

ware, when the said railroad shall intersect said line to the Choptank river, at a point at or near Potter's landing by such route or routes as they may deem most eligible, and for that purpose may enter upon any land necessary for locating, laying out or making the same or any part thereof, or to procure land, gravel, earth, wood or timber for such use and to obtain the right or title to the same as hereinafter provided.

SEC. 3. *And be it enacted*, That whenever application shall be made by the company for this purpose, the judge of the seventh Judicial Circuit court of Maryland in term time, or in vacation, shall appoint five commissioners and whenever it shall be necessary for the said company to enter in and upon and occupy for the purpose of making said railroad any lands upon which the same may be located, if the owner or owners of said land shall refuse to permit the entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injuries that may be done to said land by such entry and occupation, the said commissioners on being notified by the said company, shall go upon the said lands and assess the damages of such owner or owners on oath or affirmation, fairly and impartially, and the said commissioners shall certify their finding and award to both parties; but if either party be dissatisfied with the damages so assessed, such party may on application to the clerk of said court in the county where the land lies within thirty days after such assessment sue out a writ of "*ad quod damnum*" requiring the sheriff in the usual form to inquire of twelve impartial men of his bailiwick of the damages as aforesaid, and their report shall be final, whereupon the company upon paying the damages so assessed shall become entitled to have, hold, use and enjoy the said lands for the purposes by them required forever, and in case any owner of lands necessary for the purposes of said company shall be a minor or non resident or for any cause incapable of receiving or unwilling or neglecting to receive said damages or to call upon the said company for the same, the said company may deposited the amount of the said damages to the credit of such owner or owners in the Easton bank, subject to his, her or their order, whereupon the said company shall be entitled to have, hold, use, and

CHAP. 126.

In case of disagreement between the company and the land-owners, commissioners may be appointed to assess damages.

Company or owners of land may appeal.