

or repair of the said railways, or any of their works for the purchase, use, occupation or diversion of the same; and if they cannot agree, or if the owner or owners of any of them be an infant, *feme covert*, *non compos mentis*, or out of the City of Baltimore or the county in which such property wanted may lie, as the case may be, when such property may be wanted, or for any other cause be legally incapable of contracting, application may be made by said company to any Justice of the Peace of the City of Baltimore, or of any county, as the case may be, in which the land or materials or other property wanted may lie, and such Justice of the Peace shall thereupon issue his warrant, under his hand and seal, to the Sheriff of the City of Baltimore, or of such county, as the case may be, requiring him to summon a jury of twenty of the inhabitants of the City of Baltimore, or of such county, as the case may be, above the age of twenty-one years, not related to the parties or in any wise 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 the said time and place, any of the said jurors summoned do not attend, or should not be qualified to act as such jurors, the Sheriff shall immediately summon as many jurors as, with the jurors in attendance, shall furnish a panel of twenty jurors in attendance, and from the panel each party, his, her, it or their agent or attorney, or if either be not present in person or by agent or attorney, or, being so present refuse to strike, 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 to each, before he act as such juror, the Sheriff shall administer an oath or affirmation that he will justly and impartially value the land, materials, or other property, and the other damages which the owner or owners will sustain by the use and occupation of the property required by the said company, and also the benefits or advantages, if any, to accrue to the owner or owners, by the construction of the said road, as a set-off to the said damages, but only in extinguishment of the claim for damages, independent of the value

Disagreement.

Summon jury to condemn.

Refuse to strike.

Administer oath.

Benefits.