

CHAP. 96. proceeding to the examination of any other claim, they shall ascertain and determine the compensation which ought justly to be made by the said company to the party or parties owning or interested in the real estate appraised by them, and said company shall give written notice to all persons whose interests are to be affected by the condemnation of any lands of the time and place of holding the inquisition at least ten days prior to the holding of such inquisition, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the Circuit court for his county, and by such clerk filed in this 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 said clerk at the expense of said company, but if set aside the said court may direct another inquisition to take place in the mode before described, and such inquisition shall describe the property taken or the bounds of the lands 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 said 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 representatives; *Provided*, that no private property shall be taken by said company for the use of said road without just compensation as agreed upon between the parties or awarded by the jury, being first paid or tendered to the party entitled to such compensation; *and provided*, that no timber of any kind shall be cut on any land other than the bed of the rail road by the company or taken by them, or any of their agents or employees for the use of the said railroad, without the consent of the owners; *and provided further*, that all costs and expenses that may accrue in consequence of the condemnation of any lands or material for the use of the said railroad shall be paid by the said railroad company.

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

Valuation, when tendered, may entitle company to property.

Provisos.