

Oath.

a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same; and if at 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, to furnish a panel of twenty jurors in attendance, and from them each party, or its, his, her, or their agents, or if either be not present in person or by agent, the Sheriff for him, her, it 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 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 jury in estimating such damages shall take into the estimate the benefits resulting to the said owner or owners from conducting such railroad through, along or near to 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 the same, and it shall then be returned by said Sheriff to the Clerk of the Circuit Court for his county, and by such Clerk be 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; 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 land condemned, and the quantity or duration of the interest in the same value 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 costs, by the said owner or owners, his, her or their legal representative or representatives.