

VI. And be it enacted, That the said Gabriel Peterson Vanhorn, his executors, administrators and assigns, shall receive and be answerable and chargeable for, any baggage, (except the above-mentioned fourteen pounds allowed as privilege for each passenger,) and for any money, goods, wares, or merchandise, and shall faithfully and safely keep, preserve, and safely carry, all money, goods, wares and merchandise, received by the said Gabriel Peterson Vanhorn, or his executors, administrators or assigns, or by any agent, servant or porter, or by any driver of any stage-coach, stage-waggon, or other stage-carriage or post-chaise, employed by the said Gabriel Peterson Vanhorn, or his executors, administrators or assigns, to be carried in or upon any of the said stage-carriages, whether lost, stolen, robbed or damaged, and the value of the goods, or value of the damage, shall be paid either to the person from whom such articles shall be received, or to the person to whom they are to be delivered, and may be recovered from the said Gabriel Peterson Vanhorn, his executors, administrators or assigns, or from any agent, servant, porter or driver above mentioned, at the election of the plaintiff, if of value not exceeding five pounds current money, before any justice of the peace of any county of this state, or in the general court, or in any county court having jurisdiction of the sum claimed, by action on the case for money had and received to the plaintiff's use, without setting forth the special matter; in which action only one imparlance shall be allowed, unless the court shall be satisfied that a material witness is absent out of the state, or sick and unable to attend, in which case such cause may be continued in the discretion of the court, and the plaintiff may give in evidence the amount of the money, or the value of the goods, received and not delivered, or the amount of the damage, provided a short note, expressing the cause of action, be lodged in the office at the time of issuing the writ; or any person may sue the bond of the said Gabriel Peterson Vanhorn, and assign any loss or damage of any money or goods, or damage to any goods, as a breach of the condition, and the jury may assess such sum of money in damages as they may think proper.

VII. And be it enacted, That the said Gabriel Peterson Vanhorn, his executors, administrators or assigns, and his or their agents, servants, porters or drivers, of any of his or their stage-carriages, and receiving any baggage, or any money, goods, wares or merchandise, to be safely kept and delivered, shall, if required, give a receipt therefor, as follows, to wit, "On the _____ day of _____ 178— received from A. B. of _____ into my stage-waggon, (or stage-coach, post-chaise, or other stage-carriage, as the case may be,) the sum of _____ current money, or a box, trunk, package or bundle, (with the marks and numbers if any,) of _____ pounds weight, and said to contain _____ and estimated of the value of _____ current money, to be delivered to C. D. at _____ the premium paid, or to be paid;" and the delivery of any goods may be proved by the receipt, or by the entry of the receipt of any goods, which shall be produced on any trial, or by other legal evidence, and any money or goods may be retained until payment of the reward or premium allowed by this act; and no tax shall be imposed on any stage-carriage set up, kept and employed, in pursuance of and agreeably to this act, unless the said public road shall be made and established by law a turnpike road.

To give a receipt for money, goods, &c.

VIII. And be it enacted, That the said Gabriel Peterson Vanhorn, shall, on or before the first day of March next, enter into bond to the state, before the governor and the council, with good and sufficient securities, such as they shall approve, in the penalty of one thousand pounds current money, with condition, "that the said Gabriel Peterson Vanhorn, his executors, administrators and assigns, and his and their agents, and servants and drivers, respectively, will truly and faithfully do and perform

To enter into bond, &c.

all