

said Back river, upon such site between the railroad bridge of the Philadelphia, Wilmington and Baltimore Railroad Company, over Back river, and the bridge of Eastern avenue extended, over the same river, as the directors may select; and such bridge may be constructed out of steel, iron, stone, brick or timber, or partly of different materials, and for this purpose they may purchase all such materials, enter into all contracts and agreements as may be needful.

SEC. 7. *And be it further enacted*, That the said company, or the president and directors thereof, or their agent or agents authorized by them, may agree with the owner or owners of any land, gravel, stone, timber, materials or any improvements which may be wanted for the proper construction or repairs of said bridge or any of its piers, abutments or foundations, or other needful parts thereof, for the purchase and use and occupation of the same; and if they cannot agree with such owner or owners, or if such owner or owners of any of them be an infant, feme covert, not possessed of the property to her separate use and authorized to contract with reference the same, non compos mentis, or for any other cause be legally incapable of constructing, application may be made by said company to any justice of the peace of Baltimore county, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of Baltimore county, requiring him to summon a jury of twenty of the inhabitants of said county, above the age of twenty-one years, not related to the persons, nor in anywise interested, to meet on 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, and from the panel each party, his, her or its, or their attorney or agent, or if either party be not present in person, or by attorney or attorneys, or being present in person, or by agent or attorney, refuse to strike, the sheriff for him, her, it or them, may strike off four persons, and the remaining twelve shall act as the jury of inquest of damages; and to each, before he acts as said 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 property required by the said company, and also the benefits and advantages to accrue to the owner or owners by the construction of said bridge, as a set-off to said damages, but only

May purchase material, etc.

Power of condemnation.