

such other works as they shall judge necessary or expedient for completing said road and to repair and keep the same in order.

Vacancy—
how filled.

SEC. 6. *And be it enacted*, That when any vacancy or vacancies shall occur in the board of directors or presidency of said company, by death, resignation or otherwise, the remaining directors shall choose others in their stead from the stockholders of said company, who shall continue in office until the next general election of directors.

May agree
with owners
of lands which
may be want-
ed.

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

SEC. 7. *And be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them to agree with the owners of any land through which the said plank road is intended to pass for the purchase or use and occupation thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos mentis, or out of the State or county, on application to a justice of the peace of Allegany county, the said justice of the peace shall issue his warrant under his hand to the sheriff of Allegany county, to summon a jury of twenty inhabitants of his county, not related to the parties nor in any manner interested to meet on the land to be valued at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff upon receiving the said warrant, shall forthwith summon the said jury; and when met shall administer an oath or affirmation to every juror who shall appear, being not less than twelve in number, that he will faithfully, justly and impartially value the lands and all damages the owner thereof shall sustain by making the plank road through such land, or the partial or temporary appropriation, use or occupation of such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person for favor or affection, nor any person grieve for malice, hatred or ill-will, and in every such valuation and assessment of damages, the value and damages ascertained as aforesaid; and the inquisition thereupon taken, shall be signed by the sheriff and twelve or more of the jury, and returned by the sheriff to the clerk of the circuit court of Allegany county, and unless good cause be shown against the said inquisition, it shall be affirmed by the court, and recorded; but, if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may in its discretion as often as may be necessary, direct another inquisition to be taken in the manner above prescribed, and upon every such valuation the jury is hereby directed to de-

Oath.

Inquisition to
be returned to
clerk of Cir-
cuit court,
and by him
recorded.

If set aside
court may di-
rect another
inquisition.