

C H A P.
LII.
Subscribers in-
corporated, &c.

VI. AND BE IT ENACTED, That all those who shall become subscribers to the said road, their legal representatives or assigns, shall be and they are hereby created and made a corporation and body politic, by the name and style of The President, Managers and Company, of the Cumberland and Union Turnpike Road, and by the said name the said corporation shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargements shall be found necessary to accomplish the intent of this act, and of purchasing, taking and holding, to them, and their successors, in fee-simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of all and every other matter and thing which a corporation or body politic may lawfully do, and of making by-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state, and of the United States.

President, &c.
may enter on
lands, &c.

VII. AND BE IT ENACTED, That it shall and may be lawful to and for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands, tenements and enclosures, through which the said intended road may be thought proper to pass, and to examine the ground most proper for the purpose, and to survey, lay down, mark and fix, such rout or tract for the same, as in the best of their judgment and skill will combine shortness of distance with the most convenient and practicable ground, from the town of Cumberland in a direction to Union town, in Fayette county, in the state of Pennsylvania, until they shall strike the division line between this state and the state of Pennsylvania; and if the proprietor or proprietors of any ground through which the said road may pass shall require a compensation for the same, and should be unable to agree with the president, managers and company, or their agent, for the price of the same, such proprietor or proprietors shall apply to the court of Allegany county, whose duty it shall be to direct the sheriff of the county to summon twelve freeholders, unconnected with the person or persons owning the ground, and disinterested in the shares of the Cumberland and Union turnpike road company, who shall view and assess the value of the ground aforesaid, and damages, which assessment shall be paid by the president, managers and company.

And erect
bridges, &c.

VIII. AND BE IT ENACTED, That the president, managers and company, shall have power to erect permanent bridges over all waters crossing the said rout or tract, wherever the same shall be found necessary, and shall cause a road to be laid out forty feet wide, twenty feet at least whereof shall be made an artificial road, which shall be bedded with wood, stone, gravel, or some other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same; provided, that the said road shall not pass through the house, garden, enclosed yard or orchard, of any person whatever, without the consent of such owner; if such owner be a minor, idiot, *non compos mentis*, or be out of this state, it shall be necessary to obtain, for the purpose above mentioned, the consent of the guardian of such minor, of the trustees of such idiot or *non compos mentis*, and of the agent of such person so absent out of the state.

Company may
erect gates, &c.

IX. AND BE IT ENACTED, That the said company having cut out, dug and bridged, the said road, so as to make it convenient and easy for carriages of burthen to travel, may erect three gates, at not less than ten miles distance from each other, at which it shall and may be lawful for them to appoint such and so many toll-gatherers as they may think proper, to collect and receive, at each of the said gates, of and from all and every person or persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving, any horses, hogs, cattle, sheep, sulky, chair, waggon, cart, sleigh, or any other carriage of burthen or pleasure, from passing through the said gates or turnpike, until they shall have respectively paid the same; that is to say, at each gate the following sums of money, and so in proportion for any greater or lesser number of cattle, sheep or hogs, viz. For every score of hogs, ten cents; for every score of sheep, ten cents; for every score of cattle, twenty cents; for each person travelling on horseback, six cents; for every horse led or driven, four cents; for every carriage with two wheels, twelve and one half cents; for every carriage with four wheels, and drawn by not more than two horses, twenty-five cents; for every carriage of four wheels, and drawn by more than two horses, thirty cents; and for every sleigh or slide, for every horse, mule, jack or oxen, drawing the same, six cents; and for every carriage drawn by oxen, or partly by oxen and partly by horses or mules, the same rates of tolls shall be charged as if the whole were drawn by horses.