

CHAP. 342. after the testimony is closed in such case, and without any unnecessary delay, and before proceeding to the examination of any other claims, they shall ascertain and determine the compensation which ought to be justly made by said company to the party or parties owning or interested in the real estate or other property appraised by them, and in determining the amount of such compensation, the jury shall make any allowance or deduction on account of any real or supposed benefits which the parties in interest may derive from the construction of any railroad or railroads, tram or train road, but only in extinguishment of any claim for damages made by the owner of the land or materials through which said railroad or train road may pass; and the said company shall give notice to all persons whose interests are to be affected by the condemnation of any land or other material, in writing or by advertisement in a newspaper published in the city of Cumberland for at least three weeks successively, of the time and place of holding such inquisition; the said jury shall reduce the inquisition to writing, shall sign and seal the same, and it shall be returned by the said sheriff to the clerk of the Circuit court for Allegany county, and be by said clerk filed in his office, and shall be confirmed by the said Circuit 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 be taken in the manner above prescribed, and such inquisition shall describe the property taken, the bounds of the land condemned, and the quantity or duration of interest in the same condemned for said company, and such valuation, when paid into court, or paid or tendered to the owner or owners of said property, or to his, her or their legal representative, and not before, shall entitle the said company to the estate, use and interest thus valued as freely 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 recovered from said company without cost by the said owner or owners, his, her or their legal representatives; *Provided*, that any company now or hereafter to be incorporated shall have the privilege of connecting a lateral railroad with the main railroad or railroads hereby

Damages.

Valuation, when tendered, may entitle the company to property.

Proviso.