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Judge Shaler then read the 20th section of the charter and stated that at present he would with the order of that Court to increase the pendicular of the last objection. The road was either completed within ten years, in which case they had no right to take the property now; or it was not;—in which case the charter was not and wild.

or it was not;—in which case the charter was null and void.

Mr. Williams argued on the point that this land was used for the private purposes of the company only, and referred to several cases.—Preight depots are taxable, and therefore are private property.

The argument he proceeded to say, would be under four heads. 1st, Misdescription in the petition. 2d, Unlawfulentry. 3d, The use, which it is asserted, is not a public one. 4th, The power conferred by the charter, have expired by their own limitations. No bond had been filed and the Court had no jurisdiction until that was done.

Mr. Hampton in reply referred to the lith soction of the charter, giving authority to the company only.

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