

railroads, authorised by this act shall have the right if they cannot agree with the owners of any lands, earth, gravel, stone or other materials wanted for the construction or repairs of such road or roads, for the purchase, use or occupation of the same, or if the owner or owners or any of them be a *feme covert*, under age, *non compos mentis*, or out of the county, application may be made to any Justice of the Peace for Allegany 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, nor in any wise interested, to meet on the land or near to the other property or materials to be valued, on a day mentioned in said warrant, not less than ten nor more than twenty days after the issuing of the same, and if at the same time and place, any of said jurors shall not attend, the Sheriff shall immediately summon as many jurors as may be necessary with those in attendance, to furnish a panel of twenty jurors, and from them, each party, his, her or their agents, or if either be not present in person or by agent, the Sheriff for him or them, may strike off four jurors, and the remaining twelve shall act as the 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 of said land, earth, gravel, stone or other materials will sustain by the use or occupation thereof by said company, and if required by the 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 they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed in such 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 to be justly made by the said company to the party or parties owning or interested in the real estate or other property, appraised by them, and in determining the