

Power to
condemn.

owners of any land, earth, timber, gravel, stone, or other materials, or any improvements which may be wanted for the construction or repair of its said Road, or any of its 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 *feme covert*, under age, *non compos mentis*, or out of the County, in which the property wanted may be, when such land or materials shall 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, directed to the Sheriff of said County, requiring him to summon a jury of twenty inhabitants of said County, not related, nor in any wise interested, to meet on the land, or near to the other 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, her, or their agent; if either be not present in person or by agent, the Sheriff for it, him, her 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 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 and 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 conducting such Railroad through, along, or near to the property of said owner or owners, 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 returned by the said Sheriff to the Clerk of his County, and by such Clerk filed in his Court, and shall be confirmed by said Court at its next session, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by said

Extinguish
claim.