

earth, timber, gravel or other materials, or any improvements, for the construction or repair of said road or its works, for the purchase or use and occupation of the same; and in case 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 wanted may be, 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, to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related nor in anywise interested in the premises, to meet on the land or near the other property or materials to be valued, on a day to be specified in said warrant, not less than ten nor more than twenty days after issuing the same; and if at such time and place in case any of the 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, its, his, her or their agent, 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 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 lands and materials will sustain by the use or occupation of the same, required by the company; if required by the party or parties, whose lands are to be effected 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 the property to be condemned, and the damages to that adjoining; and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed in each 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 the said company to the party or parties owning or interested in the real estate appraised by them; and said company shall give written notice to all persons, whose interests are to be effected by the condemnation of any lands, of the time and place of holding the inquisition, at least ten days prior to the holding of such inquisition; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the

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

Oath.

Witnesses may be summoned.

Testimony to be reduced to writing.

Inquisition to be recorded by clerk of Circuit court.