

and construct all works whatsoever, necessary or expedient, in order to the proper completion of said road. CHAP. 96.

SEC. 10. *And be it enacted*, That the president and directors of said company or a majority of them or their agents may agree with the owner or owners of any land, earth, timber, gravel or other material or any improvements 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 nor in any wise interested in the premises to meet on the land or near the other property or materials to be valued on a day to be specified in said warrant, not less than ten nor 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

May agree with owners of land, &c., for the construction and repair of road.

In case of disagreement, jury to assess damages.

Oath.