

the same and due consideration of all the advantages and disadvantages of the said road to the owner or owners, shall assess the damages of the said owner or owners, and shall certify their finding and award in writing to the Clerk of the Circuit Court for Worcester county, in which certificate they shall describe the lands condemned and the same shall be recorded among the land records of his office, and a copy thereof under the seal of the said office shall be legal evidence in any of the Courts of this State, and the said Company on paying the damages so assessed shall be entitled to have, hold, use and enjoy the said land forever for the purposes by them required, and in case any owner or owners of the land as aforesaid condemned shall be a minor, or a non-resident or from any cause shall be incapable of receiving, or unwilling, or neglects to receive, or shall refuse to receive the said damages, the said company may pay the same to the Clerk of the said Court to whom the assessment has been returned subject to the order of said owner or owners, and the said clerk shall endorse a receipt for said damages on said certificate of assessment to be recorded therewith, and thereupon the said company shall be entitled to have, use and enjoy the said lands forever as aforesaid; and all the expenses of making, filing, and recording the said assessment and receipt shall be paid by the said company.

Where owners of land are dissatisfied.

Sec. 9. *And be it further enacted,* That if the said Company or the owner or owners of any land required for the purpose of the said Company shall be dissatisfied with the award of damages made, and certified as aforesaid, the said Company or said owner or owners, may by petition to the Circuit Court for Worcester County, at the next Session thereof or within thirty days from the filing of the said award setting forth the grounds of dissatisfaction with the award, caveat the same, and thereupon the said Court shall have jurisdiction of the matter, and the appearance of the defendant shall be compelled and the cause stand for trial, as in cases of appeals from judgments of Justices of the Peace, and upon the appearance of the defendant or defendants, the matter in issue, if matter of law shall be tried by the Court, if matter of fact