

Sec. 15. *And be it enacted,* That the President and Directors of said Company or a majority of them or their agents may agree with the owner or owners of any lands, earth, timber, gravel or other materials important for the construction or repair of any part of said roads or its works for the purchase, or use, or occupation of the same, and in case they cannot agree or if the owner or owners or any of them be feme covert, under age, non compos mentis, or out of the county in which the property wanted may be when such land or materials may be needed, on application to a Justice of the Peace in such county, he shall issue his warrant under his hand and seal, directed to the Sheriff of said county, not related to or 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 said warrant, and in case any of the jury aforesaid do not appear, the Sheriff shall instantly summon as many jurors as be necessary with the jurors in attendance as to furnish a panel of twelve jurors, and from them each party, his or her or their agents, or if either be not present in person or by agent, the Sheriff may strike off three jurors for each of the absent parties, and the remaining six shall act as the jury of inquest for 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 land will sustain by the use or occupation of the same required by the Company, and if required by the party or parties whose lands are to be affected by their proceedings or by the said Rail Road Company, 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 the property to be condemned, and they shall reduce the testimony to writing, and after the testimony is closed, and without unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said Rail Road, 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 re-

May contract
for materials.

To summon
witnesses.