

ful or eligible, and for the purposes aforesaid to enter upon any land necessary for locating, laying out, surveying, or making the same or any part thereof, or to procure land, gravel, earth, wood or timber for such use, and to obtain the right and title to the same, as hereinafter provided.

May agree  
with owners  
of land.

In case of  
disagreement  
jury to be  
summoned.

Oath.

Sec. 17. *And be it enacted*, That the President and Directors of the said Company or their agent or agents authorized by them, may agree with the owner or owners of any land, earth, materials, or any improvements which may be needed for the construction or repair of the said road or roads, or any of their works, for the purchase or use, and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be an infant, *feme covert*, or *non compos mentis*, or out of the county when such property may be needed, when such property may be wanted, application may be made to any Justice of the Peace of such county, who shall thereupon issue his warrant under his hand and seal to the Sheriff of said county, requiring him to summon a jury of twenty men, residents of said county, not related to the parties, nor in anywise interested, to meet on the lands, or near the materials or other property needed on a day named in said warrant, not less than ten, nor more than twenty days after issuing of the same, and if at the said time and place any of the said jurors summoned do not attend, the Sheriff shall immediately summon as many similarly qualified, as together with those in attendance will furnish a panel of twenty jurors in attendance, and from the panel each party, his, her, its, or their agent or attorney, or if either party be not present in person, or by agent or attorney, the Sheriff, for him, her, it, or them shall strike off four persons for each party and the remaining twelve shall act as the jury of inquest of damages; and to each, before he acts as such jurors, the Sheriff shall administer an oath or affirmation that he will justly and impartially value and assess the damages which the owner or owners will sustain by the use or occupation of the same required by the Company, and the jury shall reduce their inquisition to writing, and sign and seal the same, and it shall be returned by the Sheriff to the Clerk of the Circuit Court for his county, and be filed by said Clerk in his office, and shall be confirmed by the