

CHAP. 170 the pannel remain, the sheriff shall strike so as to reduce it to that number, and the twelve remaining 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 damage which the owner or owners may 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 benefit resulting 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 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 shewn; 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, 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.

Cross ways provided for

Sec. 5. *And be it enacted,* That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and managers of the said company, so to construct the said road across such established way or road, as not to impede the passage 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 individual, proper wagon-ways across said road or roads, from one part of his land to the other; and if any road shall be hereafter authorised by the Legislature or county authority of this state, the direction of which shall lead across the rail road hereby authorised, it shall be the duty of the company in this act mentioned, so to construct or alter that part of the rail road as shall permit the passage of any road hereafter to be allowed by the Legislature or county authorities of this state, at the expense of the county or persons opening said road.

Immediate use of materials provided for

SEC. 6. *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 their works or necessary