

If set aside,  
court may di-  
rect another  
inquisition.

clerk of the circuit court for his county, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shewn, and when confirmed, shall be recorded by said clerk at the expense of said company; but if set aside the said court may direct another inquisition to take place in the mode before described, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the company, and such valuation when paid or tendered to the owner or owners of said property, or his, her or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the said valuation, if not received when tendered, may at any time thereafter be received from the company, without cost, by the said owner or owners, his, her or their legal representatives; *Provided*, that no private property shall be taken by said company for the use of said road without just compensation as agreed upon between the parties or awarded by the jury, being first paid or tendered to the party entitled to such compensation; *And provided*, that no timber of any kind shall be cut on any land other than the bed of the rail road by the company or taken by them, or any of their agents or employees for the use of the said rail road, without the consent of the owners; *And provided further*, that all costs and expenses that may accrue in consequence of the condemnation of any lands or material for the use of the said rail road shall be paid by said rail road company.

Provisoos.

Proper wagon  
ways to be  
provided in  
crossing other  
roads.

SEC. 12. *And be it enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, either public or private, it shall be the duty of the said 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, or when it shall be necessary to pass through the lands of any individuals, it shall also be their duty to provide for such individuals, proper wagon ways across said road or roads, from one part of his lands to the other; and whenever any road or roads may hereafter be authorised to be made by the Legislature where it may be necessary to cross said rail road, the company shall make or cause to be made a proper and convenient way for said road to cross; the expenses of which shall be paid as the Legislature may direct.