

thorise the said company to take private property for their use, without the compensation agreed upon by the company and the owners thereof, or awarded by a jury as hereinafter provided, being first paid or tendered to the party entitled to receive such compensation.

Liability of stockholders. SEC. 13. *And be it enacted,* That each stockholder of said company shall be individually liable to the creditors of said company to an amount equal to the amount unpaid on the stock held by himself, for all the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid to the company.

President may agree with owners of land, &c., wanted. SEC. 14. *And be it enacted,* That the said president and directors, or their agent or agents authorised by them, may agree with the owner or owners of any land, earth or materials, or any improvements which may be wanted for the construction or repairs of any of the said roads, or any of their works, for the purchase or

In case of disagreement, jury to be summoned to value damages. use and occupation of the same; and if they cannot agree, or if the owner or owners or any of them be an infant, feme covert, non compos mentis, or out of the county where such property wanted may be, when such property 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, to the sheriff of the county, requiring him to summon a jury of twenty of the inhabitants, 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, will furnish a pannel of twenty jurors in attendance, and from the pannel, each party, his, her, its or their agents or attorney, or if either party be not present in person or by attorney or agent, the sheriff, for him, her, it or them, may strike off four persons and the remaining twelve shall act as the jury of 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 or occupation of the same, required by the company; and the jury shall reduce their inquisition to writing, and sign and seal the same, and it shall 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

Inquisition to be reduced to writing and filed in clerk's office.