

be located, to be commissioners to assess damages of landowners, and upon the death, resignation, removal from the county or neglect or refusal to act of any commissioner appointed under this act, upon like application the said court shall as often as any vacancy may occur fill the same; and the said application and appointment shall be returned and recorded by the clerk of the county in which said commissioners may reside, and the said commissioners before they act shall take an oath before the said judge or justice of the peace of the county, and the same shall be certified by said judge or justice, and recorded as aforesaid, to view and examine the lands of owners on whose lands said railroad may have been or may be located, to consider all the benefits and advantages which said owners may derive from or in consequence of the said road, and all the disadvantages and injuries he, she or they may sustain thereby and fairly and impartially assess the damages of such owner or owners, and in all things faithfully to execute the duties hereby imposed upon them, and the said commissioners shall be entitled to four dollars per day for every day they may be occupied in the discharge of the duties hereby imposed, to be paid by the said company.

CHAP. 59.

SEC. 3. *And be it further enacted,* That whenever it shall be necessary for the said company to enter upon and occupy for the purpose of making the said railroad any lands on which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to the said land by such entry and occupation, the said commissioners or a majority of them on being notified by the said company shall go upon said lands, and after viewing the same and due consideration of all the advantages and disadvantages of the said road to the owner or owners of said lands, shall assess the damages of the said owner or owners, and shall certify their finding and award in writing to the clerk of the Circuit court of the county in which said land may lie, in which certificate they shall describe the lands condemned, and the same shall be recorded among the land records of his office, and a copy thereof under the said office shall be legal

Certificate of award to be filed with the clerk of Circuit court.