

a "*feme sole*," "*feme covert*," or without power to contract in that regard, under age, "*non compos mentis*," or under any other legal disabilities to contract, or be out of the county in which the property may lie, at the time the same is wanted, then in all such cases application may be made by the said company to any justice of the peace for the county or city in which said land, rights or material may lie and thereupon the said justice of the peace shall issue his warrant under his hand and seal, directed to the sheriff of the county or city in which said land, rights or materials may lie, requiring him to summon a jury of twenty inhabitants of said county or city, not related to the owner or in anywise interested in said land or material, and not stockholders of said company, to meet on the land or near the other property or materials to be valued and condemned, on a day named in said warrant not less than ten or more than twenty days after issuing the same; and if, at said time and place, any jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance to make twenty jurors; and from them each party, or its, his, her or their agent, or if either party be not present in person or by agent, the sheriff, for him, her, it or them, may strike off four jurors, and from those remaining on the list the sheriff shall select twelve, to act as the jury of inquest of damages.

The sheriff shall, before they proceed to act as such, administer to each of said jurors an oath or affirmation, as the case may be, that he will justly and impartially value the damages which the owner of the property will sustain by reason of the occupation and taking of said property or materials required by the said company; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court for his county; and if no sufficient cause to the contrary be shown within thirty days from the filing of said inquisition, the same shall be ratified and confirmed by the said court, and when ratified and confirmed, shall be recorded by said clerk, at the expense of said company; but if set aside, the court shall direct another inquisition to be taken in the manner and form hereinbefore prescribed, and like proceedings shall be had until an inquisition in reference to said condemnation shall be confirmed, and every such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of interest in the same, valued for the company; and such valuation when paid or tendered to the owner of said property or his legal representative, after the

Oath to be administered.