

his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury, of twenty inhabitants of said county, not in anywise interested to meet on the land or near the property or materials as before described, to be valued on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same, and if at the 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, 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, 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 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 said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of the circuit court of his county, 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, and when confirmed shall be recorded by said clerk, at the expense of said company or owner or owners of 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, and such inquisition shall describe the property taken or the bounds of the lands 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, or his, her or their legal representative or representatives, and every juror shall be entitled to one dollar per day, while in attendance, and the sheriff to his regular fees as for similar services; *Provided always*, that no timber shall be cut on any land other than the bed of the rail road company, by order of the said rail road company, or taken by them for the use of the said road without the consent of the owner.

Oath.

Inquisition to be returned to clerk of Circuit court, and by him recorded.

If set aside, court may direct another inquisition.

Proviso.