

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 will sustain by the use or occupation of the same required by the Company, and also the benefits and advantages to accrue to the owner or owners by the construction of the said road as a set off to the said damages, but only in extinguishment of the claim for damages, and not for the actual value of the land or other material taken, and after having made a fair and just off-set of the advantages and disadvantages arising from the construction of the said Railroad, they shall estimate and determine what amount of damages has been or may be sustained by the said owner or owners, respectively, and the said sheriff shall summon such witnesses as the parties may require, who shall be examined on oath or affirmation, to be administered by the said sheriff in relation to the value of the land to be condemned and the damages to adjacent land of such land owner ; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the sheriff to the Clerk of the Circuit Court of the county in which the lands or materials are situated, 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 within the first ten days of the term next after the said return, and when confirmed shall be recorded by the said Clerk at the expense of said Company, or owner or owners of said property, as the Court may award, but if set aside, the said Court may direct another inquisition to be taken in the manner above prescribed, the cost of such second inquisition to be in the discretion of the Court, and such inquisition shall describe the property taken, or the bounds of the lands condemned, and the value of the same, and such valuation when paid or offered to the owner or owners of said property, or his, her or their legal representatives, shall entitle the said Company to the estate, use of and interest in the same thus valued as fully as if it had been conveyed by the owner or owners of the same ; and the valuation, if not received when

Summon witnesses.

Clerk to record.