

possessed of the property to her sole and separate use, or authorized to contract in reference to the same, *non compos mentis* or out of the county where such property wanted may lie when such property may be wanted, or for any other cause be legally incapable of contracting, application may be made by the said corporation to any justice of the peace of such 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 inhabitants of said county above the age of twenty-one years and qualified to act as jurors under the laws of this State, not related to the parties nor in anywise interested, to meet 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 and 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, shall make up twenty, 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 being present in person or agent, refuse to strike, the sheriff, for him, her, it or them, may strike off four persons, and the remaining twelve shall act as the 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 property required by the said corporation, 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 for his county, and be filed by said clerk in his office, and shall be confirmed by said court any time after the expiration of thirty days from the date of such filing, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of the corporation; but if the same be set aside the said court shall direct another inquisition to be taken, in the manner above described; and in case the second or any other inquisition which is confirmed by the court shall not award to the land owner a larger amount of damages than was awarded by the first inquisition, the court may in its discretion order the

CHAP. 473½

Condemnation
of property.Jury of inquest
of damages.