

CHAP. 309. county, requiring him to summon a jury of twenty inhabitants of said county, to meet on the land to be valued on a day specified in said warrant, not less than five nor more than ten days after issuing the same, and in case any of the jurors aforesaid do not attend, the said sheriff shall instanter summon as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty 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 the jury of inquest of damages, and before they act as such, the said 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 which the owner or owners of said land, will sustain by the use or occupation of the same, required by the company, and the jury, in estimating such damages, shall take into the estimate the benefit resulting to the said owner or owners from conducting such rail road through or along the property of the said owner or owners, but only in extinguishment of the claim of damages, and the said jury shall reduce their inquisition to writing, shall sign and seal the same, and it shall then be returned by the said sheriff, to the clerk 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, 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 land 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, and if required by the party or parties whose lands are to be affected by their proceedings, the jury shall cause to be summoned such witness as the parties may require, and shall examine them on oath, in relation to the value of the property to be condemned, and the damages to that adjoining; and they shall reduce the testimony to writing, if any is taken by them, and after the testimony is closed in each case, and without any unnecessary delay, and before 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