

CHAP. 250. on which the same may be, for the purchase of said land, and in case of no agreement being made, or in case the owner shall be a feme covert, under age, or non compos mentis, or out of the State or county of Talbot, the president of the said company, or any person authorised by him for that purpose, shall apply to a justice of the peace of Talbot county, which justice of the peace shall thereupon issue his warrant, directed to the sheriff of said county, commanding him to summon twelve disinterested persons, qualified to serve as jurors in the Circuit court for said county, to meet at the place where said lands may be, and the said sheriff shall qualify the said persons by oath or affirmation, as the case may be, justly and impartially to value the damages which may be sustained by the owner or owners of the land through which said railways may pass in consequence thereof; and the said persons shall, after valuing the damages, return a statement in writing of the valuation so made, and a plat of the lands, certified under their hands and seals to be a correct statement and plat, to the clerk of the Circuit court for Talbot county, to be by him recorded, a copy of which, certified under the hand and seal of the office of said clerk, shall be the evidence of any rights, titles or interest acquired under this act; and if the owner or owners of the said lands shall not be under any legal disability to receive said valuation and give receipt therefor, the president and directors shall immediately pay the amount thereof to such owner or owners, or to such persons as may be authorised to receive the same, and they are not authorised to open said roads for their railways until the payment for the lands so condemned and valued, or a tender of payment shall be made to the owners thereof; *Provided*, that if such owner or owners, or authorised agent, be under any legal disability, then the president and directors of said company shall enter into bond conditioned for the payment of the damages assessed to the person or persons who may be authorised to receive the same, and shall lodge said bond in the clerk of Talbot county, to be by him recorded, and upon such bond or office copy thereof suit or suits may be instituted against the obligees named by such persons whenever they may be entitled to receive such damages, and upon the payment of said damages, or securing the payment thereof by bond, to be filed as aforesaid, all the right, title, interest and estate of the

Damages.

Proviso.