

CHAP. 231. inundation or otherwise, to or on such lands, or the partial or temporary appropriation, use or occupation of such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person for favor or affection, nor any person aggrieve for malice, hatred or ill-will; and in every such valuation and assessment of damage, to be by the said jury so fixed, assessed and valued, the amount of damage to any such owner of lands as aforesaid, and the inquisition thereupon taken shall be signed by the sheriff and all of the said jury so sworn, and returned by the sheriff to the clerk of his county, and unless good cause be shown against the said inquisition, it shall be affirmed by the court and recorded; but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may at its discretion as often as may be necessary, direct another inquisition to be taken in the manner above described, and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the lands by them valued, and the quality of duration of the interest and estate in the same required by the said company for its use, and their valuation shall be conclusive on all persons, and shall be paid for by the president and directors to the owner of the land, or his or her legal representatives; and on payment thereof, the said company shall be seized of such land as of an absolute estate in perpetuity, or with such less quantity and duration of interest or estate in the same, or subject to such partial or temporary appropriation, use or occupation as shall be required and described as aforesaid, as if conveyed by the owner to them, and whenever in the construction of the said dam or slack water navigation, or any other works thereof, of bridges, aqueducts, culverts or works of any other description whatsoever, appurtenant thereto, it shall be necessary to use earth, timber, gravel or stone or any other material to be found on any of the lands adjacent or near thereto; and the said president and directors or their agent, cannot procure the same for the works aforesaid by private contract of the proprietor or owner on reasonable terms, or in case the owner should be feme covert, or non compos mentis, or under age, or out of the State or county, the same proceedings in all respects shall be had as in the case before mentioned, of the assessment and condemnation of the land required for the said improvement, by said locks and dams on the works appurtenant thereto.

Valuation by  
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