

property, or awarded by a jury, as hereinafter provided, being first paid or tendered to the party entitled to such compensation.

President and directors may agree with owners of lands which may be wanted.

SEC. 11. *And be it enacted*, That the president and directors of said company, or a majority of them or their agents, may agree with the owner or owners of any land, earth, timber, gravel or other materials or any improvements for the construction or repairs of said road or its works, for the purchase or use and occupation of the same; and in case they cannot agree, or if

In case of disagreement, sheriff to summon jury of inquest.

the owner or owners, or any of them, be a feme covert, under age, non compos mentis or out of the county in which the property wanted may lie, when such land or materials 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 to meet on the lands to be valued, on a day specified in 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, and said sheriff shall instanter summons 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 agents, and if either 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 said 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 of said land, will sustain by the use or occupation of the same,

Inquisition to be reduced to writing and filed in clerk's office.

To be confirmed by court.

If set aside, court may direct another inquisition.

Witnesses may be summoned.

required by the company; and the said jury shall reduce their inquisition to writing, 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 clerk, at the expense of said company, but if set aside, the said court may direct another inquisition to take place in the mode before described, and such inquisition shall describe the property taken or the bounds of land condemned, and the quantity or duration of the interest in the same valued for the company, and such valuation when paid or tendered to the owner or owners of said property, or his, her or their legal representatives; and if required by the party or parties whose lands are to be effected by their proceedings, the jury shall cause to be sum-