

CHAP. 338

Estimate  
damagee.

company ; but if the same be set aside, the said court shall direct another inquisition to be taken in a manner described above ; and in case the second or any other inquisition which is confirmed by the court shall not award to the land owner a larger amount of damages than was awarded by the first inquisition, the court may, in its discretion, order the costs of the said second or other inquisition to be paid by the said owner or owners of said land or materials condemned, or the inquisitions shall in all cases describe the property taken or the bounds of the land condemned, and the character 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 the property, his, her or their legal representatives, shall entitle the said company to the estate or interest in the same thus valued as if it had been legally conveyed by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be recovered without costs from said company by the owner or owners, his, her or their legal representatives, and the said sheriff shall keep the said jury together for a reasonable time until they shall agree upon and sign and seal the said inquisition ; and in case it shall happen that the jury cannot agree after being together as aforesaid, a sheriff may, in his discretion, discharge the said jury, and without any further warrant from a justice of the peace shall, within five days thereafter, summon another jury of twenty male inhabitants as aforesaid, not upon the former jury, and the same proceedings shall be had in all respects as hereinbefore provided ; and in case of a second or other disagreement of the jury, the same proceedings shall be had until a verdict or inquisition shall be made and returned as aforesaid ; but nothing contained in this Act shall authorize said company to take private property for their use without just compensation, as agreed upon between the parties.

Sheriff may  
summon  
another jury

SEC. 13. *And be it enacted,* That if any person or persons shall injure the said inlet or canal, or any other works connected therewith, or the oyster farms and oysters belonging to said company, they shall forfeit and pay damages sustained therein, to be recovered with cost of suit in the name of said corporation, before the Circuit Court of Worcester county, or any justice of the peace, as the case may be.

Damages  
awarded.