

Dec. Ses. 1823

dividends;—*Provided*, that no transfer whatsoever shall be made except for one or more whole share or shares, and not for part of such share or shares; and that no share or shares shall at any time be sold, conveyed or held in trust for the use and benefit, or in the name of another whereby the said president and directors, or stockholders of the said company, or any of them shall or may be challenged or made to answer concerning any such trust; but that every person appearing as aforesaid to be a stockholder, shall as to others of the said company be to every intent taken absolutely as such; but as between any trustee, and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Increase of capital

18. *And be it enacted*, That if the said capital and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company from time to time, to increase the said capital by the addition of so many whole shares as shall be judged necessary by the said stockholders or a majority of them present at any general meeting of the said company, and the said President and Directors or a majority of them, are hereby empowered and required, after giving at least two months previous notice thereof in at least four of the newspapers of Maryland, Pennsylvania, Virginia and the District of Columbia, to open books in the before mentioned states and district for receiving and entering such additional subscriptions in which the stockholders of the said company, for the time being shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose, and the said President and Directors are hereby required to observe in all other respects the same rules therein as are by this act prescribed, for receiving and adjusting the first subscriptions, in like manner to return under the hands of any three or more of them, an exact list of such additional subscriptions with the sums subscribed, to the public authorities as aforesaid to be by them preserved as aforesaid; and all stockholders of such additional shares shall and are hereby declared to be from thence forward incorporated into the said company.

Hinderence avoided.

19. *And be it enacted*, That whenever it shall become necessary to subject the lands of any individual to the purposes provided for in this act, and their consent cannot be obtained, it shall and may be lawful for the company to enter upon such lands, and proceed to the execution of such works as may be requisite, and that the pendency of any proceedings in any suit in the nature of a writ of ad quod damnum or any other proceedings, shall not hinder or delay the progress of the work, and it shall be the duty of every court to give precedence to controversy which may arise between the company created by this act, and the proprietors of land sought to be condemned for public uses and to determine them in preference to all other causes.

Eastern and western sections.

20. *And be it enacted*, That the said canal, be and the same is hereby divided into two sections to be denominated first and second or eastern and Western respectively; that the first or eastern section shall begin in the District of Columbia on tide water and terminate at or near the bank of Savage River or creek which empties into the north branch of the Potomac at the base of the Allegany Mountain; that the second or western section shall commence at the said termination and extend along the valley of Savage River or Creek so far

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