

moned such witnesses as the parties may require, and shall examine them on oath, in relation to the value of the property to be condemned and the damages to that adjoining; and they shall reduce the testimony to writing, if any is taken by them, and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, they shall ascertain and determine the compensation which ought justly to be made by the said company to the party or parties owning or interested in the real estate appraised by them, and in determining the amount of such compensation, the jury shall not make any allowance or deduction on account of any real or supposed benefits which the parties in interest may derive from the construction of said rail road; and said company shall give written notice to all persons whose interests are to be effected by the construction of any lands, of the time and place of holding the inquisition, at least ten days prior to the holding of such inquisition, and the said valuation, if not received when tendered, may at any time thereafter be received from the said company without costs, by the said owner or owners, or his, her or their legal representatives; *Provided*, that no timber of any kind shall be cut on any land other than the land of the rail road company, or taken by them, or any of their agents or employees, for the use of said rail road without the consent of the owner or owners, and all costs and expenses that may accrue in consequence of the condemnation of any lands or materials for the use of said rail road, shall be paid by said rail road company.

Written notice to be given to persons interested.

Proviso.

SEC. 12. *And be it enacted*, That whenever in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company, so to construct the said road 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 the land of any individual, it shall also be their duty to provide for such individual proper wagon ways across said road, and where there are or may be required ditches through said lands, said owners shall have a right to retain or construct such ditches; *Provided*, that no new ditch shall be so constructed as to injure said road.

Wagon ways to be provided.

Proviso.

SEC. 13. *And be it enacted*, That the said board of directors, or a majority of them, may purchase with the funds of said company and place on said rail road, all machines, wagons, engines, vehicles or carriages what-

Power to purchase machines, &c.