

they may build bridges, fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of any part of said road, or any of its works; and may make and construct all works whatsoever, which may be deemed by them necessary or expedient, in order to the proper completion of the said rail road.

Sec. 16. *And be it enacted*, That the president and directors of said company, or any person or persons authorised by them, may agree with the owners or owner of any land, earth, timber, gravel or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of its 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 coverte, under age, non-compusmentis, or out of the county in which the property wanted may lie, when such land and material may be wanted, application may be made to any justice of the peace of the county, who shall thereupon issue his warrant under hand and seal, directed to the sheriff of the county, requiring him to summon twenty inhabitants of said county, not related, or in anywise interested in the premises, to meet on the land or near to the [other] property or materials to be valued on a day named in the same warrant, not less than ten, nor more than twenty days after issuing of the same, and if at such time and place any of said jurors summoned shall not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, to furnish a pannell of twenty jurors in attendance, and from them, each party; his, her, or their agents, or if either be not present in person or by agent, or being present, either party shall refuse to strike, the sheriff for him, her, or their, or them, may strike out 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 and occupation of the same, 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 rail road through, along, or near to the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall then be returned by said sheriff to the clerk of Allegany county court, and by such clerk filed in

Method of obtaining land, materials, &c.

Jury of inquest.

Rule of estimating damages,

Make returns,