

said inlet or canal, for the purchase and use and occupation or division of the same, and if they cannot agree, or if any owner is an infant or *feme covert*, or *non compos mentis*, or if from any other cause legally incapable of making a valid contract, application may be made by the said company to any justice of the peace of said county, who shall thereupon issue his warrant under his hand and seal to the sheriff of the county, requiring him to summon a jury of twenty of the male inhabitants of the said county above the age of 21 years, not related to the parties or in any way interested, to meet on the land, or near the materials or other property wanted, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if at said time or place any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons 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 agents or attorneys, or if either party be not present in person or by agent, or being present in person or by agent, refuse to strike, the sheriff for him, it or them, may strike off four persons, and the remaining twelve shall act as jury of the inquest of damages, and to each, before he acts as such juror, the sheriff shall administer an oath or affirmation that he will justly and impartially value the damages which the owner or owners will sustain by the use and occupation of the land required by the said company, and also the benefits or advantages to accrue to the owner or owners by the construction of the said inlet as a set-off to said damages, but only in extinguishment of the claims or damages, and not for the actual value of the land or other material taken; and after having made a fair and just estimate of the advantages and disadvantages arising from the construction of the said inlet or canal for oyster planting they shall estimate and determine what amount of damages has been or may be sustained by the said owners, respectively; and the said jury shall reduce their inquisition to writing and sign and seal the same, and it shall then be returned by the sheriff to the clerk of the Circuit Court of the county, and be filed by said clerk in his office, and shall be confirmed by said court at its next term, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of the

Jury  
summoned.

Estimate  
damages.