

use or occupation of the same, application may be made to any justice of the peace for said county, who shall thereupon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related to the parties, or in any wise interested, to meet on the land or near to the property to be valued, on a day to be named in the warrant, not less than ten nor more than twenty days after issuing of the warrant.

Jury summoned to value damages required to take oath.

Sec. 16. The sheriff shall, before the jury proceed to act, administer to each an oath that he will justly and impartially value the damages, and if any of the jurors summoned do not attend, the sheriff shall immediately summon as many jurors as shall be necessary with those in attendance to finish the panel of twenty, and from them each party or his agent, or if either be not present in person or by agent, the sheriff, for him, may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages.

Benefits accruing to the owner of land to be estimated

Sec. 17. The jury in estimating the damages, shall take into estimate the benefit resulting to the owner from the opening and laying out said streets, lanes or alleys, through, along or near to the property of said owner, but only in the extinguishment of the claims for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the sheriff to the clerk of the circuit court for said county, 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 Commissioners.

Inquisition to be reduced to writing, &c.

Inquisitions, payment of valuation, title to property, &c.

Sec. 18. If said inquisition be set aside, the said court may direct another to be taken in the same manner as the first; every inquisition shall describe the property taken or the bounds of the land condemned, and the quantity and duration of the interest in the same, therein valued, and such valuation when paid or tendered to the owner of the property or his legal representatives, shall entitle the said Commissioners to the estate, use and interest in the same so valued for the purposes aforesaid, as fully as if the same had been conveyed by