

repair of any part of said road, or any of 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 the Antietam Railroad Company, or a majority of them or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone or other material, or any improvements which may be wanted for the construction or repair of any of said roads, or of any of their works, for the purchase or use and occupation of the same; and if 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 materials shall be wanted, application may be made by the President of the Company to any Justice of the Peace of such county, who shall thereupon issue his warrant under his hand and seal, directed to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants, freeholders of said county, not related nor in anywise interested, to meet on the land, or near to the property or material to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if at said time and place any of said jurors summoned do not attend, the said Sheriff shall immediately 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, or its, his, her or their agents, or if either be not present in person or by agent, the Sheriff for him, her, it, or them, may strike off four jurors, 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 will sustain by the use or occupation of the land required by the Company; and the jury, in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners from conducting such railroad through or

May purchase.

May condemn.