

the compensation agreed upon by the company and the owners thereof, or awarded by a jury, as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

SEC. 2. *And be it enacted*, That the president and directors of the Patapsco company, or their agent or agents authorised by them, may agree with the owner or owners of any land, earth or materials, or any improvements which may be wanted for the construction or repairs of any of the said roads or any of their works connected with said road, for the purchase or use and occupation of the same; and if they cannot agree, or if the owner or owners or any of them be an infant, feme covert, non compos mentis, or out of the county where such property wanted may be, when such property may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of the county, requiring him to summon a jury of twenty of the inhabitants, not related to the parties nor in any wise interested, to meet on the lands or near the materials or other property wanted, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if at said time and place any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons, similarly qualified, as, together with those in attendance, will furnish a panel of twenty jurors in attendance, and from the panel each party, his, her, its or their agent or attorney, or if either party be not present in person or by agent, the sheriff for him, her, it or them may strike off four persons, and the remaining twelve shall act as the jury of the inquest of damages; and to each, before he acts as such juror, the sheriff shall administer an oath or affirmation, that he will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the same, required by the company; and the said jury shall reduce their inquisition to writing and sign and seal the same, and it shall be returned by the sheriff to the clerk of the circuit court for his county, and be filed by said clerk in his office, and shall be confirmed by the said court at its next term or session, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by the said clerk at the expense of the company; but if the same be set aside, the said court shall direct another inquisition to be taken, in the manner above described, and the inquisition shall, in all cases, describe the property taken, or

Property to
be condemn-
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