

PHILIP F. THOMAS, ESQUIRE, GOVERNOR. 1847.

for the site of the said road or the erection of ware-
houses 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 Blackwater river shall ob-
struct the navigation of such branch more than the
present bridge or bridges over such branch may do.

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 improve-
ments, 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, re-
quiring 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, the jurors in attendance to furnish a pan-
nel 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 com-
pany, and the jury in estimating such damages shall take
into the estimate the benefit resulting to the said owner or
owners from conducting such rail road through or along
the property of the said owner or owners, but only in ex-
tinguishment of the claim of damages, and the said jury
shall reduce their inquisition to writing, and shall sign
and seal the same, and it shall then be returned by said
sheriff to the clerk of his county, and by such clerk

CHAP. 203.

CHAP. 203.

Proviso:

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

Proviso.

To purchase.

Proviso.

March 2, 1848.

Commission.