

any part of it, and they their agents or those with whom they may contract for making any part of the same or their agents, may enter upon and use and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary to said road or for any other purpose necessary or useful in the construction or repair of said road, or its works and that they may build bridges, may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of any part of said road or any of its works, and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of said road.

Power to agree with owners of lands which may be wanted.

In case of disagreement, sheriff to summon jury of inquest.

Oath.

SEC. 11. *And be it enacted*, That 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, timber, gravel, stone or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or of 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 wanted may lie, when such land or materials shall 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 related, nor in any wise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same, and if at said 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, it or them, may strike off four jurors, and the remaining twelve shall act as a 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 or occupation of the same, required by the company; and the jury, in estimating such damages,