

struction or repair of any part of said railroad or its works, and may make and construct all works whatsoever necessary or expedient, in order to the proper completion of said road.

Sec. 11. *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 or gravel, or other materials, or any improvements for the construction or repair of said road or its works, for the purchase, 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 land or material may be needed, on application to a Justice of the Peace for said county, he shall issue his warrant under his hand and seal to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants, land owners of said county not related or in any wise interested in the premises, to meet on the land or other property, or materials to be valued, on a day to be specified in the warrant, not less than ten nor more than twenty days after issuing the same, and if at such time and place any of the jurors summoned do not attend, the Sheriff shall summon immediately as many jurors as may be necessary with the jurors in attendance to furnish a panel of twenty jurors, and from them each party, his, her or their agent, or 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 may act as a jury of inquest of damages, and before they act as such, the 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 and materials will sustain by the use and occupation of the same required by the Company; and the jury in estimating such damages, shall take into consideration the benefit or advantage resulting to the said owner or owners from the construction of such railroad through or along the property of said owner or owners, but only in extinguishment of the claims for damages, if required by the party or parties whose lands are to be affected by their pro-

Purchase land

Summon jury.

Oath.