

**CHAP. 202.** may extend said road from the town of Salisbury down said Wicomico river on either side to not more than three miles below said town, the said points to be determined by the president and board of directors of said company, and they may contract for the making of the said rail road and may with their agents enter upon, use and excavate any land they may need for the site of the said road, or the erection of warehouses or other works necessary to said road, and may build bridges, fix scales and weights, lay rails, take and use any earth, timber, gravel or other materials for the construction or repair of any part of said work, and may make and construct or erect all works necessary for the completion of said road; *provided*, that no bridge over either branch of the Wicomico river near Salisbury shall obstruct the navigation of such branch more than the present bridge over such branch may do.

**Proviso.**

**Inquisition.**—how, when and under what circumstances to be held.

**SEC. 12.** *And be it enacted*, That the president and directors of said company, or a majority of them, or their agents, may agree with the owner or owners of any land, earth, timber, gravel or other materials or any improvements for the construction or repair of said road or its works, for the purchase or use and occupation of the same, and in case they cannot agree, or if the owner or owners or any of them be a feme covert, under age, non compos mentis or out of the county in which the property wanted may lie, when such land or materials may be needed on application to a justice of the peace of such county, he shall 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 to meet on the land to be valued on a day specified in said warrant not less than five nor more than ten days after issuing the same, and in case any of the jurors aforesaid do not attend the said sheriff shall instantly summon as many jurors as may be necessary with the jurors in attendance to furnish a panel of twenty jurors in attendance, and from them each party, his, her or their agent, and if either be not present in person or by agent, the sheriff may strike off four jurors for each of the absent parties, 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 will sustain by the use or occupation of the same required by the company, and the jury in estimating such damages shall take into the