

tentions of this act, according to the true intent and meaning thereof.

SEC. 5. *And be it enacted*, That the directors of the said company, shall be and they are hereby invested with all the rights and powers necessary to the location, construction and repair of the rail road, not exceeding eight feet wide, with the necessary addition for embankments and excavations, and as many sets of tracks as the said directors or a majority of them may deem necessary, and they or a majority of them may cause to be made, or contract with others for making said road, or any part of it, and for those purposes 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, quarry, timber, gravel, stone or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, 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 a feme covert, under age, *non compos mentis*, or out of the county, in which the property other than quarries and warehouses wanted may lie, when the same may 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 summon a jury of twenty inhabitants of said county, not in any wise interested, to meet on the land, or near to the property or materials as before described, to be valued on any day named in said warrant, not less than ten nor more than twenty days after the issuing of the same, and if at the same time and place, any of said jurors summoned, do not attend, the said sheriff shall immediately 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 or its, his, her or their agent, if either be not present in person or by agent, the sheriff for him, her 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

Mode of proceeding in a condemnation.