

Sec. 13. *And be it enacted*, That the said road shall not be more than sixty-six feet wide, except at or near its depots or stations, where the width may be greater, with as many tracks as the President and Directors may deem necessary; and the said President and [and] Directors may cause to be made, or may contract with others for the making of said Railroad, or any part thereof, (or of any branch road, as hereinafter provided for,) and they, or their agents, or those with whom they may contract, or their agents, may enter upon and use and excavate any lands which may be wanted for the site of said road, or for its construction and repair; and that they may fix scales and weights, lay rails, take and use earth, gravel, stone, timber, and other materials which may be needed for the construction and repair of said road, or of any of its works, or of any branch road hereinafter authorized; and may make and construct all works whatever, which may be necessary and expedient, in order to the proper completion and the maintenance of the said road, or of any such branch road; *provided*, that nothing herein contained shall be construed to authorize the said Company to take private property for their use without the compensation agreed upon by the owners thereof, and the said Company, or the award of a jury, as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

Width of road

Contract with agent.

Not to take private pro'ty

Sec. 14. *And be it enacted*, That the said Company, by their agents, officers and employees, for the purpose of surveying the route of said road, or any branch road hereinafter authorized, may enter upon and pass through any private property without injury to said premises, and the said President, Directors, or their agent or agents authorized by them, may agree with the owner or owners of any land, earth, gravel, stone, timber and other material, or any improvements which may be wanted for the construction and repairs of any of said roads, or any of their works, for the purchase, or use and occupation of the same, and if they cannot agree, or if the owner or any of the owners is a *feme-covert non compos mentis*, or out of the county, where such property wanted may lie when such property

Pass through private pro'ty

Repair.