

CHAP. 498. timber, gravel, stone, or other materials, which may be wanted for the construction or repair of any part of said road, or any of its works, and may make and construct all works whatsoever, which may be deemed necessary or expedient, in order to the proper completion of the said rail road.

Inquisition—
how and when
taken

SEC. 12. *And be it enacted*, That the president and directors of said company, or any person or persons authorised by them, may agree with the owner or owners of any land, earth, timber, gravel, stone, or other materials, or any improvements, which may be wanted for the construction of said road, or any of its works, for the purchase or use and occupation of the same, and if they cannot agree, and if the owner or owners of any them be a feme covert, under age, non compos mentis, or out of the county, in which the property, other than warehouses and quarries, wanted may lie, when the same may be wanted, application may be made to any justice of the peace of the county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of the county, requiring him to summon a jury of twenty inhabitants of the county, not related or in anywise interested in the premises, to meet on the land or near to the other property or materials, as before described to be valued, on a day named in the same warrant, not less than ten nor more than twenty days after the issuing of the same, and if at such time and place any of said jury shall not attend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jury in attendance, to furnish a panel of twenty jurors in attendance, and from them, each party, or his, her or their agents, or if, either be not present, the sheriff for him, her, it or them, may strike out four jurors, and the remaining twelve shall act as a jury of inquest of damages, and before they act as such, the said 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 and occupation of the same, required by the company, and the jury, in estimating such damages, shall take into estimate the benefits resulting to the said owner or owners, by the construction of said rail road through the property of said owner or owners, but only in 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 said sheriff to the clerk of the county, 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