

for the construction and equipping of the said company's road, and the issuing of bonds therefor, and the mortgaging of all or any part of the same, situate and being in the State of Pennsylvania, for the securing of the said bonds with their interest.

SEC. 15. *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 lands, earth, timber, gravel or other materials, or any improvement for the construction or repair of any part of said road or its works, for the purchase or use or 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 material 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 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, 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 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 occupation of the same required by the company; if required by the party or parties whose lands are to be affected by their proceedings, or by the said railroad company or their agent or agents, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath or affirmation

Mode of proceeding in a case of condemnation.