

are necessary to enable it to locate, construct, and maintain such railroad or railroads, as the President and Directors may deem necessary for the convenient transaction of its business, beginning at or near the mines of said company, and running to the Cumberland and Pennsylvania railroad, or any branch thereof, or to any other railroad now made, or hereafter to be made, at a point nearest to said mine or mines, by the most practicable route.

Mode of proceedings in a case of condemnation.

Sec. 8. *And be it further enacted*, That the said company in locating and constructing any railroad or railroads, authorized by this act, shall have the right, if they cannot agree with the owners of any land, earth, gravel, stone or materials wanted for the construction or repairs of such road or roads, for the purchase, use or occupation of the same, or if the owner or owners or any of them be a *feme covert*, under age, or *non compos mentis*, or out of the county, application may be made to any Justice of the Peace for Allegany county, who shall thereupon issue his warrant, under his hand and seal directed to the Sheriff of said county requiring him to summon a jury of twenty inhabitants of said county, not related to the parties, nor in any wise interested, to meet on the said land or near to the other property, or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days, after the issuing of the same, and if at the same time and place, any of said jurors shall not attend, the Sheriff shall immediately summon as many jurors as may be necessary with those in attendance to furnish a panel of twenty jurors, and from them each party, or his or their agents, or if either be not present, in person or by agent, the Sheriff for him or them may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages, and before they act as such, the said Sheriff shall administer to each of them, an oath or affirmation, as the case may be, that he will justly and impartially, value the damages which the owner or owners of said land, earth, gravel, stone or other materials will sustain by the use or occupying thereof by said company, and if required by the parties whose lands are to be affected, by their proceedings, the jury shall cause to be summoned such witnesses, as the parties may require, and shall examine them on