

rors, before he proceeds to act, the sheriff shall administer an oath or affirmation that he will well, truly, faithfully and impartially assess the damages and benefits which the owner of said land will sustain by reason of the construction of said railroad, and the use or occupation of said land by said company taking into account as well the advantages to the owner as the disadvantages, and including the fencing if any be required, and ascertaining by their finding and verdict whether the owner or the company shall be at the expense of the erection and continuance of the same; and the jury shall cause such witnesses to be summoned as either party may require and may examine them on oath or affirmation, to be administered by the sheriff, and of a fair and just determination of the advantages and disadvantages they shall determine and in writing report what damages, if any, shall be paid to the owner or owners of said land, allotting, according to each of their several estates or interests, to the owner or owners his, her or their respective share or shares of said damages, if any; and the said jury shall reduce their inquisition to writing and sign and seal the same, and return it to the Clerk of the Circuit Court of Cecil County, and if no sufficient cause be shown, the same shall be confirmed by the Court at its next subsequent session, and when confirmed shall be recorded, and when so confirmed and recorded, shall be a full transfer of the estate or estates of the said owner or owner to the said company, when the said valuation of damages shall be paid or tendered to be paid to the owner or owners of said estate or estates, lands, tenements and hereditaments; *provided*, that no land or private property shall be taken by said company for its use without just compensation as agreed upon by the parties or awarded by the jury be first paid or tendered to the party entitled to such compensation; and in case where the Court shall set aside the inquisition, it may upon application direct a new inquisition to take place in the same manner as hereinbefore provided for.

Oath to be taken.

Proviso.

Tolls.

Sec. 9. *And be it enacted*, That on the completion of the said road, or any part thereof, the said