

strike off four jurors for such absent or refusing parties, and the remaining twelve of such panel shall act as the jury of inquest of damages; and before they act as such the 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 and benefits, which the owner or owners of said lands will sustain by the use or occupation of the same required by the said railway company, and if required by the party or parties whose lands are to be affected by the proceedings, or by the said railway company, or their agent or agents, the jury shall cause to be summoned by the sheriff such witnesses as the parties may require, and shall examine them, on oath or affirmation, to be administered by the sheriff, in relation to the value of the property to be condemned, and after the testimony is closed, and without unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said railway, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained by said owner or owners respectively, and make report thereof accordingly; 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 the Circuit Court for 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 shown; and when confirmed, it shall be recorded by the said clerk, at the expense of the said railway company, but if set aside, the said court may direct another inquisition to take place, in the manner before described, and in case the second or any other inquisition which shall be 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 said inquisitions, or either of them, to be paid by the owner or owners of said land, and 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

Value damages.

Examine under oath.

Return to sheriff.

Award damages by inquisition.