

hundred dollars each, and that James Swann, Lafayette Maynard, R. W. Latham and Duff Green, or any two of them, may at such times and places as they deem expedient, open books of subscription therefor, and receive the lands of Duff Green and James Swann, or of either of them, in payment for shares by them subscribed, at rates by them to be agreed on, 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 thirty thousand shares, over and beyond 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 in such manner as the by-laws may direct; *And provided, further*, that the lands held by the said company in payment for subscriptions or by purchase as aforesaid, shall at no time exceed fifty thousand acres, all lying and being in Allegany county.

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 this corporation within the limits of Allegany county, to connect their land, mills, mines and manufactories 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 repairs 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 county, 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 summon a jury of twenty inhabitants of said county, not related to the parties, nor in any wise 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 time and place any of said jurors should not attend, the sheriff shall immediately summon as many jurors as may be necessary, with those in attendance, to furnish a panel of twenty jurors and from them, each party, or his, her or their agents; or if either be not present in person or by agent, the sheriff, for him, or them, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of

Provisoos.

Right to construct railway

Company to have the right if they cannot agree with owners of lands, to have jury of inquest.

Oath.