tion shall cease to be a stockholder, and the corporation shall be liable to pay such withdrawing stockholders the par value of their stock if it is worth so much, if not then so much as may be its real value in the market on the day of the withdrawal of said stockholders as aforesaid. Provided, That the claims of all creditors are to be paid in preference to said withdrawing stockholders. A majority of the board of directors shall constitute a quorum and shall fill all vacancies until the next election. The first board of directors shall consist of the five or more corporators who shall apply for and obtain the charter. The said corporation may have the right to borrow money and issue notes or bonds upon the faith of the corporate property and also to execute a mortgage or mortgages as further security for repayment of money thus borrowed. The said corporation shall have the rights in pursuance of the general law, authorizing the condemnation of private property for works of internal improvements as set forth in sections 1325 to 1348 in the Code, both inclusive, to appropriate as an easement the right of way not exceeding two hundred feet over the land of any person through which the line of the track may be located to wit Sec. 1325 any person or corporation authorized by law to construct any railroad turnpike canal tollbridge road causeway or other work of internal improvements to which the like privilege is conceded may take the real estate of individuals not exceeding the amount prescribed by law or by the charter under which the person or corporation acts in the manner and upon the terms herein provided. Sec 1326 The party seeking to appropriate such land shall file a petition in the circuit court of the county in which the land lies setting forth in substance 1. The parcel of land a portion of which is wanted and the extent wanted 2. The name of the owners of such land or if unknown stating the fact 3. The object for which the land is wanted 4. a prayer that a suitable portion of land may be decreed to the petitioner and set a part by metes and bounds Sec. 1327. Notice of this petition shall be given to the owner of the land or if a nonresident of the county to his agents at least five days before its presentation Sec. 1328. If the owner is a nonresident of the State or unknown notice shall be given by publication as provided in the Code in similar cases in chancery Sec. 1329. All parties having any interest in any way in such land may be made defendants and the proceedings will only cover and affect the interest of those who are actually made parties. unborn remainder-men being however bound by proceedings to which all living persons in interest are parties Sec. 1330. after the requisite notice has been given if no sufficient cause to the contrary is shown the court shall issue a writ of inquiry of damages to the sheriff commanding him to summon a jury to inquire and asses the damage Sec. 1331. By consent of parties or on application of the plaintiff unless objection is made by the defendant the writ of inquiry may be issued by the clerk as of course, after service of notice on which the sheriff will summon the jury. Sec. 1332. The jurors shall not be interested in the same or a similar question and shall possess the qualifications of other jurors and may be nominated by the court selected by consent of parties or summoned by the sheriff Sec. 1333. If so named by the court and the jurors named are unable to attend when summoned the place of such persons shall be supplied by the sheriff. Sec 1334. The jury will consist of five persons unless the parties agree

upon a different number and either party may challenge for cause or peremptorily as in other civil cases Sec. 1335. The sheriff shall give the parties or their agents if residents of the county three days notice of the time and place of taking the inquest unless the time has been fixed by the order of court Sec. 1336. The jurors before proceeding to act shall be sworn by the sheriff fairly and impartially to view or otherwise to lay off by metes and bounds the land required for the proposed improvement and to inquire and assess the damages Sec. 1337. The jury will then proceed to examine the ground and hear testimony, but no argument of counsel, and set apart by metes and bounds a sufficient quantity of land for the purpose intended, and assess the damages occasioned to the owner thereby Sec. 1338. In estimating the damages the jury shall give the value of the land without deduction but incidental benefits which may result to the owner by reason of the proposed improvements may be taken into consideration in estimating the incidental damages Sec. 1339. The report of the jury shall be reduced to writing signed by a majority of the jurors delivered to the sheriff and by him returned into court Sec 1340. If no objection is made to the report it is confirmed by the court, and the land so viewed decreed to the petitioner upon payment to the defendants or to the clerk for their use, of the damages assessed with cost Sec. 1341. Either party may object to the report of the jury, and the same may, on good cause shown be set aside and a new writ of inquiry awarded Sec. 1342. Either party may also appeal from the finding of the jury and on giving security for the cost have a trial anew before a jury in the usual way Sec 1343. If the verdict of the jury upon trial affirms the finding of the jury of inquest, or is more unfavorable to the appellant than the finding of such jury the cost shall be adjudged against such appellant, otherwise the court may award cost as in chancery cases Sec. 1344. The taking an appeal does not suspend the operation of the petitioner on the land provided such petitioner will give bond with good security to be approved by the clerk in double the amount of the assessment of the jury of inquest, payable to the defendants and conditioned to abide by and perform the final judgement in the premises. Sec. 1345. A person or company actually intending to make application for the privileges herein contemplated and entering upon the land of another for the purpose of making the requisite examinations and surveys, and doing no unnecessary injury is liable only for the actual damage done, and if sued in such case the plaintiff shall recover only as much costs as damages Sec 1346. No person or company shall however enter upon such land for the purpose of actually occupying the right of way until the damages assessed by the jury of inquest and the cost have been actually paid, or if an appeal has been taken until the bond has been given to abide by the final judgement as before provided Sec. 1347. If however such person or company has actually taken possession of such land, occupying it for the purposes of internal improvements, the owner of such land may petition for a jury of inquest in which case the same proceedings may be had as near as may be as hereinbefore provided, or he may sue for damages in the ordinary way, in which case the jury shall lay off the land by metes and bounds and