

CHAP. 326. hereinafter prescribed, may enter upon and use, and excavate any land which may be wanted for the site of the said rail road, or the erection of the warehouses, or other works, necessary for the said rail road, or for any other purposes necessary or useful for the construction or repair of said road or its works, and that they may build bridges, fix scales and weights, lay rails, and may take and use any earth, timber, gravel, stone, or other materials, which may be wanted for the construction or repair of any part of said road, or any of its works, and may make and construct all works whatsoever, which may be deemed necessary or expedient in order to the proper completion of said rail road.

Property to be
condemned.

SEC. 14. *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 any 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 be, when such land and 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, not related, nor in anywise interested in the premises, to meet on the land to be valued, on a day to be specified in said warrant, not less than ten nor more than twenty 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 lands will sustain by the use or occupation of the same, required by the company; if required by the party or parties whose lands are to be affected by their proceedings, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them, on oath, in relation to the

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