

CHAP. 59. evidence in any of the courts of this State, and the said company on paying the damages so assessed, shall be entitled to have, hold, use and enjoy the said lands forever for the purposes by them required, and in case any owner or owners of the land as aforesaid condemned, shall be a minor or a non-resident, or from any cause shall be incapable of receiving, or unwilling or neglects to receive, or shall refuse to receive the said damages, the said company may pay the same to the clerk of the said court to whom the assessment has been returned, subject to the order of said owner or owners, and the said clerk shall endorse a receipt for said damages on said certificate of assessment to be recorded therewith, and thereupon the said company shall be entitled to have, use and enjoy the said lands forever as aforesaid; and all the expenses of making, filing and recording the said assessment and receipts shall be paid by the said company.

Company or
owners of
land may ap-
peal.

SEC. 4. *And be it further enacted,* That if the said company, or the owner or owners of any land required for the purposes of the said company shall be dissatisfied with the award of damages made and certified as aforesaid, the said company or said owner or owners may, by petition to the Circuit court of the county in which the said lands may lie, at the next term thereof or within thirty days from the filing of the said award, setting forth the grounds of dissatisfaction with the award caveat the same, and thereupon the said court shall have jurisdiction of the matter, and the appearance of the defendant shall be compelled and the cause stand for trial as in cases of appeals from judgments of justices of the peace, and upon the appearance of the defendant or defendants, the matter in issue, if matter of law, shall be tried by the court, if matter of fact, shall be tried by a jury under the direction of the court; and the said court may amend the said certificate if the same shall be necessary, and if any increased damages shall be found by the jury, the judgment shall be rendered against the company for such increased sum, together with the amount of damages assessed by the commissioners, if the same has not already been paid or deposited as aforesaid, and unless the same is paid or deposited within sixty days from the rendition thereof execution may issue therefor, and the said company shall have no right to enter or continue upon the said land until it is paid, and if

Court may
amend certifi-
cate.