

damages which the owner or owners will sustain by the use and 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 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 sufficient cause to the contrary be shown, and when confirmed, shall be recorded by the said clerk or prothonotary, 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 of 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 its, 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, his, her or their legal representative or representatives.

Sec. 16. *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 said president and directors of the said company, so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide at the expense of the company, for such individual, proper wagon ways, across said road or roads, from one part of his land to the other.

Crossing or intersecting of any road, &c

Sec. 17. *And be it enacted*, That whenever 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 the said road, its works or necessary buildings, the president and directors of said company, or their agents, 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 same manner hereinbefore prescribed, in those cases where the property is to be changed

When necessary to occupy land, &c possession thereof may be taken, &c