

for the clerk of the Circuit Court of the county in which said land lies, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land on a day to be appointed by said sheriff, fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, or trustee at least five days before such day, if they be without his county, or if not, or the owner or owners be unknown, the notice shall be given by advertisement, to be by said sheriff posted and fixed at the dwelling house, if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land at least three weeks by weekly insertion, prior to the said day, and then cause said jury after being duly sworn by the sheriff or justice of the peace, to make true inquest of the damage that will be sustained by such owner or estate, by reason of making said railroad through such land. If any such juror shall fail to appear, or by reason of challenge for cause, or otherwise fail to sit on said inquest, the said sheriff shall fill said jury from the bystanders, and if they fail to render a verdict the said sheriff shall again on the same or subsequent day empanel a new jury or jurors, until a verdict be had, such verdict and inquest regularly certified by such sheriff, shall be returned to the office of the clerk of the Circuit Court of the county in which said land may be, and there remain among the records, and such verdict shall vest in said company the right to occupy and use such land for the purposes of said railroad, on the payment or tender of payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the Probate Judges of the county in which said lands may lie, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

SEC. 11. *Be it further enacted*, That the jurors trying said case shall take the following oath, which oath the sheriff is hereby authorized to administer: You, and each of you do swear (or affirm, as the case may be,) that you will well and truly try the case now pending and submitted to your decision, between A B, complainants, and the President and Directors of the Montgomery and Selma

Clerk of the circuit court.

Notice.

Advertisement

Inquest.

Verdict.

Returned.

Damages.

Form of oath.