

either party be not present, in person or by agent, the sheriff for him may strike off four jurors, and the remaining twelve shall act as a jury of inquest of damages.

129. The sheriff shall, before the jury proceed to act, Jurois' oath. administer to each an oath that he will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of his, her or their property for the uses and purposes hereinbefore mentioned.

130. The jury in estimating the damages sustained How damages estimated. by the owner or owners as aforesaid, shall take into consideration the benefit resulting to said owner or owners, by opening or laying said streets, lanes or alleys, through, along or near the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing and shall sign and seal Inquisition returnable to circuit court. the same and it shall then be returned by the sheriff to the clerk of the circuit court for said county, and shall be confirmed by said court at its next session if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of said president and commissioners.

131. If said inquisition be set aside, the said court New inquisition. may direct another to be taken in the same manner as the first.

132. Every inquisition shall describe the property What inquisition to describe. taken or the bounds of the land condemned, and the quantity or duration of the interest in the same valued and condemned by said inquisition, and such valuation, when paid or tendered to the owner of said property, or his legal representatives, shall entitle the said president and commissioners to the estate, use and interest in the same, so valued and condemned for the purpose aforesaid, as fully as if the same had been conveyed by the owner; and the valuation, if not received from the said president and commissioners when tendered, may at any time thereafter be received, without cost, by the said owner or his legal representatives.