

other materials, or any improvements, for the construction or repair of any of said road or its works, for the purchase or use and occupation of the same; and in case they cannot agree, or if the owner or owners or any of them be a feme covert, non compos mentis, or out of the state, on application to a justice of the peace of Kent county, he shall issue his warrant, under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of the county, not related, nor in anywise interested in the premises, to meet on the land to be valued, on a day to be specified in said warrant, not less than ten nor more than thirty days after issuing the same; and in case any of the jurors aforesaid do not attend, the Sheriff shall instanter summon as many jurors as may be necessary, with the jurors in attendance, to finish a panel of twenty-eight jurors in attendance; and from them each party, his, her or their agent, and if either be not present, in person, or by agent, the Sheriff may strike off four jurors for each of the absent parties, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the 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 and benefits which the owner or owners of said lands will sustain, by the use or occupation of the same required by the company; if required by the party or parties whose lands are to be affected by their proceedings, or by the said railroad company, or their agent or agents, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath or affirmation in relation to the value of property to be condemned; and they shall reduce the testimony, if any is taken by them, to writing; and after the testimony is closed, and without any unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said railroad, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained by the said owner or owners respectively, and make a report thereof accordingly; and the said jury shall reduce their inquisition to writing, shall sign and seal the same; and it shall then be returned by the said Sheriff to the Clerk of the Circuit Court of his county, and by such Clerk filed in his Court, and shall be confirmed