

sey's Cross Roads Railway Company, and by such name, style and title shall have perpetual succession, and be capable of suing and being sued, of impleading and being impleaded in any court of law or equity in this State, and of receiving, taking, holding and granting in its said corporate name, any real or personal property; *provided*, that the real estate held by said corporation shall only be necessary and useful in the construction and maintaining of their road, with the use of the same as herein set forth.

Proviso.

Sec. 2. *And be it enacted*, That the said corporation is hereby authorized and empowered to survey and construct and maintain a railway of double or single track from some point at or near Elkton, in the County of Cecil, to the village of Massey's Cross Roads; in Kent County, where most convenient and suitable to connect with the Kent County Railway at one end, and with the Philadelphia, Wilmington, and Baltimore Railroad at the other, with power to construct any bridge or bridges which may be necessary over any streams on the route of the same; *provided*, that said road should be constructed over navigable water, said company is required to put a draw in the most navigable part of said stream to pass vessels by day and by night through said bridge or bridges, free of charge.

Authority to construct and maintain Railway.

Sec. 3. *And be it enacted*, That the said corporation by their agents, officers and employees for the purpose of surveying the route of said road, may enter upon and pass through any private property without injury to said premises, and when they have decided upon any part of the route, and cannot agree with the owner of the land through which the same is to pass for the amount of compensation which said owner should receive for such ground as it may be requisite to occupy, then it shall be competent for said corporation by their officers and agents to execute a bond in double the sum which said corporation offers to allow to said land owner, which bond shall be conditioned for the payment of such sum, with the costs of suit, as the said owner may, by any proceeding at law, proceed to be awarded against the said corporation whenever the same shall be

May enter upon and pass through private property.