

be operated to produce freight for said company, or if such property belongs to an incorporated company they can purchase the stock of such companies; that the said company may operate or produce either in its own name, other corporate names or private individuals, and if deemed advisable may likewise operate the same for the benefit of producing freight for said railroad company, or if deemed advisable the board of directors may lease, purchase or consolidate with any freight producing property by the consent of the majority (in value) of the stockholders.

Consent of the majority.

SEC. 14. *And be it enacted*, That the president and directors of said 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 any materials, or any improvements which may be wanted for the construction or repair of said railroad and its branches, or for water power, storage, rights, ways, not less than sixty feet in width at grade, or any of its works, for the purchase or use and occupation of same, and if they cannot agree, or if the owner or owners, or any of them be *femme covert*, under age, *non compos mentis*, or out of county in which the property wanted may be, when such lands or materials shall be wanted applications may be made to any justice of the peace of such county, who shall thereupon issue his warrant under his hand and seal, direct to the sheriff of said county, requiring him to summons a jury of twenty inhabitants of said county, not related nor in anywise interested, to meet on the land, or near to the property or other materials to be valued on a day in said warrant, not less than ten or 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 that 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; if either be not present in person or by agent, the sheriff for it, him, her or them, may strike off four jurors and the remaining twelve shall 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 will sustain by the use and occupation of the same required by the company, and the jury in estimating such damages shall take into the estimate the benefit resulting to the owner or owners from conducting such railroad or its branches through, along or near to the property of said

Land, timber, gravel, etc.

Jury of damages.