

their agents, may agree with the owner or owners of any lands, earth, timber, gravel or other material, or any improvement necessary for the construction or repair of any part of said road, or its works, for the purchase or use or occupation of the same; and in case they cannot agree, or if the owner or owners, or any of them, be a feme covert, minor or non compos mentis, or out of the county in which the property wanted may lie, or where such land or material may be needed, on application to a justice of the peace of such county, he shall 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 to the owners, nor in any wise interested in the premises, to meet on the land to be valued on a day to be specified in said warrant, not less than ten nor more than thirty days after issuing the same, and in case any of the jurors aforesaid do not attend, he, the said sheriff, shall instanter summon as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty jurors in attendance, and from such panel each party, his, her or their agent, or attorney, may strike four persons; and if either be not present in person or by agent or attorney, or being so present shall refuse to strike as aforesaid, the sheriff may strike off four jurors for such absent or refusing parties, and the remaining twelve of such panel 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 land will sustain by the use or occupation of the same required by the said railway company; and if required by the party or parties whose lands are to be affected by the proceedings, or by the said railway company, or their agent or agents, the jury shall cause to be summoned by the sheriff such witnesses as the parties may require, and shall examine them on oath or affirmation, to be administered by the sheriff, in relation to the value of the property to be condemned; and after the testimony is closed, and without unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said railway, they shall

May agree
with land
owners.

Sheriff to
summon jury

Administer
oath or affir-
mation