

Capital stock. SEC. 3. *And be it enacted,* That the capital stock of said company shall consist of shares of fifty dollars each, and that James Percy, J. Philip Roman, John Swan and David Percy, or a majority of them, may at such times, and places as they may deem expedient, open books of subscription therefor, and receive payment for the same in money or in land the price or value of the land to be fixed by agreement between the parties authorised to open the books of subscription and the subscriber or subscribers for the shares of stock, and the president and directors for the time being, may from time to time increase the capital stock as such increase may in their opinion become necessary; *Provided,* the same shall at no time exceed fifteen thousand shares over and above the estimated value of the lands of the company, and the shares of the said company shall be deemed and held to be personal property, and assignable on the books of the company, or transferred in such manner as the by-laws may direct; *and provided further,* that the lands held by said company in payment for subscriptions or by purchase as aforesaid, shall at no time exceed fifteen hundred acres; *and provided further,* that the lands held by the said company in payment for subscriptions or by purchase, as aforesaid, shall be all lying and being in Allegany county.

Condemnation of land, &c. SEC. 4. *And be it enacted,* That the said company shall have the right and power to lay out, construct and keep in repair such railway or railways as they may, deem expedient for the purposes of the corporation, within the limits of Allegany county; and may construct and keep in repair any railway or railways required to connect their lands and mines with the Baltimore and Ohio rail road; and the said company shall have the right, if they cannot agree with the owners of any land, earth, gravel, stone or materials wanted for the construction or repair of their roads, for the purchase, use or occupation of the same, or if the owner or owners, or any of them, be a feme covert, under age, non compos mentis, or out of the country, application may be made to any justice of the peace for Allegany county, who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summons a jury of twenty inhabitants of said county, not related to the parties, nor in anywise interested, to meet on the land or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at the same