

Proviso.

or other materials for the construction or repair of any part of said work ; *provided*, that all bridges over navigable rivers shall have a draw of not less than fifty feet in the clear, which draw shall be opened at all times, without unnecessary delay for the passage of all vessels that are unable to pass under the same.

Agreement
with owners of
land, &c.

Sec. 12. *And be it enacted*, That the President and Directors of said Company, or a majority of them or their agents may agree with the owner or owners of any land, earth, timber, gravel or other materials or any improvements for the construction or repairs of said road or its works, for the purpose or use and occupation of the same, and in case they cannot agree, or if the owner or owners or any of them be a feme covert, under age, non compos mentis, or out of the County in which the property wanted may lie, when such lands or materials may be needed on application to a Justice of the Peace of such County, he shall issue his warrant under his hand and seal, directed to the Sheriff of said County, requiring him to summon a jury of twenty inhabitants of said county to meet on the land to be valued on a day specified in said warrant, not less than five, nor more than ten days after issuing the same, and in case any of the Jurors aforesaid, do not attend, the said Sheriff shall instantly summon as many Jurors as may be necessary with the Jurors in attendance to furnish a panel of twenty Jurors in attendance, and from them each party, his, her or their agents, and if either be not present in person or by agent, the Sheriff may strike off four Jurors for each of the absent parties, and the remaining twelve shall act as the jury of inquest of damages, and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation (as the case may be) that he will justly and impartially value the damages which the owner or owners of said land will sustain by the use or occupation of the same required by the Company, and the said Jury shall reduce this inquisition to writing, and shall sign and seal the same, and it shall then be returned by said Sheriff to the Clerk of his County, and by such Clerk filed in his Court, and shall be confirmed by said Court at its next Session, if no sufficient cause to the contrary be shown, and when con-