

Section 5, *And be it enacted*, That the President and Directors of the said Baltimore, Chesapeake and Delaware Bay Rail Road Company, or their authorized agent or agents, may agree with the owner or owners of any lands, earth, gravel, timber or other materials, or any improvements, for the construction or repair of the said road or any branches of the said road, or for its depots, stations or works, and for the purchase or use and occupation of the same; and in case they cannot agree, or if the owner or owners of any of the said lands or property, be a *feme covert*, minor, or *non compos mentis* or out of the State, on application to a Justice of the Peace of the county wherein said lands or property lie, by the said railroad company, he shall issue his warrant under his hand and seal, directed to the sheriff of his proper county, requiring him to summon a jury of twenty inhabitants of the said county, not related or in any wise interested in the premises, to meet on the land to be valued on a day to be specified in the said warrant, not less than five nor more than ten days after issuing the same, and in case any of the jurors aforesaid, do not attend, the 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, his, her or their agent may strike off four jurors, and if either, or both of the parties 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 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 and benefits which the owner or owners of said lands will sustain by the use or occupation of the same required by the company, if required by the party or parties whose lands are to be affected by their proceedings, or by the said railroad company, or their agent or agents; the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath or affirmation to be administered by the said sheriff, or the foreman of the jury, in relation to the value of the property to be condemned, and they shall reduce the testimony if any is taken, to writing and after the testimony is closed and without any unnecessary delay, and after having made a fair and just compensation on of the advantages and disadvantages arising from the said railroad 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, respectively, and make a report thereof accordingly; 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 the Circuit Court of his county,