

CHAP. 296.

Jury summoned.

Proceedings directed.

Rule of estimating

Return in writing.

Confirmation required.

Second inquest.

Description required.

On payment.

Title vested.

Proviso.

directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related, nor in anywise interested, to meet on the land, or near to the other property or materials, to be valued, on a day named in said warrant, not less than ten or more than twenty days after the issuing of the same; and if, at said time and place, any of said jurors summoned, do not attend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a pannel of twenty jurors in attendance, and from them, each party, or its, his, her, or their agent, if either be not present in person or by agent, the sheriff, for him, her, it, 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 will sustain by the use or occupation of the same, required by the company; and the jury, in estimating such damages, shall take into the estimate the benefits resulting to the said owner or owners, from conducting such rail road through, along, or near to the property of said owner or owners, but only in the extinguishment of the claim for damages; 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 said sheriff to the clerk of his county, and by such clerk filed in his court, and shall be confirmed by the said court, at its next session, if no sufficient cause to the contrary be shewn; and when confirmed shall be recorded by the said clerk, at the expense of said company; but, if set aside, the said court may direct another inquisition to be taken in the manner above prescribed; and such inquisition shall describe the property taken, or the bound of the land condemned, and the quantity of duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate, 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 tendered, may, at any time thereafter, be received from the company, without cost, by the said owner or owners, his, her, or their legal representative or representatives; *Provided*, That nothing herein contained shall authorise the said company to take or use any timber, without the consent of the owners thereof, except only such as shall be on the bed of said rail road.