

May agree,
with the owner
of any land,
gravel, &c.

Jury requir-
ed to take an
oath.

Sec. 12. *And be it enacted*, That the President and Directors of said company, or a majority of them, may agree with the owner or owners of any land, estate, timber, gravel, stone or other materials, or any improvements which may be wanted for the construction or repair of any of their works, and with the owner or owners of any water or water rights which may be wanted for the supply of the same, for the purchase or use and occupation of the said land, earth, timber, gravel, stones, waters or other materials, 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 Washington county, where such lands, waters or materials shall be wanted, application may be made to any Justice of the Peace of said county, who shall thereupon 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 said county, not related, or in anywise interested, to meet on the lands, or near to the 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 or their agent, and 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 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 or occupation of the same required by the company, and the jury, in estimating such damages, shall take into the estimate the benefit resulting to the said owner or owners from the completion of the works of said company, 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 re-