

struction or repair 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*, under age or *non compos mentis*, or out of the county in which the property wanted may lie, when such land or material may be needed, on application to a Justice of the Peace for said county, he shall issue his warrant under his hand and seal to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants, landowners of said county, not related or in anywise interested in the premises, to meet on the land or other property or materials to be valued, on a day to be specified in the warrant, not less than ten nor more than twenty days after issuing the same; and if at such time and place any of the jurors summoned do not attend, the Sheriff shall summon immediately as many jurors as may be necessary with the jurors in attendance to furnish a panel of twenty jurors, and from them each party, his, her or their agents, or 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 a 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 which the owner or owners of said lands and materials will sustain by the use and occupation of the same required by the Company, and the jury in estimating such damages shall take into consideration the benefit or advantage resulting to the said owner or owners from the construction of such railroad through or along the property of said owner or owners; but only in extinguishment of the claim for damages, if required by the party or parties whose lands are to be affected by their proceedings, the jury shall cause to be summoned such witnesses as the party may require, and shall examine them on oath in relation to the value of the property to be condemned and the damages to that adjoining, and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed in each case, and without unnecessary delay, and before proceeding to the examination of any other claim, they shall

Issue warrant.

Damages.