

buildings, the president and managers of said company, or their agents, or those contracting with them for making or repairing the same, may immediately take and use the same, (they having first caused the property wanted to be viewed by a jury formed in the manner herein before prescribed,) in those cases where the property is to be changed or altered by admixture with other substances, before such alteration is made, and that it shall not be necessary after such view, in order to the use or occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for using or taking such property, whether condemned before or after such confirmation; or the payment of said valuation.

SEC. 7. *And be it enacted*, That the said president and managers, or a majority of them, shall have power to purchase, with the funds of said company, and place on any rail road constructed by them under this act, all machines, wagons, vehicles, or carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road, and they shall have power to charge for tolls upon (and the transportation of person,) goods, produce, merchandise, or property of any kind whatsoever, transported by them along said rail road, any sum not exceeding the following rates: For the transportation of passengers three cents per mile for each passenger, including all customary baggage; on all goods, produce, merchandise, or property of any description whatsoever, transported by them, not exceeding one cent a ton per mile for toll, and three cents a ton per mile for transportation; and it shall not be lawful for any other company, or any other person or persons whatsoever, to travel upon, or use any of the roads of said company, or to transport persons, merchandise, produce, or property of any description whatsoever, along said road, or any of them, without the license or permission of the president and managers of said company; and the said road, with all their works, improvements and profits, and all the machinery of transportation used on said road, are hereby vested in said company, and their successors forever; and the shares of the capital stock of said company shall be deemed and considered personal estate; but all property except the road and the carriages used thereon, which may be held by said company, shall be subject to taxation as the property of a like kind held by citizens of this state.

SEC. 8 *And be it enacted*, That if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits of the said two years that the said income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company expended in the construction thereof, then it shall and may be lawful to and for the said president and managers to increase the tolls hereinbefore allowed, so much upon each and every allowance thereof a

Machines, wagons
&c.

Tolls.

Exclusive right
vested.

Increase of toll
provided for