

occupation of the property required by the said company, and the said jury shall reduce their inquisition to writing, and sign and seal the same; and it shall then be returned by the sheriff to the clerk of the circuit court for his county, and be filed by said clerk in his office, and shall be confirmed by said court at its next term or session, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by said clerk at the expense of the company; but if the same be set aside, the said court shall direct another inquisition to be taken, in the manner above described, and in case the second, or any other inquisition which is confirmed by the court, shall not award to the land owner a larger amount of damages than was awarded by the first inquisition, the court may, in its discretion, order the costs of the said second or other inquisition to be paid by the owner or owners of said land, or materials condemned; and the inquisition shall in all cases describe the property taken or the bounds of the lands condemned, and the quality or duration of the interest in the same, valued for the company, and such valuation, when paid or tendered to the owner or owners of the property, his, her or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as if it had been legally conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received without costs from said company by the owner or owners, his, her or their legal representatives; and the sheriff shall keep the said jury together for a reasonable time, until they shall agree upon and sign and seal the said inquisition; and in case it shall so happen that the jury cannot agree, after being kept together as aforesaid, the sheriff may, in his discretion, discharge the said jury, and without any further warrant from a justice of the peace, shall, within five days thereafter, summon another jury of twenty inhabitants as aforesaid, not upon the former jury; and the same proceedings shall be had in all respects as is hereinbefore provided; and in case of a second or other disagreement of the jury, the same proceedings shall be had until a verdict or inquisition shall be made and returned as aforesaid.

1876, ch. 242, sec. 12.

**168.** Whenever any railroad company, heretofore incorporated, or which may hereafter be incorporated, shall find it necessary