

**CHAP. 138.** less than ten nor more than thirty days after issuing the same, and in case any of the jurors aforesaid do not attend the sheriff shall, instanter, summons as many jurors as may be necessary with the jurors in attendance, to finish a panel of twenty-eight jurors in attendance, and from them each party, his, her, or their agent, and if either be not present in person or by agent, the sheriff may strike off four jurors for each of the absent parties, and the remaining twelve shall act as such; the sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damages and benefits which the owner or owners of said lands will sustain by the use or occupation of the same by the company, if required by the party or parties whose lands are to be affected by their proceedings, or by the said railroad company, or their agent or agents; the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath or affirmation in relation to the value of property to be condemned, and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed and without any unnecessary delay, and after having made a fair and just comparison of the advantages and disadvantages arising from the said railroad, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained by the said owner or owners, respectively, and make a report thereof accordingly, and the said jury shall reduce their inquisitions to writing, shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the Circuit court of his county, and by such clerk 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 said clerk, but if set aside the said court may direct another inquisition, to take place in the manner before described, whose decision shall be returned as before directed, and such valuation, when paid as 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

Verdict to be returned to clerk of Circuit court.

When the valuation is tendered, the company to be entitled to property.