

Testimony to be reduced to writing.

Inquisition to be reduced to writing and returned to clerk of Circuit court.

If set aside, court may direct another inquisition.

Proviso.

ies may require, and shall examine them on oath in relation to the value of the property to be condemned; and they shall reduce the testimony if any is taken by them in writing, and after the testimony is closed in such case and without any unnecessary delay, and before proceeding to the examination of any other claim, they shall ascertain and determine the compensation which out to be justly made by said company to the party or parties owning or interested in the real estate appraised by them, and in determining the amount of such compensation the jury shall not make an allowance or deduction on account of any real or supposed benefits which the parties in interest may derive from the construction of said rail road, and the said company shall give notice to all persons whose interests are to be effected by the condemnation of any land, in writing or by an advertisement in a newspaper published in the town of Cumberland for at least three weeks successively of the time and place of holding such inquisition; the said jury shall reduce their inquisition to writing and shall sign and seal the same, and it shall be returned by the said sheriff to the clerk of the Circuit court for Allegany county, and by said clerk filed in his office, and shall be confirmed by the said court at its next session if no sufficient cause to the contrary be shown and when confirmed shall be recorded by the said clerk at the expense of the 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, the bounds of the land condemned and the quantity or duration of interest in the same condemned for the company, and such valuation when paid into court or paid or tendered to the owner or owners of the said property or to his, her or their legal representatives and not before, shall entitle the said company to the estate, use and interest 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 recovered from the said company, without cost by the said owner or owners, his, her or their legal representatives; *Provided further*, that any person or persons have the privilege of connecting a lateral road with the main rail road of the said company, subject to the reasonable regulations of the said company, and the payment of such tolls as they may impose, not exceeding three cents per ton per mile, on all goods, merchandise and other property, and not exceeding two cents per mile for every passenger transported thereon, and that the said company be, and they are hereby re-