

they cannot agree, or if 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, other than quarries and warehouses wanted may lie, when the same shall be wanted, application may be made to any justice of the peace of said county, who shall thereupon 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 in any wise interested, to meet on the land or near the property or material, as before described, to be valued 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 said jurors summoned do not attend, the said 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, or its, her or their agent, if either be not present in person or by agent, the sheriff, for him, her or them, may strike off four jurors, and the remaining twelve shall act as a 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 which the owner or owners will sustain by the use or occupation of the same, required by the said company; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of the circuit court of his county, and by said 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, or owner or owners of property, as the court may award; but if set aside the said court may direct another inquisition to be taken, in the manner above described, and such inquisition shall describe the property taken or the bounds of the land condemned, and the quantity and 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, shall entitle the company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be received from the company, without cost, by the said owner or owners, or his, her or their legal representatives; and every juror shall be entitled to one dollar per day while in attendance, and

Right to summon jury of inquest.

Oath.

Inquisition to be reduced to writing and returned to clerk of Circuit court.

If set aside, court may direct another inquisition.