

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 and occupation of the same, required by the company; and if required by the parties whose lands are to be effected by their proceedings, the jury shall cause to be summoned such witnesses as the parties may require, and shall examine them on oath in relation to the value of the property to be condemned, and they shall reduce the testimony, if any is taken by them, to writing, and after the testimony is closed, in such 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 to be justly made by said company, to the party or parties owning or interested in the real estate appraised by them, and in determining the amount of such compensation the jury shall not make an allowance or deduction on account of any real or supposed benefits which the parties in interest may derive from the construction of said rail road; and the said company shall give notice to all persons whose interests are to be effected by the condemnation of any land, in writing or by an advertisement in a newspaper published in the town of Cumberland, for at least three weeks successively, of the time and place of holding such inquisition; the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be returned by the said sheriff to the clerk of the circuit court for Allegany county, and by the said clerk filed in his office, and shall be confirmed by the said court at its next session, if no sufficient cause to the contrary be shewn, and when confirmed, shall be recorded by said clerk, at the expense of the said company; but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed, and such inquisition shall describe the property taken, the bounds of the land condemned, and the quantity or duration of interest in the same, condemned for the company, and such valuation, when paid into court or paid or tendered to the owner or owners of the said property, or to his, her or their legal representative, and not before, shall entitle the said company to the estate, use 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 recovered from the said company, without costs by the said owner or owners, his, her or their legal representatives; *Provided further*, that any person or persons have the privilege of connecting a lateral road with the main rail road of the said com-

Witnesses may be summoned, and testimony to be reduced to writing.

Notice to be given to persons interested.

Inquisition to be reduced to writing and be recorded by clerk of Circuit court.

If set aside, court may direct another inquisition.

Proviso.