

of all the engineers, officers, agents or servants, in the employ of said company, and to determine by their bye-laws the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfer of stock in said company, and that they, or a majority of them, shall have power to pass all bye-laws which they may deem necessary or proper, for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect; *Provided only*, that such bye-laws shall not be contrary to the laws of this State, or any of the provisions of this act.

CHAP. 309.

Proviso

SEC. 12. *And be it enacted*, That the said president and board of directors of said company, or a majority of them, may construct and repair a rail road from some point on the Chesapeake bay, such point not to be further south than Rockhall, in Kent county, or one of the rivers flowing into said bay, to the dividing line between the States of Maryland and Delaware, that they may contract for the making of the said rail road, and may, with their agents, enter upon, use and excavate any lands they may need for the site of the said road, or the erection of warehouses or other works necessary to said road, and may build bridges, fix scales and weights, lay rails, take and use any earth, timber, gravel, or other materials, for the construction or repair of any part of said work, and may make, and construct or erect all works necessary for the completion of said road; and may, also, own and employ steamboats and other vessels, to connect said road with Baltimore; *Provided*, nothing herein contained shall be so construed as to authorise said company to take private property for their use, without the compensation as agreed upon between the company and owners of such private property, or awarded by a jury, as hereinafter provided, being first paid or tendered to the party entitled to such compensation.

Powers of president and directors in regard to construction of road.

Proviso.

SEC. 13. *And be it enacted*, That the president and directors of said company, or a majority of them, or their agents, may agree with the owner or owners of any land, earth, timber, gravel or other materials, or any improvements for the construction or repairs of said road or its works, for the purchase, or use and occupation of the same, and in case they cannot agree, or if the owner or owners, or any of them, be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, when such land or materials may be needed, on application to a justice of the peace of such county, he shall issue his warrant, under his hand and seal, directed to the sheriff of said

Property to be condemned.