

SEC. 9. *And be it enacted*, That the president and managers of said company may agree with owners of land required for said road, and also for the purchase of stone, gravel, earth, sand or timber for said road ; and in all cases where they are unable to agree with one owner or owners, or should he or she be a feme covert or non compos mentis, or under age, the said president may apply to a justice of the peace of the county aforesaid, who shall thereupon issue his warrant to the sheriff of the county aforesaid, commanding him to summon twenty disinterested persons qualified to act as jurors in the Circuit court, to meet upon the land ; after four are stricken off the panel by the president or his agent, and four by the persons interested, or in his, her or their absence or refusal, by the said sheriff, the sheriff shall qualify the remaining twelve persons, either by oath or affirmation, as the case may be, justly, truly and impartially to value the damages which may be sustained by the owner or owners of such material or land required by such company ; and the said jurors shall, after valuing said damages, return the same, under their hands and seals, to the clerk of the Circuit court of Frederick county, to be by him recorded ; and the said damages shall be paid by the said company into the hands of the sheriff of said county, for the persons mentioned in the said return, respectively, before said company shall proceed to remove the said materials, or to use the said land or said road ; and the justice, sheriff and clerk shall be entitled to receive the same fees for services under this act as they are allowed in similar cases ; and the persons summoned as jurors shall receive one dollar per day during their attendance, which fees and allowance shall be paid by the said company, and the said company, or their agents, shall have power to remove said materials across any lands, not in meadow or grain, upon paying a reasonable compensation to the owner or owners for any injury or damages, to be ascertained by a jury as above, in case it cannot be obtained by agreement.

CHAP. 323.

Lands and materials for the use of the company—how obtained.

Damages

SEC. 10. *And be it enacted*, That the said company shall cause the said road to be laid out and opened, which said road shall be as wide as the bed is, on which they propose to build, and shall cause sixteen feet thereof, or any greater width they may

Road—its width, &amp;c.