

be deemed necessary or expedient, in order to the proper completion of the said rail road.

CHAP. 287.

Sec. 16. *And be it enacted*, That the president and directors of the said company, or any person or persons authorised by them, may agree with the owner or owners of any land, earth, timber, gravel, or stone or other materials or any improvements which may be wanted for the construction or repair of any of said roads, or any of its works for the purchase or use and occupation of the same, and if they cannot agree, and if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county, in which the property, other than ware houses and quarries wanted may lie, when the same may be wanted, application may be made to any justice of the peace of the county, who shall thereupon issue his warrant under hand and seal, directed to the sheriff of county, requiring him to summon a jury of twenty inhabitants of said county, not related, or in any wise interested in the premises, to meet on the land, or near to the other property, or materials as before described to be valued, on a day named in the same warrant, not less than ten, nor more than twenty days after the issuing of the same: and if at such time and place any of said jurors summoned shall not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, to furnish a pannel of twenty jurors in attendance and from them, each party, or its, her, or their agents, or if either be not present in person or by agent, the sheriff for him, her, it or them, may strike out 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 each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owner, or owners will sustain by the use and occupation of the same, required by the company; and the jury in estimating such damages shall take into the estimate, the benefits resulting to the said owner, or owners from conducting such rail road through the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall then be returned by said sheriff to the clerk of his county, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shewn; and when confirmed shall be recorded by the said clerk, at the expense of the said company, but if set aside, the said court may direct another inquisition to be taken in the manner above described, and

Authority to agree for land and tenements.

Case of failure to agree.

Jury summoned to value.

Proceedings directed.

Rule of estimating

Return required.

Expenses of inquest defrayed.