

# The Evolution of Historic Turnpikes and Plank Roads Part 1

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## History and Background of Early (colonial) Highways in New York

- Colonial Laws: The Laws of 1703 Chapter 131
  - Great Roads 4 Rods wide
  - Lesser Roads 3 Rods wide
- Albany Post Road
- Kings Highway
- Lembeck & Betz Eagle Brew Co. v. Rosenstein: 8 Rod road converted to a lesser road of 3 Rods

## Introduction

- Colonial Highways
  - Post Roads, communication and travel
  - Albany Post Road somewhat = to today's US Route 9



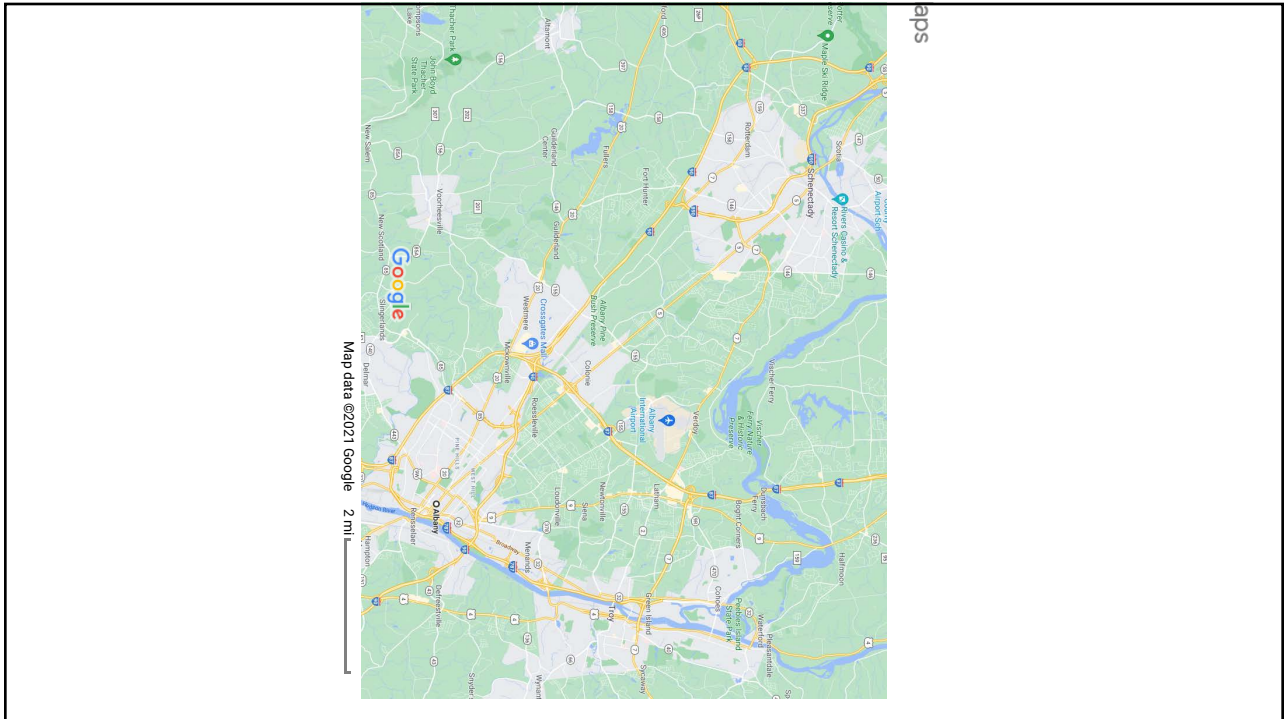
Photo Credit: Daniel Case  
unimproved portion of the Albany Post Road in Phillipstown, NY

## Introduction

- King's Highway
- The road from Albany to Schenectady was little more than a path through the woods
- Most roads were improved Native American Trails



Portion of the Map of Rensselaerwyck 1767



## Introduction

- English Colonial Highway Laws
- ‘An Act for regulating, clearing and further laying out publick Highways throughout the City & County of Albany’ Passed June 10, 1760
- A Road or Highway through Meadow Ground or Corn Fields, shall not exceed 20 feet in width
- “Breadth of 2 rods” cleared of trees and brush (33’)
- “Breadth of 1 rod” cleared of stones (16.5’)

## Introduction

- 'An Act for the better laying out regulating and keeping in repair Public Roads and Highways in the City and County of Albany and the County of Tryon' Passed April 3, 1775
- No widths mentioned
- Public and Private roads to be laid out
- Record of the roads to be made in the County Records
- Going around fields = inconvenient they were to lay out straight roads
- Dead animals left on road, obstructions, trees, girdling trees and leaving them, interference with travel all subject to fine

## Legislative Act: Turnpikes

- Individual Turnpike Companies were created by Special Act of the Legislature beginning in 1797
- The First Turnpike Companies:
  - 1797 Albany to Schenectady
  - 1798 Albany to Columbia re-chartered in 1799 as the Rensselaer to Columbia
  - 1798 Western re-chartered in 1799 as the First Great Western
  - 1799 Columbia
  - 1800 Mohawk Turnpike and Bridge Company
  - 1800 West-Chester Turnpike

## 1797 Albany and Schenectady

- Chapter 87 of the Laws of 1797 (Twentieth Session of the NYS Legislature)
- An Act for constructing a road and establishing and erecting turnpikes between the City of Albany & the town of Schenectady
- Passed the 1<sup>st</sup> day of April, 1797

## 1797 Albany and Schenectady

WHEREAS a good and sufficient road between the city of Albany and the town of Schenectady will manifestly tend to the advantage of the citizens of this State: Therefore

1. Be it enacted by the People of the State of New York, represented in Senate and Assembly, That there shall be a established a company of stockholders for the purpose of making a good and sufficient road to begin one mile from the court house in the city of Albany and to go by the nearest and most direct rout from the place of beginning to the stone commonly called the sixteenth mile stone, near the village of Schenectady...

## 1797 Albany and Schenectady

...Jacob Van Der Heyden, *Killian Van Rensselaer*, *Sanders Lansing* and *James Van Ingen* or any two of them, shall be a board of commissioners for taking subscriptions in the City of Albany and *John Glen*, James Murdoch, David Tomilson and Joseph Yates or any two of them shall be a board of commissioners for the like purpose in the town of Schenectady.

### Players:

**Killian K. Van Rensselaer**



Photographer: Howard C. Ohlhous



## 1797 Albany and Schenectady

VII. And it be further enacted, That the said corporation by its president and directors or by any agent superintendent, artist or other person employed in their service may enter into and upon any lands where they shall deem it proper to construct said road, and to lay out & survey such routs and tracts as shall be most practicable to effecting a good and sufficient road between the places aforesaid, doing nevertheless as little damage as possible to the grounds and inclosures over which the said road shall be constructed...

## 1797 Albany and Schenectady

VII. ....the said president and directors may contract and agree with the owners of any land and tenements for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting said road and for erecting and establishing gates, toll house and all other works and devices to such road belonging if they can agree with such owner,

## 1797 Albany and Schenectady

VII. ....but in case of disagreement or in the case the owner thereof shall be *femes covert*, under age or *non compos mentis* or out of the country, there shall and may be a lawful to and for the president and directors to apply to one of the judges of the court of common pleas in and for the city and county of Albany who upon such application is hereby authorized empowered and required to frame and issue one or more writ or writs as occasion shall require in the nature of a writ of *ad quod damnum* to be directed to the sheriff of the county of Albany commanding him that by the oath of twelve good and lawful men his bailiwick which shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands or tenements necessary to be used.....or which will be injured...or shall suffer and sustain any damages...

## 1797 Albany and Schenectady

VII. .... and return the writ on the findings of the jury to the next court of the common pleas....and in said writ filed and shall cause the same to **be minutely and exactly described in metes and bounds or other particular descriptions** and shall appraise the injury or damage, if any, which the owner of the said lands or improvement will .....suffer....by means of so much of the said land and tenements **being vested in the said corporation** and the said jury shall make an inquisition under their hands and seal succinctly and plainly setting forth the real damages sustained....then the said court shall enter judgment that the said corporation paying to the several owners as aforesaid the several sums of money in the said inquisition assessed or bringing the same into the said court over and besides the costs of the writs and.....

## 1797 Albany and Schenectady

XVI. Provided always and be it further enacted That whenever the turnpike road hereby authorized to be erected shall interfere or coincide with the old road leading from the city of Albany to the town of Schenectady, that then and in such case the corporation hereby intended to be erected shall open a road parallel to the old road hereinbefore mentioned, as far as such interference or coincidence or such interferences or coincidences shall extend, of the same width as the old road so occupied, and which said road so to be opened shall be made in as good and sufficient order for traveling with carriages as that part of the said old road which shall be taken and appropriated by the said corporation for the said turnpike road to be free for the use of any person or persons without payment of toll or any consideration whatsoever, which road so to be opened, and the old road shall not be deemed taken to be a public highway after the said turnpike road shall be completed and fit for use.

## 1797 Albany and Schenectady

XVII. And it be further enacted That if any person who shall use the turnpike road shall **evade the payment of toll** by going any other way, such person so evading shall forfeit and **pay fourfold the sum** he would have been subject to pay for toll, to be recovered by any one of the directors or stockholders in his own name, with costs of suit in any court having cognizance of such sum, for the use of the corporation.



## 1797 Albany and Schenectady

XVIII. And it be further enacted, That in case the corporation shall erect and shall not complete the said turnpike road within the term of ten years from the first of May next, that then the said corporation shall cease and be dissolved, and all improvement which may have been made by virtue of this act shall revert to, **and become the property of the people of this State.**

## 1798 Albany to Columbia

- Originally chartered in Chapter 94 of the Laws of 1798
- Was re-chartered in 1799 as the Rensselaer and Columbia Turnpike
- US Route 20
- Originally ran from the state line with Massachusetts at Lebanon Springs to Rensselaer

## 1798 Albany to Columbia → 1799 Rensselaer to Columbia

- Chapter 73 of the Laws of 1799
- Act passed on April 1, 1799
- “An Act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany, and a like corporation, for improving the road from the village of Bath to the Massachusetts line and for repealing the act therein mentioned.”

## 1799 Rensselaer to Columbia

- Chapter 73 of the Laws of 1799
- Be it enacted by the People of the State of New York .... That John Tyron, Eleazur Grant, John W. Schermerhorn, Jonathan Hoag, Elisa Gilbert, James McKown, Nathan Hand, Moses King, John Darling, Jacob C. Schermerhorn, Nathaniel Brockeway....shall associate for the purpose of making a good and sufficient road from Pittsfield and Hancock leads or near the springs in Canaan, commonly called New Lebanon Springs in the nearest and most direct route, as far as circumstances will admit by the house of Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag and James McKown to the ferry near the house of John I. Van Renssealer.

## 1799 Rensselaer to Columbia

- Chapter 73 of the Laws of 1799
- ....and the said president and directors **may contract with the owners of said land for the purchase of so much thereof**, as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses, and all other works to the said road belonging....

## 1799 Rensselaer to Columbia

- Chapter 73 of the Laws of 1799
- And be further enacted, that the said president, directors and company, shall cause a road to be laid out, **at least four rods wide**, twenty-four feet of which shall be bedded with wood, stone, gravel or any other hard substance compacted together, a sufficient depth to secure a solid foundation of the same, and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit an even surface rising towards the middle by a gradual arch, and they shall, during the continuance of this act maintain and keep the same in good order from New Lebanon Springs to the said ferry.

## 1799 Rensselaer to Columbia

- Chapter 73 of the Laws of 1799
- And it be further enacted, that the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they have expended in purchasing, making, repairing and taking care of said road' together with interest thereon of fourteen per centum per annum, **and thereupon the right, interest and property of the said road shall be vested in the people of this State**, and be and remain at their disposal.....

## 1798 Western Turnpike

- Re-Chartered in 1799 as the "First Great Western Turnpike Road"
- Chapter 30 of the Laws of 1799
- "An Act to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley, and to repeal the act therein mentioned."

## 1799 First Great Western

Chapter 30 of the laws of 1799

Routed through Cherry Valley, Esperance, Duanesburg and Watervliet.

US Route 20 is the approximate location today

In 1830 it was authorized to extend into Albany, a.k.a. "Western" Ave. in Albany

In 1847 the Western most 8 miles were abandoned in Schoharie and Otsego Counties.

## 1799 First Company of the Great Western Turnpike Road

- PREAMBLE:
- WHEREAS the bridge over the Schoharie kill on the State road was by reason of force of the water and ice last spring destroyed, and whereas the road on which the aforesaid bridge was erected is of public utility and is one of the principal routs of communication between the city of Albany and western settlements of this State. Therefore

## 1799 First Company of the Great Western Turnpike Road

- Be it enacted by the People of the State of New York....that William North, John Taylor, Abraham Ten Eyck, Charles R. Webster, Calvin Cheesman, Zenas Pineo, Ephraim Hudson, Joseph White Elihu Phinney and Thomas Maclin....shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Water Vliet in the county of Albany following the State road westward to the house where John Walton now lives in the town of Cherry Valley in the County of Otsego....

## 1799 First Company of the Great Western Turnpike Road

- ...shall and are hereby created and made a corporation and body politic in fact and in name by the name of President, Directors and First Company of the Great Western Turnpike Road, and the said corporation shall by that name be capable in law **to purchase have hold enjoy and retain unto them and their successors lands tenements and hereditaments, goods, chattels and effects of every kind whatsoever** and the same or any part thereof to sell, grant, demise, alien or dispose of , to sue and be used, plead and be impleaded, answer and be answered unto defend and be defended in all courts of record or any place whatsoever *provided...*

## 1799 First Company of the Great Western Turnpike Road

- ...that the lands so purchased as aforesaid shall be such **only as may be necessary to carry into effect the object of this act**, and shall not exceed in value the sum of two thousand dollars.”

## 1799 First Company of the Great Western Turnpike Road

- Spacing of toll booths no closer than 10 miles apart
- *Tolls collected: (exceptions: to church or between farm fields/mills)*
  - *Every score of sheep or hogs: 5 cents*
  - *Every score of cattle: 12 cents*
  - *Every horse and rider or led horse: 4 cents*
  - *Every sulkey, chair or chaise with one horse: 12 cents*
  - *Every chariot, coach, coachee or phaeton: 25 cents*
  - *Every stage waggon or other four wheeled carriage drawn by two horses or oxen: 12 cents, with 3 cents per extra horse or ox*
  - *Every cart, sleigh or sled drawn by two oxen or horses: 6 cents with 2 cents per extra horse or ox*

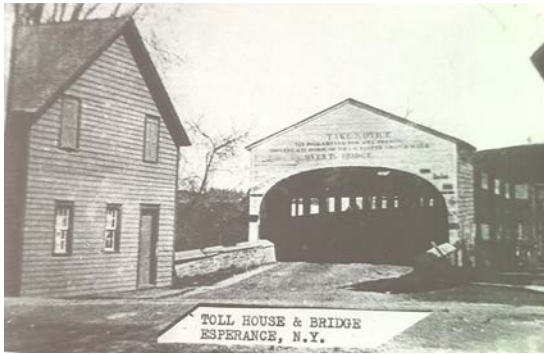
## 1799 First Company of the Great Western Turnpike Road

- *And it be further enacted* That the legislature may dissolve said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they have expended in purchasing making repairing and taking care of said road together with an interest thereon at the rate of fourteen per centum per annum **and thereupon the right, interest and property of said road shall be vested in the people of this State and be and remain at their disposal...**
- *And it be further enacted* That the act entitled An act to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley passed the fourth day of April, one thousand seven hundred and ninety eight be and the same is hereby repealed.

## Esperance Historical Society



# Esperance Historical Society



TOLL HOUSE & BRIDGE  
ESPERANCE, N.Y.



East Entrance to Old Covered Bridge, Esperance, N.Y.

# Esperance Historical Society



The Old Interior Bridge, Esperance, N. Y.



Old Toll-house: Bridge Entrance.



## 1799 Columbia

- Chapter 59 of the Laws of 1799
- Routed through Hudson, Claverack, Hillsdale to the Massachusetts state line
- Approximate location of NY 23 (NY23B) today
- Connected to the Mass Pike
- Was still in operation in 1907

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- AN ACT to establish a turnpike corporation, for improving the road, from the city of Hudson, to the line of Massachusetts on the route to Hartford.
- *Be it enacted by the People of the State of New York....* That Thomas Jenkins, Nathaniel Greene, Cotton Gelston, David Lawrence, Alexander Coffin, Daniel Penfield, Reuben Folger, Elisha Jenkins, Rufus Backus, Elisah Pilkin, Benjamin Haxstun, Robert Jenkikns, Marshal Jenkins, James Mooklar, Robert Folger, Benjamin Allen, Thomas Frothingham, Samuel Edmunds, John Hathaway and James Hyatt.... Shall associate for...

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- ...the purpose of making a good and sufficient road **from the city of Hudson, to the line of the State of Massachusetts**; running from said city hall in the most convenient and direct route to the **courthouse in the town of Claverack**, by the house of Samuel B. Webb, thence the most convenient and direct route to the **house of Abraham I Vosburgh**, by the house of Stephen Miller, thence the most convenient and direct route **to the house of John Hagerman, and thence the most convenient and direct route to the line of the State of Massachusetts** by the house of Ambrose Latting, continuing the present road, as far as circumstances will admit, shall be, and hereby are created and made a body politic and corporate, in fact and in name, by the President Directors and Company of the Columbia Turnpike Road.....

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- ...and by that name they shall be **capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods and chattels, and effects of every kind whatsoever**, and the same, or any party thereof to sell, grant, demise, alien or dispose of, to sue and be sued....provided however that the **amount of the real estate, which the corporation are hereby authorized to purchase and to hold** shall not exceed two thousand dollars.

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That the said corporation....may enter into land, where they shall deem it proper to construct the road, **and to lay out and survey such routes or tracts as shall be most practicable**, for effecting a good and sufficient road, between the places aforesaid....and **may contract with the owners of said land for the purchase of so much thereof as shall be necessary for the purpose of making said road**, and for erecting and establishing gates, toll houses and all other works, to the said road belonging, but in the case of a disagreement, or in case the owner thereof shall be *feme convert*, under age or *non compos mentis*, or out of the country, then it shall and may be lawful to....apply to one of the judges of the court of common pleas of the county in which such land is situated....

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That it shall and may be lawful to....enter upon the lands, contiguous or near to the said road, first giving notice of such an intention to the owners or occupants thereof, and doing as little damage thereto as possible ,and repairing any breaches they make in the enclosures thereof and making amends for any damages that may be sustained....

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That the said president, directors and company, shall cause a road to be laid out, **at least fifty feet wide, twenty feet of which shall be bedded with wood, stone, gravel, or any other hard substance**, well compacted together, a sufficient depth to secure a good and solid foundation to the same, and the said road shall be faced with gravel or stone pounded or other small hard substance in which said manner to secure a firm and as near as the materials will admit an even surface rising toward the middle by a gradual arch; and they shall during the continuance of this act maintain and **keep the same in good and perfect order**.

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That the said president, directors and company, shall cause a road to be laid out, **at least fifty feet wide, twenty feet of which shall be bedded with wood, stone, gravel, or any other hard substance**, well compacted together, a sufficient depth to secure a good and solid foundation to the same, and the said road shall be faced with gravel or stone pounded or other small hard substance in which said manner to secure a firm and as near as the materials will admit an even surface rising toward the middle by a gradual arch; and they shall during the continuance of this act maintain and **keep the same in good and perfect order**.

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That as soon as the said president, directors and company shall have perfected the said road, for any distance not less than 10 miles and so from time to time any other like distances progressively, they shall give **notice thereof to the governor of this State, who shall....**appoint three skillful and judicious persons to **view the same and report to him in writing** whether the road is so far executed in a masterly and workmanlike manner...to permit and suffer....to erect and fix such and so many gates and turnpikes upon and across the road, as will be necessary and sufficient to collect the tolls and duties...from all persons traveling the same; provided always **that such gates or turnpikes shall be erected at a distance not less than 10 miles from each other**, provided also that the most westerly gate or turnpike shall be erected on the said road in the town of Claverack near the dwelling house of Peter Measick, west of the junction of **the road leading from Spencertown and Nobletown**; at which gate or turnpike, one half of the amount of tolls or duties hereinafter established may be taken, and no more.

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted*, That as soon as such road is perfected, or such part thereof as aforesaid, it shall and may be lawful...to collect and receive from every person using the said road...for any miles not less than town, the following sums and so in proportion, for any greater or less distance, to wit...
  - Every score of sheep or hogs: 8 cents
  - Every score of cattle: 18 cents
  - Every horse and rider or led horse: 5 cents
  - Every sulkey, chair or chaise with one horse and two wheels: 12.5 cents etc.
  - NO EXCEPTIONS FOR CHURCH OR FARMING USE

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- *And it be further enacted, That the gates on the said road shall be opened at nine o'clock at night and left open until day break in the morning and no toll shall be demanded between the said periods.*



## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- Penalties for evading the tolls and bypassing the gates: \$10
- Penalties for detaining travelers or demanding higher tolls: \$2 for each offense with costs of the suit and special damages suffered
- Sign Posts must be erected
- Rates for tolls must be displayed
- Keep accounts
- Log accounts in the office of the Comptroller every year

## 1799 Columbia Turnpike Road

- Chapter 59 of the Laws of 1799
- And it be further enacted: That ...whenever it appears from the accounts, so as to be exhibited to him, that the income arising from the said tolls shall have fully compensated the said corporation, for all monies they may have expended in purchases, making repairing , taking care of the said road, and for all other expenditures, thereon, together with an interest of fourteen per cent, by the year and thereupon the said corporation shall be dissolved and **the property of the said road shall be vested in the people of this State...**

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800

the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profit and state the date and place when and where the same will be paid, and shall cause the same to be paid accordingly.

CHAP. 103.

AN ACT directing the commissioners of the land office respecting land warrants.

PASSED the 4th of April, 1880.

Enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office from time to time, and in such manner and in such terms as they shall judge most advantageous to the State, all such land warrants of the United States for bounty lands to soldiers as have been or hereafter may be assigned to the people of this State.

CHAP. 104.

AN ACT confirming certain acts of Ebenezer Woods deputy sheriff of Rockland county.

PASSED the 4th of April, 1880.

WHEREAS Ebenezer Woods deputy sheriff of Rockland county, continued to exercise his said office after the resignation of his principal, and before a successor had accepted and entered upon the said office, whereof it has become necessary for the legislature to sanction his acts during the interval aforesaid. Therefore

Enacted by the People of the State of New York represented in Senate and Assembly, That all acts done by the said Ebenezer Woods as deputy sheriff during the period aforesaid, shall be as valid as if the same had been performed by a legal sheriff of the said county or his lawful deputy.

CHAP. 105.

AN ACT to incorporate the Mohawk Turnpike and Bridge Company.

PASSED the 4th of April, 1880.

Enacted by the People of the State of New York, represented in Senate and Assembly, That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Walker, John Roschley, Jacob C. Cuyler, Abraham Oxborn, James Merrick, Alexander Alexander, John C. Cuyler and all such persons as shall associate for the purpose of erecting a substantial bridge across the Mohawk river opposite the lower part of the city of Schenectady, and making a good and sufficient road from the said bridge to or near the house of William Dyne in the town of Amsterdam, and from thence to Palatine bridge in the county of Montgomery thence through the village at the little hills to the court-house of the county of Herkimer, and from thence to the village of Utica in the county of Oneida, shall be and hereby are created and made a corporation, and body politic in fact and in name, by the name of "The President, Directors, and Company of the Mohawk Turnpike and Bridge Company," and that by their name they shall be capable in law to purchase, have, hold, enjoy and retain in them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien, or dispose of, in and to be purchased, and to be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever: Provided however that the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed ten thousand dollars: And provided further that such estate, so to be purchased and held, shall be necessary to fulfill the end and intent of the corporation hereby created and made, and to no other use, intent, or purpose whatsoever.

And be it further enacted That Peter Smith, Gaylord Griswold, Charles Walker, Jacob C. Cuyler, James Merrick, John C. Cuyler be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first Tuesday in May next, present at books, and in each of them enter as follows: In whose names are heretofore subscribed, is for ourselves and our legal representatives, promise to pay the President, Directors and Company of the Mohawk Turnpike and Bridge Company, the sum of fifty dollars, for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the President, and Directors of said company; one of which books shall be filed with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay

rate either of the said commissioners, the sum of five dollars for each share as aforesaid; and the said commissioners shall as soon as five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspaper printed at Johnstown and Utica, giving at least three weeks notice to the public, and in such manner and in such terms as they shall judge most advantageous to the State, for the purpose of choosing thirteen directors who shall be stockholders, for the purpose of managing the concerns of the company for one year; and the day of choosing the said directors, shall be ever thereafter be the anniversary day for choosing directors, and any of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors as met shall be binding on the said corporation. And the said directors, elected by a plurality of the votes of the stockholders present, to be given upon the principles hereafter mentioned, shall immediately proceed to the choice of one of their number for President, and the said President and directors may meet from time to time, at such time and place as they may find expedient and meet, and shall have power to make such by-laws, rules, orders, and regulations, not inconsistent with the Constitution or laws of this State, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation. Provided that no person shall have more than twenty five votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share he may hold, under the said number.

And be it further enacted That the said President and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be two thousand five hundred shares subscribed, and shall have power to appoint such agents, clerks, watchmen, and others under them, as shall be necessary for executing the business of the said corporation.

And be it further enacted That the said corporation by the President and directors, or by any agent, superintendent, clerk, or other person, employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out, and survey such routes or tracts, as shall be most practicable for effecting a good and sufficient road, between the places aforesaid. And the said President and directors may contract with the owners of the said land for the purchase of so much thereof, as shall be necessary for the purpose of making the said road, and for erecting and establishing poles, telegraph-wires, and all other works, to the said road belonging, and with their cartages, boats, tools and implements, to enter in and upon any land contiguous to the said road, and to carry away any timber, stone, gravel, sand, or other such, being more conveniently obtained for making or repairing said road, and to use the same for carrying on said work, the said President and directors paying the owner or owners of the land as to be laid out as part of the road, the value of the land or of the materials aforesaid, as the case may be, together with such reasonable sum for damages, including all damages that may be occasioned from time to time by the erection and continuance of the said bridge opposite to the said city of Schenectady, as may be occasioned in case of disagreement between the parties, as to the said value or damages: the same sum shall be determined by an arbitrator to be named in case of disagreement between the parties, as to the said value or damages, the same sum shall be determined by an arbitrator to be named in case of disagreement between the parties, as to the said value or damages, to be mutually chosen; or if they disagree, of two indifferent freeholders, to be mutually chosen; or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by

any Justice of the peace of the county in which the lands or property shall be, who may be applied to by the said directors for that purpose; provided that the said Justice shall not be interested in the said lands or property.

And be it further enacted That the said President and directors, before the said road to be laid out, thirty feet wide, between the ditches, (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel, or any other hard substance, compacted, in such manner as to secure an even surface to the said road; and the said road shall be faced with gravel or other hard substance, in such manner as to secure an even surface to the said road; and every neglect to keep and preserve the same road in such repair, shall be taken, judged, and deemed a misdemeanor in the President and individual directors, for the time being, of the said corporation.

And be it further enacted That all bridges, being on the said road, between the said bridge across the Mohawk river at Schenectady and in between them, shall be considered as part of the said road, and shall be maintained and kept in repair by the said President, Directors, and Company, during the continuance of this act.

And be it further enacted That as soon as any part of the said road, between the said bridge across the Mohawk river at Schenectady and in between them, shall be laid out, thirty feet wide, between the ditches, (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel, or any other hard substance, compacted, in such manner as to secure an even surface to the said road; and the said road shall be faced with gravel or other hard substance, in such manner as to secure an even surface to the said road; and every neglect to keep and preserve the same road in such repair, shall be taken, judged, and deemed a misdemeanor in the President and individual directors, for the time being, of the said corporation.

And be it further enacted That as soon as the bridge at the city of Palatine aforesaid, shall be completed and finished; it shall be lawful for the President Directors and Company to erect a turnpike upon and across the said bridge, and to sell, demand and receive from all persons and persons who shall pass over the same, the like tolls and duties, as heretofore granted to the said corporation, for every two miles of said road: Provided always that the citizens of the city of Schenectady shall be exempted from the payment of the said tolls and duties, by the year for passing the said bridge. And be it further enacted That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or toll-bar across the said road, and passing through any of the said poles, shall be granted to the said President and Directors, any person who shall be appointed by the said President and Directors, to be and Justice heretofore mentioned, and no more, that is to say, any number of miles, not less than ten in length of said road, the

"shall cause the said road to be laid out, thirty feet wide, between the ditches (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel or any other hard substance..."

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- Roughly Route 5 west today
- From Schenectady through Amsterdam to Palatine Bridge and to the courthouse in Herkimer to the village of Utica.

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- “An Act to incorporate the Mohawk Turnpike and Bridge Company”
- Be it enacted by the People of the State of New York.... That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Nukerk, John Beardsley, Jacob C. Cuyler, Abraham Oothout, James Murdock, Alexander Alexander, John C. Cuyler... shall associated for the purpose of erecting a substantial bridge across the Mohawk river opposite the compact part of the City of Schenectady

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- ... and making a good and sufficient road from the said bridge to or near the house of William Klyne in the town of Amsterdam, and from thence to Palatine bridge in the county of Montgomery thence through the village at little falls to the court-house of the county of Herkimer, and from thence to the village of Utica in the county of Oneida, shall be and hereby are created and made a corporation and body politic in fact and by the name the "Mohawk Turnpike and Bridge Company"

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- ...and that by that name they shall be capable in law **to purchase, have, hold, enjoy and retain to them and their respective successors, lands,** tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and that the same or any part thereof to sell, grant, demise, alien, or dispose of, to sue and be sued....provided however that **the amount of the real estate which the said corporation are hereby authorized to purchase and hold shall not exceed ten thousand dollars:** *and provided further* that such estate to be purchased and held shall be necessary to fulfill the end and intent of the corporation hereby created and made and to no other use, intent or purpose whatsoever.

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- Laying out and surveying route, contracting to purchase and payment of damages similar to prior charters
- Disagreements to be resolved by 2 or 3 mutually agreed to freeholders, if cannot agree to the two freeholders, to a justice of the peace of the county who is not interested in the dispute.

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- *And be it further enacted*, that the said president and directors, shall cause the said road to be laid out, thirty feet wide, between the ditches (when ditches shall be necessary) eighteen of which shall be bedded with wood, stone, gravel...and every **neglect to keep and preserve the same road** in such repair shall be taken, judged and **deemed a misdemeanor** in the president and individual directors, for the time being , of the said company.
- Bridges too must be maintained and kept in repair
- When 10 miles completed, inspection and then lawful for gates not less than 10 miles apart

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- *And be it further enacted*, That as soon as the bridge at the city of Schenectady aforesaid, shall be completed and finished; it shall be lawful....to erect a turnpike upon and across the said bridge and to ask, demand and received from all and every person and persons who shall pass over the same, the like tolls and duties...provided always that the citizens of Schenectady shall be allowed to compound...by the year for passing the said bridge.

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- *Tolls*
  - *Score of sheep or hogs: 8 cents*
  - *Score of cattle, horses or mules: 18 cents etc.*
- *Exceptions:*
  - *To or from public worship*
  - *To or from Common business on farm*
  - *To or from a mill*
  - *Sleighs or sleds between January 1 and March 1 every year*

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- *Milestones*
- *Signposts*
- *Rates of tolls*
- *Fines for destruction of milestones, signposts or gates \$10*
- *Passing without paying: \$1-\$10 for trespass and 3x the toll*
- *Detaining a traveler: fine of \$2*

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- Transfer of Stock
- Dividends paid
- Accounts filed with comptroller
- Continuation of the road to Rome, if they want to

## 1800 Mohawk Turnpike and Bridge Company

- Chapter 105 of the Laws of 1800
- And be it further enacted, That the legislature may dissolve the said corporation whenever the income arising from said toll shall have been fully compensated the said corporation for all monies they may have expended in purchasing, making repairing and taking care if said road and bridge, together with an interest thereon of fourteen per centum per annum and thereupon the right, interest and property of the said road and bridge **shall be vested in the people of this State** and be and remain at their disposal.

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

Be it enacted by the People of the State of New York....That Phillip Pell John P. Delancey, Coenelius C. Rosevelt, Peter J. Munro and Gabriel Thurman...shall associate for the purpose of making a good and sufficient road from East Chester, beginning at or near the house of Theodosius Fowler, upon the new road lately made from Morrissania to East Chester, and ending at the Connecticut line in Byram, in the nearest and most direct route as far as circumstances will admit, shall be and hereby are created and made a corporation and body politic in fact and in name by the name and stile of “the President Directors and Company of the West-Chester Turnpike Road” and by that name...

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

...shall be capable in law to purchase, **have, hold, enjoy and retain** to them and their respective successors, **lands, tenements, hereditaments, goods, chattels, and effects of every kind whatsoever** and the same or any part thereof to sell, grant, alien or dispose of, to sue and be sued....*provided however* that the amount of the real estate that the said corporation are hereby authorized to purchase and hold shall not exceed two thousand dollars, *and it be further provided that such estate so to be purchased and held shall be necessary to fulfill the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.*

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*And it be further enacted* That the said corporation by the president and directors, or by any agent, superintendant (sic), artist or other person employed in their service may by the advice and direction of the superintendants (sic) of the highways in the county of Westchester, enter into any land where they shall deem it property to construct the said road, and by the like advice and direction, to lay out and survey such routes or tracts as shall be most practicable for erecting a good and sufficient road between the places aforesaid....

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*Provided nevertheless* that no such route or road shall be surveyed or laid out **through any garden** without the consent of the owner or owners thereof, if such garden shall have been cultivated as such, **at least ten years** before such road shall be laid out;....

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

... and the said president and directors may contract and agree with the owners of the **said land for the purchase of so much thereof that shall be necessary for the purpose of making the said road** and for the erecting and establishing gates, toll house and all other works to the road belonging...

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

... and in the case of a **disagreement between the parties respecting the damages to be done to the said land**, or if the owner owners shall be *femes covert*, **insane** or under age or out of the country, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justice of the court of common pleas in and for the said county West Chester, not interest in the said road, who is hereby authorized and required to nominate and by an instrument in writing signed by him to appoint three commissioners being freeholders of the said county and who shall not be inhabitants of any of the towns through which said road shall pass...

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

- Then explains about serving process on the landowner
  - Commissioners viewing the premises
  - Assessing the damages(if any) which each owner has sustained
  - Acknowledged by the commissioners, before the judge and filed with an affidavit in the office of the clerk of the said county of West Chester
- “...who shall at the expense, cost and charges of the president and directors aforesaid **enter the same of record in the book kept by him for recording deeds**; and the said corporation paying the several owners awarded by such inquisition, **shall have and hold to them their successors and assigns forever all the lands and tenements described therein.**”

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*And it be further enacted,* That the said president directors and company shall cause a road to be laid out, **at least, four rods wide,** twenty four feet of which shall be bedded with wood, stone gravel or any other.....rising towards the middle by a gradual arch or where a bridge or bridges are necessary, such bridge or bridges shall not be less than twenty feet wide; and they shall during the continuance of this act, maintain and keep the same in good order, from the house of the said Theodosius Fowler to the Connecticut line in Byram afroresaid.

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*And it be further enacted,* That as soon as the said president, directors and company shall have compleated (sic) five miles of the said road, then it shall be lawful...to give notice to the governor of this State, who shall....appoint two or three judicious persons to view the same and report to him in writing, whether said road is so far compleated (sic) in a workmanlike manner.....to permit the said presidents and company to erect one gate and turnpike across said road, and when the remainder of the road shall be completed.....to erect another gate and turnpike across the said road at such place as they think proper...

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

...provided that the westwardly gate upon said road shall be erected the westward of the road leading from New Rochell church to New Rochell landing' and that the most eastwardly gate shall be erected the eastward of the house of William Mariner in Rye; and the last mentioned gated shall not be within one quarter of a mile for the Sawpit landing.

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

- Rates of Tolls somewhat higher than upstate:
  - Score of sheep or hogs: 6 cents
  - Score of horses, cattle or mules: 16 cents etc.

EXCEPTIONS:

*"provided always, that it shall and may be lawful for any person or persons residing within 5 miles of any of the gates or turnpikes to be erected on said road...for the privilege of using the said road and passing through said gates or turnpikes...agree...upon the rate of compensation..."*

## 1800 West-Chester Turnpike Road

### Chapter 121 of the Laws of 1800

- Milestones and guided posts
- Printed list of rates of tolls
- Damage to gates or posts: \$10 fine
- Avoiding toll: Fine between \$1 and \$10 for trespass AND 3x the legal toll
- Detaining traveler: Fine \$2 and the amount sought to be defrauded
- Selling stock/transferring stock

## 1800 West-Chester Turnpike Road

### Chapter 121 of the Laws of 1800

- Milestones and guided posts
- Printed list of rates of tolls
- Damage to gates or posts: \$10 fine
- Avoiding toll: Fine between \$1 and \$10 for trespass AND 3x the legal toll
- Detaining traveler: Fine \$2 and the amount sought to be defrauded
- Selling stock/transferring stock, publishing dividends
- Keeping accounts, submitting them to the comptroller

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*“provided nevertheless,* that nothing in this act shall enable the president and directors to receive toll of or from any person passing to or from his or her **common business on his or her farm or to or from any mill** not carry a less quantity than one peck of grain meal or flour for the use of his or her family, **to or from any funeral to or from public worship on Sunday** or to or from any **public landing** not passing thereto on said road more than three miles.”

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*And it be further enacted,* that nothing in this act shall authorise (sic) ...any person...to build a bridge across the East Chester creek unless in making such bridge there be an opening between the abutments thereof at least sixteen feet in width over which shall be constructed a good and sufficient draw for the passage of vessels with fixed and standing masts and it shall be the duty of all such person or persons who shall open said draw after his or their passage to shut and carefully close the same.

## 1800 West-Chester Turnpike Road

Chapter 121 of the Laws of 1800

*And it be further enacted,* that the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with interest thereon of twelve per centum per annum; and there upon the right, interest **and property of said road shall be vested in the people of this State**, and be and remain at their disposal....

## Significance of Old Turnpikes Today

- Charters tell us the following:
- 1) the Route, very generally, maybe not where the road is today
- 2) the interest acquired by the Corporation (fee or easement interest)
- 3) the width of the road, ranging from “ what is necessary,” to feet, to rods.
- 4) What happened to the property when the Corporation was dissolved.

## Turnpike and Plank Road Mania

- Early Turnpikes: 1797-1800
- Stock, dividends, interest was very low
- No-one made a profit
- Once it was paid for, it became a state Road
- What was the incentive? Community

## Turnpike and Plank Road Legislation

- Privately Funded Public Highways
  - Purpose: Infrastructure and Communications
  - Profits, Tolls and Land Values
  - A corporation could blaze a road through the neighbors property because they had been granted the sovereign power of eminent domain

## Turnpike and Plank Road Legislation

- Charters and Incorporation
  - Elements
    - Names the associates, the name of the Corporation, invests it with power politic and corporate
  - Powers
    - To acquire (eminent domain) and sell property
    - To lay out and survey a route
    - To take personal property
    - To erect gates and collect a toll
    - To post road signs and toll rates
    - To construct, repair and maintain

## Turnpike and Plank Road Legislation

- Practical Difficulties
  - No Written Charter – see Act of 1892 when Parole Proof of Incorporation was sufficient
  - Inability to construct/maintain
  - Disrepair and Injuries

## Turnpike and Plank Road Legislation

- Amendments to the Charter
  - Even in the few old Charters we looked at, they were amended
  - Research requires that all references to these turnpikes be evaluated
  - Finding just the first Charter is not necessarily the end of your research

## Turnpike and Plank Road Legislation

- Before the Erie Canal: there were roughly 350 turnpike companies
- The canal was completed in 1825.
- After the Erie Canal: there were roughly 110 turnpike incorporations
- and 335 Plank Road Incorporations

## Questions and Answers