

ing, preserving and controlling the same, and the necessary vehicles and appurtenances hereto belonging, and every part thereof, which the Baltimore and Ohio Railroad Company enjoys, under the Act incorporating said Company, and the Acts amendatory and supplementary thereto, and under and subject to any of the laws of this State, as if the same were hereby expressly enacted.

Franchises as other companies.

Sec. 7. *Be it enacted*, That the said President and Directors are authorized and may agree with the owner or owners of any land, earth, gravel, stone, timber, streams or material, or any improvements which may be wanted for the proper construction or repair of any of said roads or any of their works, for the purchase and use and occupation, diversion of the same; and if they cannot agree, or if the owner or owners of any of them be an infant, *feme covert*, who is not possessed of the property to her sole and separate use, or authorized to contract in reference to the same, *non compos mentis*, or out of the county where such property wanted may lie when such property may be wanted, or for any other cause be legally incapable of contracting, application may be made by the said Company to any Justice of the Peace of such county, who shall thereupon issue his warrant, under his hand and seal, to the Sheriff of the county, requiring him to summon a jury of twenty inhabitants of said county, who shall be freeholders, above the age of twenty-one years, not related to the parties, nor in any wise interested, to meet on the lands, or near the materials, or other property wanted, on a day named in said warrant not less than ten nor more than twenty days after issuing the same; and if at the said time and place any of the said jurors summoned do not attend, the Sheriff shall immediately summon as many persons similarly qualified as together with those in attendance, will furnish a panel of twenty jurors in attendance, and from the panel each party, his, her, it, or their agent or attorney, or if either party be not present in person or by agent, or being present in person or agent, refuse to strike, the Sheriff for him, her, it, or them, may strike off four persons, and the remaining twelve shall act as the jury of the inquest of

Purchase materials.

Not able to make contract

Jury to assess

Sheriff to summons.