

CHAP. 123. 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 in-
 quest of damages; and before they act as such, the said sheriff
 shall administer to each of them on 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 occu-
 pation of the same required by the company; and the jury in es-
 timating such damages shall take into the estimate the benefit re-
 sulting to the said owner or owners from conducting such rail
 road 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 or prothonotary of his county, as the case
 may be, and by such clerk or prothonotary, filed in his court,
 and shall be confirmed by said court at its next session, if no suf-
 ficient cause to the contrary be shewn; and when confirmed,
 shall be recorded by said clerk or prothonotary, at the expense
 of said company, but if set aside, the said court may direct ano-
 ther 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 in-
 terest 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 costs,
 by the said owner or owners, or his, her, or their legal represen-
 tative or representatives.

In crossing any
 established road
 not to impede
 passage of persons,
 &c.

16. *And be it enacted*, That wherever, in the construction
 of said road or roads, it shall be necessary to cross or intersect
 any established road or way, it shall be the duty of the presi-
 dent and directors of said company so to construct the said road
 across such established road or way, as not to impede the pas-
 sage or transportation of persons or property along the same:
 or where it shall be necessary to pass through the land of any
 individual, it shall also be their duty to provide for such indi-
 vidual proper wagon-ways across said road or roads, from one
 part of his land to the other.

When necessary,
 to occupy lands,
 &c.

17. *And be it enacted*, That whensoever it shall be necessary
 for said company to have, use or occupy, any lands, materials,
 or other property, in order to the construction or repair of any
 part of said road or roads, or their works or necessary build-
 ings, the president and directors of said company, or their a-
 gents, or those contracting with them for making or repairing
 the same, may immediately take and use the same, (they having
 first caused the property wanted to be viewed by a jury, formed
 in the manner herein before prescribed,) in those cases where
 the property is to be changed or altered by admixture with other
 substances before such alteration is made, and that it shall not
 be necessary, after such view, in order to the use or occupation
 of the same, to wait the issue of the proceedings upon such