

and Delaware Rail Road Company shall be excluded from voting at any election or meeting of said Company on account of the arrearages named in the eighth section of the charter of said company; *Provided*, The said arrearages be paid to the Treasurer, or other authorized agent of said company before offering to vote.

Proviso.

Mode of proceeding in a condemnation

SEC. 2. *And be it enacted*, That the mode of proceeding in a condemnation by jury provided for, by the thirteenth section of said charter, shall be as follows, viz: if either party be dissatisfied with the damages assessed by the Commissioners, as directed by said section, such party may within six months after the said Commissioners have made their returns, make application to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal to the Sheriff of the county, requiring him to summons a jury of twenty impartial men to meet on the lands, or near the materials, or other property wanted, on a day named in said warrant, not less than ten nor more twenty days after issuing the same—and if at said time, and place, any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons similarly qualified, as together with those in attendance, will furnish a panel of twenty Jurors; and from the panel each party, his, her, its, or their agent or attorney, or if either party be not present, in person or by agent or attorney, the sheriff, for him, her, it or them, may strike off four persons, and the remaining twelve shall act as the jury of inquest of damages, and to each, before he acts as juror, the sheriff shall administer an oath or affirmation, that he will justly and impartially, value the damages, which the owner or owners, will sustain by the use and occupation of the same, required by the company, and the jury shall reduce their inquisition to writing, and sign and seal the same, and it shall be returned by the Sheriff to the Clerk of the Circuit Court for his county, and be filed by the said Clerk in his office, and the said verdict, unless set aside for cause, shall be conclusive as to the quantum of damage. If any increased damage shall be found by the jury, such increased amount, together with the amount assessed by the Commissioners (unless the same shall have been previously paid by the company,) shall be a lien on all the property of the company, and shall be paid or deposited within sixty days, or the said com-

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