

Authorised to  
construct rail-  
road.

SEC. 12. *And be it enacted*, That the said company be and they are hereby authorised to locate and construct a railroad from the town of Elkton, to Sassafra river at or near Fredericktown; and there to connect with the Kent county railroad, and to construct a lateral branch from said road to some point on the Delaware State line, and there to connect with a branch road from the Delaware railroad, at or near Middletown; or to construct a railroad to some point on the State line, and north of the Chesapeake and Delaware Canal, and there connect with a lateral branch from said Delaware railroad, and for that purpose to enter upon any land necessary for locating, laying out or making the same or any part thereof, or to procure land, gravel, earth, wood or timber; for such use, and to obtain the right or title to the same as hereinafter provided.

Manner of pro-  
ceeding in case  
of a condem-  
nation.

SEC. 13. *And be it enacted*, That the President and Directors of the said company may agree with the owner or owners of any lands, earth, timber, gravel or other material, 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 State, on application to a justice of the Peace of Cecil 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 to said owner or owners, 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 thirty days after issuing the same; and in case any of the jurors aforesaid do not attend, the sheriff shall instanter 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 heir, or their agent, or 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 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 and benefits which the owner or owners of said lands will sustain by the use or occu-