. And all turnpike corporations shall erect in some conspicuous place where the toll is collected, exposed to view, a sign board, with the rates of toll of all tollable articles, fairly and legibly written or printed in capital letters; and whenever said corporation shall neglect so to do; they shall not be entitled to demand or receive any toll at the said gate.

Sign-board to be erected, exhibiting such rates of toll.

SEC. 5. *Be it further enacted*, That if any person shall cut, break down or otherwise injure or destroy any turnpike gate, on any turnpike road; or shall dig up or carry away any earth or gravel from such turnpike road, or in any other manner damage the same; or shall forcibly pass, or at-

Penalty for destroying or injuring gates or road; or forcibly passing, &c. gates without paying toll.

tempt to pass any such turnpike gate, without having first paid the legal toll, with an intent to avoid the same, such person shall forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars, to be recovered by the Treasurer of the corporation to their use, in an action of trespass. And if any person, with his or her 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 the said road, such person shall forfeit and pay treble the toll which could have been payable at such gate, to be recovered by the Treasurer of said corporation, to their use in an action of trespass on the case. *Provided however,* That nothing in this Act shall extend to entitle any turnpike corporation hereafter established, to demand or receive toll from any person that shall be passing on foot, or with his horse or carriage, to or from his usual place of public worship; or from any person passing on military duty; or from any person residing in the town where the gate may be placed, unless they are going or returning from beyond the limits of said town; or from any person going to or from any grist mill, or on the common and ordinary business of family concerns.

Penalty for fraudulently avoiding a gate.

Certain persons exempted from toll.

Penalty for giving a false answer to toll gatherer, when claiming exemption.

SEC. 6. *Be it further enacted,* That every traveller being about to pass any turnpike gate or toll bridge within this State, and claiming to be exempted by law from the payment of toll, shall, if required by a toll gatherer, first deliver to him his name and place of abode; and whoever shall for the purpose of avoiding the payment of toll at any such gate or bridge, wilfully give a false account to a toll gatherer of his name or place of abode, and thereby pass the gate, toll free; shall forfeit and pay to the use of such corporation, for every such offence, the sum of ten dollars, to be recovered by the Treasurer of said corporation by an action of debt.

Penalty for demanding more than legal toll.

SEC. 7. *Be it further enacted,* That if any turnpike corporation, their toll gatherer, or others in their employ, shall demand or receive more toll than is by law 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 within the county where the offence is com-

How to be recovered.

mitted, by the person injured, delayed or defrauded, to his or her use, in a special action of the case; and all writs against any turnpike corporation shall be served on the Treasurer of said corporation, or on some individual member thereof, living in the county where the offence shall be committed, by leaving a true and an attested copy of the same with the said Treasurer or individual member, at least fourteen days before the day of trial. And the said Treasurer or 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 which may happen to any person from whom toll is demandable, for any damages which shall arise from defect of bridges or want of repair of said turnpike road; and also liable to presentment by a Grand Jury, for not keeping the same in good repair.

Mode of serving process on such corporations.

Corporation liable in damages,

and to indictment for neglect to repair.

SEC. 8. *Be it further enacted,* That if any turnpike or bridge corporation, or any agent thereof, shall unreasonably delay or hinder any person driving any cart or waggon, sleigh or carriage, from passing any turnpike gate or toll bridge, such turnpike or bridge corporation, shall forfeit and pay to such person so delayed or hindered a sum not less than two dollars, nor more than twenty dollars, to be recovered by such person by a special action of the case.

Penalty for hindering or delaying travellers at toll gate.

SEC. 9. *Be it further enacted,* That where any turnpike road hereafter established shall intersect any former public highway, it shall be the duty of the proprietors of such turnpike so to construct their road, that it shall be convenient and feasible for travellers to pass from such former public highway on to such turnpike.

Where turnpike intersects another road, how to be made.

SEC. 10. *Be it further enacted,* That the shares in all turnpike corporations shall be taken, deemed and considered to be personal estate, to all intents and purposes; and may be transferable, 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 said corporation, in a book kept for that purpose.

Shares in turnpikes to be personal estate. How transferable.

SEC. 11. *Be it further enacted,* That whenever any proprietor of a share or shares in any turnpike corporation hereafter established, shall neglect or refuse to pay any tax or assessment duly voted and agreed on by such corpora-

When a proprietor neglects to pay assessments, what proceedings to be had.

tion, to their treasury, within sixty days after the time set for the payment thereof, the Treasurer of said corporation is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor sufficient to defray the said tax or assessment, and all necessary and incidental charges, after having given public notice in some newspaper printed in the county where the road lies, if any is printed therein; otherwise in some public paper printed in an adjoining county; with the sum due on each share, and the time and place of sale, three weeks successively, at least, before the sale. And such sale shall be a legal transfer of the shares so sold, to the purchaser; and on the purchaser producing a certificate of such sale from the Treasurer to the Clerk of said corporation, with the name of such purchaser, together with the number of the share or shares so sold, shall be by the Clerk entered on the books of the 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 by the Treasurer, on demand, to the person whose share or shares were so sold.

Description of wheels to be used on turnpikes, with certain loads.

Penalty for violating this provision.

Teamsters to give true account of themselves and the weight of their loads;

under penalty, &c.

SEC. 12. *Be it further enacted,* That all loaded carts or waggons, passing any turnpike road within this State, carrying more than forty five hundred gross weight, shall be drawn on wheels having each a felloe not less than three and an half inches wide; and if any person or persons shall pass on any turnpike road in this State, with a cart or waggon loaded as aforesaid, with narrower felloes than is above provided, he or they shall pay to such turnpike corporation, three times the legal toll for such loaded cart or waggon. And it shall be the duty of any person or persons driving or having the care of a loaded cart or waggon, passing on any turnpike road as aforesaid, upon the request of the toll gatherer to give a true account of the weight of his load, and also his name and place of abode; and if he shall refuse to give, or wilfully misrepresent the weight of his load, or shall give a false account of his name or place of abode, with intent to defraud any turnpike corporation, he shall forfeit and pay to the use of such turnpike corporation, the sum of ten dollars for every such offence, to be recovered by the Treasurer of such turnpike corporation by action of debt.

SEC. 13. *Be it further enacted,* That if any person or persons shall open or make any road or passway, leading from any turnpike road within this State, and reunite said road or passway with the same turnpike road, or any other road connected therewith, with an intent and for the purpose of avoiding, or aiding others to avoid, any gate on such turnpike road, he or they shall forfeit and pay to the use of such turnpike corporation, so intended to be injured, a sum not less than two hundred dollars, nor more than one thousand dollars, to be recovered by the Treasurer of such turnpike corporation in an action of trespass on the case: *Provided however,* That nothing in this section contained shall be construed to extend to the opening or making of any county road.

Penalty for making roads connected with turnpike so as to avoid toll gates, &c.

Proviso.

SEC. 14. *Be it further enacted,* That if any owner or person having the care of any drove of neat cattle or horses, and driving the same over any turnpike bridge, or over any toll bridge within this State, shall permit more than twenty neat cattle or horses to be on any such bridge which shall be more than fifty feet in length from one abutment, pier or trussel part to another, at one and the same time, without the consent of the toll gatherer or agent of said corporation; or if any owner or person shall drive or transport over any such bridge without the consent of the toll gatherer or agent thereof, any loaded cart or waggon, or other carriage, the weight whereof shall exceed forty five hundred gross weight, exclusive of the team and carriage, and shall thereby break down or injure such bridge, such person or persons, owner or owners, shall not recover any damages of the corporation owning such bridge.

Penalty for driving more than a certain number of cattle or horses over bridges, &c. at once;

or loaded teams beyond a certain weight.

SEC. 15. *Be it further enacted,* That if any person driving or having the care of any loaded cart or waggon, passing on any turnpike road, within this State, shall lock, chain or fasten any of the wheels of such loaded cart or waggon, without putting under such locked, chained or fastened wheel, an iron shoe, not less than six inches wide and twelve inches long, such person driving or having the care of such loaded cart or waggon, shall for every offence forfeit and pay to such turnpike corporation, a sum not less than two dollars, nor more than twenty dollars, to be recovered by the Treas-

Penalty for chaining wheels, &c. without an iron shoe under them, &c.

urer of such turnpike corporation, in an action of trespass on the case.

First meeting of such corporation to be called by a major part of the grantees.

SEC. 14. *Be it further enacted*, That the first meeting of all turnpike corporations 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 is made, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and such other officers as may be agreed on by said corporation; and may then or at any subsequent meeting, establish such rules and regulations, as shall be judged necessary for the well ordering of the affairs thereof: *Provided*, That no such rules and regulations shall, in any manner, be repugnant to the Constitution and laws of this State; and that said first meeting shall be notified, by publishing the same in some newspaper printed nearest to where the said road lies, at least two weeks before the said meeting.

May make rules, &c. not repugnant to constitution, &c.

C. Court of Com. Pleas may, on petition, remove gates.

SEC. 17. *Be it further enacted*, That whenever the directors of any turnpike corporation heretofore established or which may hereafter be established, by law, shall wish to remove a gate or gates, by such corporation then duly erected on the turnpike road of such corporation, it shall and may be lawful for such directors, or a majority of them, to petition the Circuit Court of Common Pleas, to be holden within and for the county where such gate or gates may be erected praying for the removal of such gate or gates, and stating the reasons therefor; and thereupon it shall and may be lawful for the said Court to nominate and appoint a committee of three disinterested and sufficient freeholders, inhabitants of said county, whose duty it shall be after being duly sworn to the faithful discharge of their trust, at the expense of the corporation, whose gate or gates are intended to be removed, to give notice to all persons interested, of their appointment, and the time and place of meeting, for the purpose of attending to the business of their commission, by advertising the same in such newspaper as the said Court may order, ten days, at least before the time appointed for such meeting; and also at the said time appointed as aforesaid, to repair to the gate or gates mention-

Proceedings to be had in such cases.

ed in such petition; and after hearing all parties interested, to determine whether the said gate or gates shall be removed, as prayed for, and report their said determination as soon as may be to the same Court; who are authorized, if they should deem it expedient, to order said gates to be removed and located according to the report of such committee.

SEC. 18. *Be it further enacted,* That whenever any turnpike road shall be suffered to be out of repair, the Justices of the Circuit Court of Common Pleas, within and for the county where the same road may lie, or a major part of them, or a committee to be appointed for that purpose by said Justices, are hereby authorized to order the gate or gates of such corporation to be set open; said Justices or their committee having previously notified the Clerk of such corporation, of complaint having been made of the badness of such road, at least ten days previous to ordering such gate or gates to be set open, and immediately upon leaving such order in writing under the hands of said Justices or their committee, with the Clerk of such corporation, the said gate or gates shall be opened, and no toll shall be legally demandable thereat, until the said Justices or their committee shall grant a counter order.

C. Courts of Common Pleas may in certain cases order gates to be opened after notice to corporation.

No toll to be taken till such order is revoked.

SEC. 19. *Be it further enacted,* That it shall not be lawful for any turnpike corporation hereafter granted, without the consent of the owner or owners of any real estate, over which the road granted to such corporation shall pass, to throw open any fences or enclosures 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 any owner or possessor of such real estate, until the damage done by the passing of such road over said real estate, shall have been first duly ascertained by the committee who may by law be authorized to assess the same; and such damages, so ascertained, shall have been paid or tendered to the person or persons entitled to receive the same: *Provided however,* That nothing in this Act contained, shall be construed to prevent any turnpike corporation, their agents or servants from entering on any lands, over which any such road may pass, for the purpose of sur-

Turnpike corporations not to open road and expose enclosures, without consent of owners, until damages are paid such owners.

Proviso.

Corporations liable to costs in certain cases like counties.

veying or laying out the same. And whenever a committee or Jury shall be appointed by the Court of Sessions 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.

When turnpike is discontinued land to revert to the person owning it at the time it was taken, &c.

SEC. 20. *Be it further enacted,* That whenever any turnpike road, in whole or in part, shall be discontinued, the land over which such discontinued turnpike was laid, shall revert in the person or persons, their heirs and assigns who were owners thereof at the time such land was taken or purchased for the purpose of making said turnpike, any conveyance of said land by deed to said corporation notwithstanding.

Corporation to lodge in the secretary's office account of expense, and annual account of dividends and imbursements.

SEC. 21. *Be it further enacted,* That every turnpike corporation hereafter established, shall, within six months from the time of erecting their gates, lodge in the Secretary's office an account of the expenses thereof; and each corporation shall annually, in the month of January, exhibit to the Governor and Council a true account of the income or dividends arising from said toll, with their necessary annual disbursements on the said road; and the books of all corporations shall at all times be subject to the inspection of the Governor and Council and of the Legislature.

Legislature may dissolve corporations in certain cases.

SEC. 22. *Be it further enacted,* That the Legislature may dissolve any corporation hereafter established, after the expiration of twenty years, or sooner if it shall appear to their satisfaction that the income of said road shall have compensated such corporation for all monies they may have expended, in purchasing lands for said road, and in making, repairing, and taking care of the same, together with twelve per centum by the year; and thereupon the property of said road shall be vested in the State and be at the disposal of the Legislature: *Provided however,* That if any corporation granted as aforesaid, shall neglect to complete the road within five years from the date of the grant, the same shall be void.

Grants void, if objects not completed within five years.

[Approved February 15, 1821.]