

CHAP. 259. the advantageous use of said railway ; and to hold and employ the said railway and appurtenances as part of the assets and property of the said company ; *Provided*, the said railway be so constructed and used as not to endanger, or injuriously interfere with the ordinary use of, and travel upon the said turnpike road.

Capital stock. SEC. 2. *And be it enacted*, That if the said company shall avail itself of the privileges and powers conferred in the first section, then the capital stock of said company, now consisting of thirteen thousand nine hundred fifty shares of twenty dollars each, shall hereafter consist of thirty thousand shares of five dollars each, of which thirteen thousand nine hundred and fifty shares shall belong to and be distributed among the stockholders, share for share as the converted stock was held by them ; and that the remaining sixteen thousand and fifty shares may be subscribed for by said stockholders, in a book which shall be opened at the office of said company, after giving twenty days notice thereof in two daily newspapers of the said city, and which shall remain open during office-hours for thirty days ; should the subscription exceed the said number of sixteen thousand and fifty shares, they shall be distributed among the subscribers according to the number of shares held by them respectively ; should any shares remain unsubscribed, the said president, directors and managers may subscribe for the same, and may thereafter offer them for general subscription, or may sell or otherwise dispose of them for the benefit of the said city.

Instalments SEC. 3. *And be it enacted*, That the sum of one dollar be paid on each share of stock, at the time of subscribing, and that the remaining four dollars a share be paid at such times and place as the said president, directors and managers may direct by twenty days notice in two daily newspapers of said city ; *Provided*, there shall not more than two dollars be called for at any one time, and that there be at least sixty days interval between the calls, and a failure to pay any instalment agreeable to the call shall create forfeiture to the company of the stock of any delinquent, or he may be sued for the same as the president, directors and managers may deem best.

Proviso.