

CHAP. 82.

thereof, and in making such alterations may have and exercise all the power conferred by the act of incorporation, for the purpose of originally locating and constructing said road.

Occupy for new location

SEC. 2. *And be it enacted*, That the Baltimore and Ohio Rail Road Company shall not occupy, use or appropriate any lands or materials, necessary for the erection, construction and establishment of the said rail road upon the route to be selected and located under this act, further than may be necessary for the survey and location of said route, before the purchase or condemnation money for said land and materials has been ascertained and paid or tendered, or security given for the payment of the same, by, or on behalf of the company, in the manner hereinafter mentioned; *provided* that the said company shall not be retarded or delayed in the construction of their said work, after such payment or tender or security given, notwithstanding any objection on the part of the company or the proprietor or proprietors, to the inquisition made and had, but if the said company shall be dissatisfied therewith, they shall give bond and security to be approved by any judge of the county court, or two justices of the peace of the county, wherein the said lands or materials lie, to pay the amount of the condemnation money and costs of the caveat, if the inquisition be affirmed, or such costs as may be adjudged by the county court to which the inquisition may be returned, if the inquisition be set aside; and the condemnation money and costs thereafter to be ascertained and incurred, but if the proprietor be dissatisfied with the inquisition aforesaid had and obtained, the company may proceed to execute their said work as aforesaid, upon giving bond with security as aforesaid, to pay the amount of condemnation money ascertained, and costs of the inquisition, if the same be affirmed, exclusive of the costs of the caveat, or the amount of the condemnation money which may be ascertained, and the costs of the inquisition and caveat, if the inquisition be set aside, at the instance of the owner or owners; *provided*, that the costs of the inquisition, whether ratified or set aside, shall always be defrayed by the said company.

Case of dissatisfaction, proceedings directed