

Provisoos. in which the property wanted may lie, when such land or materials may be wanted, the applications may be made to any Justice of the Peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of ten inhabitants of said county not related nor in any wise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after issuing the same, and if at said time and place any of said jurors summoned do not intend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of ten jurors, and from them each party, or its, his, her or their agents, if either be not present in person or by agent, the sheriff for it, him, her, or them may strike off three jurors, and the remaining seven shall act as a 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 occupation or use of the same, required by the company, and the jury in estimating such damages, shall take into the estimate the benefit resulting to the said owner from conducting such railroad through, along or near to the property of said owner or owners, not only in the 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 the said sheriff to the Clerk of his county as the case may be, 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, but if set aside the said Court may direct another inquisition to be taken in the manner above presented, and such inquisition shall describe the property taken, or the bounds of the lands condemned, and the quantity and 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