

or may be sufficient to discharge his default, and the purchaser thereof shall hold the said stock subject to the same regulations, and with the same rights, as if they had been originally subscribed for by him.

CHAP. 328.

SEC. 8. *And be it enacted,* That the president and directors of said company may agree with the owner or owners of any land, or any interest in the same, or of any earth, timber, or stone which may be wanted for the construction or repair of the rail road or roads hereby authorised to be made; and if they cannot agree, or if such owner or owner be a femme coverte, non compos mentis, under the age of twenty-one years, out of the State or County, or unknown, then on application of the said president and directors, or their agent, to any justice of the peace of Allegany county, the said justice shall issue his warrant under his hand and seal, to the sheriff of the said county, to summon a jury of eighteen inhabitants of said county, not related to the parties, nor interested in the property to be valued, to meet on or near the property so to be valued, at a day named in the warrant, not less than ten, nor more than twenty days after the issuing of the same; and the said sheriff shall on its receipt summon the said jury accordingly; and when the jury meets, or twelve or more attend, shall qualify all attending as jurors, by administering to them before they act as such, an oath or affirmation, as the case may be, that they will justly and impartially value the damages which such owner or owners will sustain by the taking of the property required by the company; and if at least twelve do not attend, the sheriff shall immediately summon as many more as may be necessary to make up that number, and shall then qualify the jury in manner as aforesaid; and the said jury in estimating said damages, shall consider the benefit which will accrue or has accrued to such owner or owners, from the construction of the rail road, for which the property to be valued is wanted, and to make the proper allowance for such benefit in their verdict, and the inquisition thereupon taken, shall be signed by the sheriff and at least twelve of the jury, and returned by the sheriff to the office of the clerk of Allegany county court, and unless good cause be shewn against it, the said inquisition shall be affirm-

May contract for lands for R. Road.

In case of disagreement made proceeding

Jury to value

Oath

Mode of estimating damages