

their works, for the purchase or 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 county 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 who are land owners not related to the parties nor in anywise 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, and from the panel, each party, his, 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 an oath or affirmation, 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 benefits to accrue therefrom as a set off to the damages that may be adjudged by them; and the said jury shall reduce there inquisition to writing, and sign and seal the same, and it shall 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 said court at its next term or session, if no sufficient cause to the contrary be shown, 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 that another inquisition 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 quantity 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 representatives, shall entitle the said company to the estate and interest

Oath.

Inquisition.