

of the same, or if the owner or owners or any of them be a feme covert, under age, non compos mentis, or out of the county, application may be made to any justice of the peace of Allegany 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 related to the parties, nor in any wise interested to meet on the land or near to the other property, or materials to be valued on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same, and if at the same time and place any of said jurors should not attend, the said Sheriff shall immediately summon as many jurors as may be necessary with the persons in attendance to furnish a panel of twenty jurors in attendance, and from them each party or its, his, her or their agents, or 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 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 will sustain by the use and occupation of the same required by the company, and if required by the party or parties whose lands are to be affected by their proceedings, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath in relation to the value of property to be condemned, and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed in such case and without any unnecessary delay, and before proceeding to the examination of any other claim, they shall ascertain and determine the compensation which ought justly to be made by said company to the party or parties owning or interested in the real estate appraised by them, and in determining the amount of such compensation, the jury shall not make an allowance or deduction on account of any real or supposed benefits which the parties in interest may derive from the construction of said rail road, and said company shall give written notice to all persons whose interest is to be affected by the condemnation of any lands of the time and place of holding of such inquisition, the said 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 for Allegany county, and by said clerk filed in his office, and shall be confirmed by said court at