

Damage shall happen, by application to, and warrant from, any two justices of the county where the lands lie, to have such further damage valued by a jury in like manner, and to receive and recover the same of the said president and directors; but nothing herein shall be construed or taken to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other works or improvements, which shall be begun or erected by such proprietor after such valuation, unless the same damage is wilfully or maliciously done by the said president and directors, or by some person by their authority.

XIII. AND BE IT ENACTED, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of a quantity of land, not exceeding one acre, at or near each of the said places of receipt of tolls aforesaid, for the purpose of erecting necessary buildings, and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for, as aforesaid, for the purpose aforesaid, and the said company shall, upon payment of the valuation of the said land, be seized thereof in fee-simple as aforesaid.

And agree with proprietors, &c.

XIV. AND BE IT ENACTED, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered, after proof of the execution thereof, in the said company's books, and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the said company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls; provided, that no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors, or proprietors 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 proprietor shall, as to the 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.

Shares may be transferred, &c.

XV. 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 more whole shares as shall be judged necessary by the said proprietors, or a majority of them, holding at least five hundred shares, 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 one month's previous notice thereof in some of the Maryland, Delaware and Pennsylvania news-papers, to open books at such place or places as shall be directed by said meeting, for receiving and entering such additional subscriptions, in which the proprietors 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, and in like manner to return, under the hands of any four or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the general courts as aforesaid, to be there recorded; and all proprietors of such additional shares shall be, and they are hereby declared to be, from thenceforward incorporated into the said company.

Capital may be increased, &c.

AND BE IT ENACTED, That if the stockholders, or the president and directors aforesaid, should be by an accident prevented from performing any act or thing on the particular day on which it shall be directed by this act to be done and performed, such neglect or omission shall not be construed or taken in any manner to destroy or invalidate this charter, but the said act may be done at the next convenient day.

Charter not to be destroyed, &c.

XVII. AND BE IT ENACTED, That whenever said canal shall cross any public road, it shall be the duty of said company, at the proper expence of the same, to make and keep good and sufficient bridges across said canal, so as to prevent any inconveniencies in the usage of said road or roads by reason of said canal crossing the same.

Bridges to be made, &c.

XVIII. PROVIDED, That this law shall be of no force or effect until a law be passed by the state of Delaware authorizing the cutting the canal aforesaid, and until a law shall be passed by the legislature of Pennsylvania declaring the said canal to be a public work, and authorizing the said

Proviso.