

CHAP. 255.

Proceedings directed

lock and dam navigation and railways or their appurtenances; and if they cannot agree, or if such owner or owners be a feme covert, unknown, non compos mentis, under age, or out of the State or county, then on application by said president and directors, or their agents, to any justice of the peace of the county, in which said lands, timber, stone, earth and gravel lie, the said justice shall issue his warrant under his hand and seal, to the sheriff of the county, to summon a jury of eighteen inhabitants of said county, not related to the parties, nor interested in the property to be valued, to meet on or near to the property to be valued, at a day named in the warrant, not less than ten nor more than twenty days after the issuing of the same; and the sheriff shall on its receipt summon said jury accordingly, and when the jury meets, if twelve or more attend, shall qualify all attending as jurors, by administering to them before they act as such, an oath or affirmation, as the case may be, that they will justly and impartially value the damages which such owner or owners will sustain by the taking of the property required by the company; and if at least twelve do not attend, the sheriff shall immediately summon as many more as may be necessary to make up that number, and shall then qualify the jury in the same manner; and the said jury are hereby instructed in estimating said damages, to consider the benefit which will accrue or has accrued to such owner or owners, from the construction of said canal or lock dam navigation or railway, for which it is wanted, and to make the proper allowance for such benefit in their verdict, and the inquisition thereupon taken, shall be signed by the sheriff and at least twelve of the jury, and returned by said sheriff to the office of the clerk of the county court, and unless good cause be shewn against it, it shall be affirmed by the county court at the term after it is returned, and shall then be recorded by said clerk amongst the land records of said county, but if any such inquisition be set aside, the said court may at its discretion, as often as it may be necessary direct another to be taken and returned, which shall be confirmed as aforesaid; and every such inquisition as to land, shall ascertain the bounds of