

Lateral rail-
ways, &c.

Proviso.

President and
directors may
agree with
owners of
lands which
may be want-
ed.

In case of
disagreement,
sheriff to sum-
mon jury of
inquest.

and construct all works whatever, which may be necessary and expedient, in order to the proper completion and maintenance of the said road; and they may make or cause to be made, lateral railways in any direction whatever, from the said rail road, and for the construction, repair and maintenance thereof, shall have all the rights and powers hereby given, in order to the construction and repair of the said principal rail road, and may also own and employ steamboats or other vessels to connect the said rail road or rail roads with other points by water communication; *Provided*, nothing herein contained shall be construed to authorise the said company to take private property for their use, without the compensation agreed upon by the company and the owners thereof, or awarded by a jury, as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

SEC. 13. *And be it enacted*, That the said president and directors, or their agent or agents authorised by them, may agree with the owner or owners of any land, earth or materials, or any improvements which may be wanted for the construction or repairs of any of the said roads or 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 an infant, feme covert, non compos mentis, or out of the county where such property wanted may lie, when such property may be wanted, application may be made 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 of the inhabitants, 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 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, its or their agent or attorney, or if either party be not present in person or by agent, 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 damages; and to each, before he acts as such juror, the sheriff shall administer an oath or affirmation, that he will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the same,