

E. LOUIS LOWE, ESQUIRE, GOVERNOR. 1852.

ed for the construction or repair of said road, for the use and occupation of the same, and if they cannot agree, or if the owner or owners thereof shall reside out of the State, application may be made to any justice of the peace of Washington county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of the county, requiring him to summon a jury of twenty inhabitants of said county, not in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same, and if, at the said time and place, twelve persons do not attend, the said sheriff shall immediately summon as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors, and from them each party, his, its, her or their agents, or the sheriff for him, it, her or them, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages, and before they so act, the sheriff shall administer an oath or affirmation, as the case may be, that he will impartially value the damages which the owner or owners of the land or materials will sustain by the occupation of the same, required by the company, and the jury, in estimating such damages, shall take into the estimation the benefits resulting to such owner or owners, from constructing said turnpike road through, along or near the property of said owner or owners, but only on the extinguishment of the claim and damages, and the said jury shall reduce their inquisition to writing, describing the bounds of the land condemned, and shall sign and seal the same, and through the sheriff return the same to the clerk of the Circuit court of Washington county, and by the said clerk filed in his court, and unless set aside by the court at its next session, shall be recorded by the said clerk, and shall entitle the said company to the estate and interest of the property thus valued as fully as if it had been conveyed by the owner or owners of the same; *Provided, however,* the said company shall have paid or tendered the valuation of the damages assessed by the said jury to the owner or owners thereof, or his, her, its or their legal representatives.

SEC. 11. *And be it enacted,* That nothing in this act, shall be so construed as to authorise the said company to issue any note, token scrip, device, or other evidence of debt, to be used as currency; and the Legislature hereby reserves the right to alter, amend or annul this act of incorporation at pleasure.

SEC. 12. *And be it enacted,* That this act shall go into effect immediately after its passage.

CHAP. 318.

Proviso.

Banking for-
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