

Dec Ses 1824

and to regulate their verdict thereby, except that no assessment shall require any such owner to pay or contribute any thing to the said company, where such benefit shall exceed in the estimate of the jury the value and damages ascertained as aforesaid; and the inquisition thereupon taken shall be signed by the sheriff and some six or more of the jury, and returned by the sheriff to the clerk of his county to be by him recorded; and upon every such valuation the jury is hereby directed to describe the bounds of the land by them valued, and the nature of the estate required by the company in the same, and their valuation shall be conclusive on all such persons; and shall be paid for by the president and managers, to the owner of the land, or his or her legal representatives, and on payment thereof or deposit of the same in either of the banks in the city of Frederick, to the credit of the person or persons entitled thereto, the said company shall be seized of such land as of an absolute estate in perpetuity, or with such less quantity and duration of interest or estate in the same, or subject to such partial or temporary appropriation, use or occupation, as shall be required and described as aforesaid, as if conveyed by the owner to them; and whenever in the construction of the said road, or of any of the toll houses, bridges and culverts thereof, or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, stone, gravel or sand, found on any of the lands adjacent or near thereto, and the said president and managers or their agent cannot procure the same by contract of the proprietor or owner on reasonable terms, or in case the owner should be feme covert, or non compos, or under age, or out of the county, the same proceedings in all respects shall be had as in the case before mentioned of the assessment and condemnation of the land required for the said road, or the works appurtenant thereto.

Proceedidgs directed.

17. *And be it enacted*, That if the before mentioned capital 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 managers, or a majority of them, are hereby empowered and required, after giving at least thirty days notice thereof in such news papers as they may think necessary, printed in Baltimore, Frederick, and at Harpers Ferry, to open books at the before mentioned places, under the direction of such persons as they may appoint for receiving and entering such additional subscriptions, in which the stockholders of the company for the time being, shall and are hereby declared to have the preference of all others for the first ten 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 managers 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 a majority of them, an exact list of such additional subscriptions with the sums subscribed, to the clerks as aforesaid, to be by them recorded as aforesaid; and all holders of

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