

CHAP. 328.

Affirmed and recorded

If set aside, another to be taken in

And be conclusive

To be paid by company

Power to take property

Bar to all actions

Rail Road given in perpetuity

Tolls

Proviso

ed by the said County court, at the term after it is returned, and shall then be recorded by the said clerk, among the land records of said county; but if any such inquisition be set aside, the said court may in its discretion as often as may be necessary, direct another to be taken and returned, which shall be confirmed as aforesaid; and every such inquisition as to land, shall ascertain the bounds of the land so valued; and the valuation when confirmed by the court, shall be conclusive against the parties, and shall be paid by the said president and directors to such owner or owners, or his, her or their legal representatives; and when paid or tendered, shall entitle the said company to all the estate or interest of such owner or owners in the property so valued; and if the valuation be refused when tendered, or the party to whom it is due be unknown, it may afterwards be recovered of said company, without interests or costs.

SEC. 9. *And be it enacted*, That as soon as a valuation shall have been made by a jury in the manner prescribed in the preceding section, the said president and directors or their agents, may immediately enter upon, take and use the property so valued, and such valuation when confirmed shall be a bar to all actions by the person or persons against whom such valuation is made, for so entering upon or using the said property after such valuation is made.

SEC. 10. *And be it enacted*, That the said rail road when completed, shall be and the same is vested in perpetuity in the company hereby incorporated; and full power and authority is given to said company to regulate the use thereof, and to exact and receive such toll or duty for the transportation of property or persons thereon, as in its discretion may seem proper; *Provided*, the toll on said rail road or roads shall not exceed one cent per ton per mile, on all coal, merchandize or other property, transported on said rail road or roads; nor more than two cents per mile for each and every passenger so transported on said road or roads; *Provided nevertheless, and be it enacted*, that full authority is hereby reserved to the citizens of this State, and any and every company now or hereafter to