

the same, and if 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 lie, when such land or materials may be wanted, the applications may be made to any Justice of the Peace of such county, who shall thereupon issue his warrant under hand and seal, directed to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related, 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 said time and place any of said 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, or its, his, her, or their agents, if either be not present in person or by agent, the Sheriff, for it, him, her or them, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages, and before they act as such the same 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 or occupation of the same, required by the company, and the jury in estimating such damages, shall take into the estimate the benefit resulting to the said owner or owners from conducting such railroad through, along or near to the property of said owner or owners, but only in the extinguishment of the claim for damages, 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 Clerk of his county as the case may be, and by such Clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by said Clerk at the expense of said company, but if set aside the said court may direct another inquisition to be taken in the manner above prescribed, and such inquisition shall describe the property taken or the bounds of the land condemned, and the quantity and duration of the interest in the same, valued

Jury to be
summoned.