

CHAP. 267. poses of this act, for the purchase thereof; or in case the owner or owners thereof are minors, feme covert or non compos mentis, or not resident of the county of Frederick, it shall and may be lawful on application of said president and directors for any justice of the peace in and for Frederick county, to issue his warrant to the sheriff of Frederick county, commissioning the said officer to summon five inhabitants of said county, not related to the said owners, nor in any manner interested, to meet where the land or materials are to be valued at a day to be expressed in the warrant, of which five days' notice shall be given by the sheriff to the owner or occupant of said lands, and to the president of this company, said owner if an infant or non compos mentis, to his or her guardian, and if he or she should reside out of the county as aforesaid it shall be the duty of the said sheriff to notify him or her of the time and place where said jury or arbitrators are to meet by making publication thereof in some newspaper printed in Frederick city for three successive weeks before the time appointed, and the sheriff on receiving said warrant shall proceed to summon said arbitrators, and when they have assembled he shall administer an oath or affirmation, as the case may be, to each, to value said materials, impartially and honestly; or if it be land, they shall be required to value said land impartially and honestly and assess the damages, if any, that said owner or owners may sustain by the passing of said road through his or her premises, taking into consideration the convenience and value he or she may derive from the improvement and widening of said road with its benefits and advantages to the best of their skill and judgment, and the inquisition or arbitration thus taken shall be signed by the sheriff or his deputy in his behalf, and at least three of the arbitrators, which said arbitration shall be conclusive to all the parties interested and without appeal, the same shall be returned to the clerk of the Circuit court for Frederick county, to be by him recorded at the expense of the company and of the owner or owners, the one-half of the costs in the case to be paid by the said company, and the residue by the owner or owners, and the amount of said arbitration as damages shall be paid to the said owner or owners or his, her or their legal representatives by the president and di-

Damages.