

conveyed by deed, duly acknowledged and recorded. In case of failure to agree, or of disability of the owners to contract, or of their absence from the State, the corporation may obtain the lands, or property of any kind, or interest therein, earth and stone by condemnation. The corporation may proceed to condemn under the provisions of Article 33A of the Annotated Code of Maryland, title "Eminent Domain [.]" [or it may proceed, and is hereby expressly authorized so to do, under the provisions applicable to railroad companies set forth in Sections 193 and 194 of this article].

## 193.

The said president and directors, or their agent or agents, authorized by them, may agree with the owner or owners of any land, earth, gravel, stone, timber, streams or materials, or any improvements which may be wanted for the proper construction or repair of any of said roads, or any of their works, for the purchase and use and occupation or diversion of the same; and if they cannot agree, or if the owner or owners of any of them be an infant, feme covert, who is not possessed of the property to her sole and separate use, or authorized to contract in reference to the same, non compos mentis, or out of the county where such property wanted may lie, when such property may be wanted, or for any other cause be legally incapable of contracting, *the company may proceed to condemn under the provisions of Article 33A of the Annotated Code of Maryland, title "Eminent Domain".* [application may be made by the said company 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 of said county above the age of twenty-one years, and qualified to act as jurors under the laws of this State, not related to the parties, nor in anywise 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 shall make up twenty, 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, or being present in person or agent refuse to strike, 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 and occupation of the property required by the said company, and the said jury shall reduce their inquisition to writing and sign and seal the same; and it shall then 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 said court any time after the expiration of thirty days from the date of such filing, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by 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 in case the second or any other inquisition which is confirmed by the court shall not award to the landowner a larger amount of damages than was awarded by the first inquisition, the court may in its dis-