

recorded by the said clerk, at the expense of the said company, but if set aside, the said court may direct another inquisition to be taken, in the manner above described, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quality or duration of the interest in the same, value for the company, and such valuation, when paid or tendered to the owner or owners of said property, or its, his or their legal representatives, shall entitle 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 valuation, if not received when tendered, may at any time thereafter be received from the company, without cost, by the said owner or owners thereof, his or their legal representatives; *provided always*, that no timber shall be cut on any land, other than the bed of the road, by order of the said rail road company, or taken by them for the use of the said rail road, without the consent of the owners, except from said bed.

Proviso

SEC. 13. *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 said president and directors of the said company, so to construct the said road across said established road or way, as not to impede the passage or transportation of persons or property through the land of any individual, it also shall be their duty to provide, at the expense of the company, for such individual, proper wagon ways across said road or roads, from one part of his land to another.

When crossing other roads

SEC. 14. *And be it enacted*, That whenever it shall be necessary for said company to have, use or occupy any lands, materials, or other property, in order to the construction or repairs of any part of the said road, its works, or any buildings, the said president and directors, 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 reviewed by a jury, formed in the same manner as hereinbefore 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 and 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 taking or using such property, whether com-

How kept in repair