

returned by the said Justice of the Peace to the Circuit Court for Carroll county aforesaid, and unless good and sufficient cause shall be shown against the said inquisition within ten days after the filing thereof in the Clerk's office of said court, the Judges of said court, or any one of them, during the regular term of said court, or in the recess thereof, shall affirm said return; but if said inquisition should be set aside by said court, or any one of the Judges thereof, the said court, or any one of the Judges thereof, may, as often as may be necessary, direct another inquisition to be taken as hereinbefore described; *provided* that it shall not be lawful without the consent of the owner or owners of such lands, to condemn any land for said road which shall pass through any buildings of such owner or owners. Proviso.

SEC. 7. *And be it enacted*, That on the payment or tender of payment to the owner or owners of land so condemned, of the amount of damages which may have been assessed by said inquisition, after the same shall have been confirmed by said court, the said company shall be at liberty to take possession of said land, and construct said road thereon, and do such other acts therein, as may be lawfully done, and the said company is also empowered to erect, and make, and keep in repair, all such bridges or culverts as may be thought necessary, so as not to obstruct, however, the free current of streams or water courses. Payment or tender of payment.

SEC. 8. *And be it enacted*, That the said company having perfected at least one mile of said road, shall have the power to erect on and across said road one toll-gate, and collect and receive from all persons using said road, the tolls provided for in section five or this Act, with power to reduce the rates of toll whenever they see fit, *provided*, no toll shall be charged any person for passing over said road, from one part of their farm to another part, in the ordinary prosecution of their farm work, nor persons passing through said gate with a funeral procession. Perfecting one mile. Proviso.

SEC. 9. *And be it enacted*, That the said company having perfected the said road, it shall and may be lawful for them to appoint such and so many toll Perfecting said road.