

not less than ten or more than twenty days after the issuing of the same; and if at the same time and place, any of said jurors summoned 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 in attendance, and from them, each party, or its, his, her or their agent, if either be not present in person or by agent, the sheriff for him, her or them, may strike off four jurors, 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 will sustain, by the use or occupation of the same, required by the company; and the said jury shall reduce their inquiry to writing, and shall sign and seal the same, and it shall then be returned by the 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 not sufficient cause to the company be shown; and when confirmed, shall be recorded by said clerk at the expense of said company, or owner or owners of property, as the court may award, but if set aside, the said court may direct another inquiry to be taken in the manner above prescribed, and such inquiry shall describe the property taken, or the bounds of the lands 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, shall entitle the said company to the estate, use of, 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 valuation, if not received when tendered, may at any time thereafter be received from the company, without cost by the said owner or owners, or his, her or their legal representative or representatives, and every juror shall be entitled to one dollar per day while in attendance, and the sheriff to his regular fees as for similar services; *Provided, always,* that no timber shall be cut on any land other than the bed of the rail road company, by order of the said rail road company, or taken by them for the use of the said road, without the consent of the owner.

Proviso.

Authority to increase the stock.

SEC. 6. *And be it enacted,* That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the