

lic or private, it shall be the duty of said Company so to construct the said Railroad across such established road or way as not to impede the passage or transportation of persons or property along the same; and when it shall be necessary to pass through lands of any individual, it shall be the duty of said Company to provide and keep in repair for said individual proper wagon ways across said Railroad, from one part of his land to the other; *provided*, that said Company shall not be responsible for any damage resulting from such wagon way being out of repair, unless such Company has been notified by a written notice, to be served on some officer thereof, at least ten days before said damages occurred, to put said wagon way in repair.

Damages.

Sec. 13. *And be it enacted*, That the said road shall not be more than sixty-six feet wide, except at or near its depots or stations, where the width may be greater, with as many tracks as the President and Directors may deem necessary; and the said President and Directors may cause to be made or may contract with others for the making of said Railroad or any part thereof, (or of any branch road, as hereinafter provided for,) and they or their agents, or those with whom they may contract, or their agents, may enter upon and use, excavate any lands which may be wanted for the site of said road or for its construction and repair; and that they may fix scales and weights, lay rails, take and use earth, gravel, stone, timber, and other materials which may be needed for the construction and repair of said road or of any of its works, or of any branch road hereinafter authorized; and may make and construct all roads whatever which may be necessary and expedient, in order to the proper completion and the maintenance of the said road or of any such branch road; *provided*, that nothing herein contained shall be construed to authorize the said Company to take private property for their use without the compensation agreed upon by the owners thereof, and the said Company, or the award of a jury, as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

Width of road

Use materials.

Not to take private property.

Sec. 14. *And be it enacted*, That the said Company, by their agents, officers and employees, for