

Sheriff re-  
quired to sum-  
mon jury.

or owners of any land, earth, timber, gravel or other materials, or any improvement 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 lie, when such land or material 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 or in anywise interested in the premises to meet on the land, or the other property or materials to be valued, on a day to be specified in said warrant, not less than ten or 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 summon immediately 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, it, his, her or their agents, 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 interest 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 affected 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 inter-