

construction or repair of any of said roads, or any of their works, for the purchase and 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 country, where such property wanted may lie, 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 his 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 any wise 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 panel of twenty jurors in attendance; 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, 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 on oath or affirmation that he will justly and impartially value the damages that the owner or owners will sustain by the occupation of the same required by the 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 the said court at its next term or session, 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 the inquisition shall in all cases describe the property taken, or the bounds of the lands condemned, and the quality or duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of the property, his, her or their legal representative, shall entitle the said company to the estate and interest in the same thus valued, as if it had been legally conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received without costs, from the said company, by the owner or owners, and of his, her or their legal representatives.

*To Provide Wagon Ways.*

SEC. 14. *And be it enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or