

SEC. 9. *And be it enacted,* That the said company Vested rights. are hereby invested with all the rights and powers necessary for the construction of a turnpike or plank road from the Baltimore and Ohio rail road, at or near the town of Knoxville, in Frederick county, or from some convenient point not more than two miles from said town, on the Frederick and Harper's ferry ridge road, to the Frederick and Boonsboro' turnpike at or near the town of Middletown, in said county, and also a branch turnpike or plank road from some suitable point on said Knoxville and Middletown road to the town of Berlin, on the Baltimore and Ohio rail road, in Frederick county; *Provided,* that the company may use the bed Provisoos. of the public road or roads, now leading from the town of Knoxville to the said town of Middletown, or so much thereof as they may find necessary; *And provided also,* that the county commissioners of the said county are hereby authorised to permit the said company to use and occupy the bed of the Frederick and Harper's ferry ridge road, or so much thereof as they may find necessary, if to the said commissioners it should seem right and proper so to do.

SEC. 10. *And be it enacted,* That the president and President and managers may managers of the said company may agree with owners of land for the purchase of land required for said road, agree with owners of land, &c. and also for the purchase of stone, gravel, earth, sand or timber for said road; and in all cases where they are In case of disagreement, sheriff to summon jury of inquest. unable to agree with the owner or owners, or should he or she be a feme covert, or non compos mentis, or under age, the said president may apply to a justice of the peace of the county aforesaid, who shall thereupon issue his warrant to the sheriff of the county aforesaid, commanding him to summon twenty disinterested persons, qualified to act as jurors in the circuit court, to meet upon the land; after four are stricken off the panel by the president or his agent, and four by the persons interested, or in his, her or their absence or refusal, by the said sheriff; the sheriff shall qualify the twelve remaining persons, either by oath or affirmation, as the case may be, justly, truly and impartially to value the damages which may be sustained by the owner or owners of such material or land required by such company, and the said jurors Jury to make return to clerk of Circuit court. shall after valuing said damages, return the same, under their hands and seals, to the clerk of Frederick county circuit court, to be by him recorded; and the said damages shall be paid by the company into the hands of the sheriff of said county, for the persons mentioned in the said return respectively, before the said company shall proceed to remove the said materials, or to use the said land or said road; and the justice, Fees.