

CHAP. 322. may be necessary for the accommodation of the works of the Chesapeake and Ohio Canal Company, or the main route of the Baltimore and Ohio rail road, or that may be within the limits of either of the public roads now existing, except to cross said roads without injury to the same; *And provided also*, that the Legislature of this State may at any time hereafter, regulate, modify or change the control, use and estate of the rail road or rail roads to be constructed under the authority hereby given, in such manner as it may deem equitable towards the said corporations, and necessary to the accommodation of the public travel, or use of the said rail road or rail roads; *And provided also*, that no rail road to be formed under the provisions of this act shall pass through the limits of any incorporated city or town, without the consent of the corporate authorities of such city or town, nor through any dwelling house, warehouse, stable, yard, gardens or orchard, without the written consent of the owners of the same.

Property to
be condemn-
ed.

SEC. 21. *And be it enacted*, That the president and directors of said company, or a majority of them, or any person or persons, authorised by a majority of them, may agree with the owner or owners of any land, earth, timber, stone, or other materials, which may be wanted for the construction or repair of said rail road, or rail roads, hereby authorised to be made, as aforesaid, for the purchase or for the use and occupation of the same; and if 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 shall be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summons a jury of twenty inhabitants of said county, not related, nor in any wise interested, to meet on the land, or near to the other property, or materials, to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same; and if, at said time and place, any of said jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, and from them, each party, or its, his, her or their agent, or if either be not present in person or by agent, the sheriff, for him, her, it, or them, may strike off four jurors, 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

E. L
he will
the owi
tion of
said ju
shall sig
ed by su
his cour
more ci
in his co
next se
shown;
clerk at
the said
taken in
quisition
of the l
of the i
and such
or owne
presenta
and inte
been co
and the
at any t
pany, w
his, her
Provide
construe
this act,
compens
owners o
or tende
pensation
SEC.
this Sta
corporat
full righ
or rail r
if in th
commiss
passed
jury wo
road of s
authorise
or comp
cars, at
on all co
on the r
point on
Canal, c