

CHAP 55.

Authority to purchase land.

Sec. 2. *And be it enacted*, That the President of the United States or any person duly authorised by him shall have power and authority to agree with and purchase from the owner or owners, land and all necessary materials for making said road, or any of its works; and if no contract can be made for land and materials for the road and works aforesaid, with the owner or owners thereof, or any owner or owners, be a feme covert, under age, non compos mentis, or out of Allegany county, where the property wanted may lie, application may be made to any justice of the peace of the county, who shall thereupon issue his warrant under his hand and seal, directed to the Sheriff of Allegany county, requiring him to summon twenty inhabitants of said county, not related to either party, or in anywise interested in the premises, to meet on the land or near the property or materials to be valued, on a day to be named in said warrant, not less than ten, nor more than twenty days after issuing the same, and if at any such time and place, any of said jurors summoned shall not attend, the said Sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to furnish a pannel of twenty jurors in attendance, and from them each party, his, her or their agents, or guardian or attorney, or either of them, may strike out four jurors, and the remaining twelve shall act as the jury of inquest of damages, and if either party shall not be present or refuse to strike, the Sheriff shall strike four jurors, for the party so refusing or being absent, and if each party shall strike, the same juror or jurors, the Sheriff aforesaid, shall strike a sufficient number to reduce the pannel to twelve.

Jury.

Oath.

Sec. 3. *And be it enacted*, That before any jurymen shall act as such, the Sheriff shall administer an oath to each of them, that he will justly and impartially value the damages, which the owner or owners will sustain by the use and occupation of the said land and materials required, and the expense of recording the proceedings in the county court, and the jury in estimating such damages shall take into the estimate the benefits resulting to said owner or owners, from conducting said road, through or near his, her or their estate, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same.

Valuation.

Inquisition in writing.

Sheriff. return.

Sec. 4. *And be it enacted*, That the said Sheriff shall return said inquisition to the Clerk of Allegany county court, which shall be filed in court, and shall be confirmed by the county court of Allegany county, at its next session