

- B. or to the like effect, and directed to three freeholders by name, other than the complainant or complainants and defendant or defendants in such suit, forthwith to go upon such bridge or bridges, or upon the site thereof if wholly destroyed or removed, and estimate the value thereof
- 5 at the time so destroyed or removed, or if only partially destroyed or removed, or injured in any manner, to estimate the damage done to the same, and to make a return in writing under their hands at a time and place to be named therefor by such Justices in such summons, of the amount of such value or damage, as the case may be; And before proceeding to estimate such value or damage, the said Justices or some one of them, shall administer to each of such freeholders an oath, (or affirmation, in cases where the person by law is entitled to affirm,) to the following effect:
- 10 “You solemnly swear (or affirm) that you will truly and impartially, according to the best of your judgment and ability, estimate the value of the bridge (or bridges) named in the summons to you directed in this cause, at the time the same was destroyed or removed (or the damage done to the same, *as the case may be*) and a true return make thereof in writing at the time and place named in said summons. So help you
- 20 God.” And in case a summons shall be issued to such freeholders to assess value or damages in the manner in this section provided; it shall be lawful for such Justices to adjourn the hearing of such information and complaint from time to time until such freeholders shall make their return in the manner herein mentioned: Provided firstly, that nothing
- 25 in this Act contained shall prevent such Justices from adjourning the hearing of such information and complaint from time to time whenever they shall see cause for doing so, stating in the hearing of the parties the time when and the place where the hearing of the case will be resumed: And provided secondly that if such freeholders cannot all agree upon the
- 30 value of such bridge or bridges at the time when so destroyed or removed, or upon the amount of damage done thereto, each of them may make a separate return in manner aforesaid, and such Justices shall thereupon, and after hearing such witnesses as may be brought before them on the part of the complainant or complainants and on the part of the defendant
- 35 or defendants, proceed to decide and adjudge the matter, and shall convict or make an order upon the defendant or defendants, or dismiss such information and complaint, as to them shall seem proper: And provided thirdly, that the failure of such freeholders or any of them to make such return within the time limited therefor in such summons shall
- 40 not prevent such Justices from deciding and adjudging the matter of such information and complaint in manner aforesaid, upon the evidence which may be adduced: And provided fourthly, that each freeholder who may be summoned under this Act to assess value or damages, and who shall make a return as herein provided, shall receive and be paid
- 45 the sum of *one dollar* for each day he may be engaged under such summons, and the further sum of *fifty cents* each for drawing up, signing and delivering such return, the same to be and form part of the costs of the suit: And provided fifthly, that each freeholder who shall be summoned as aforesaid, and who shall refuse or neglect to obey such
- 50 summons or to make such return within the time limited therefor in such summons, shall be liable to a penalty of not less than *one dollar* nor more than *twenty dollars*, which penalty shall and may be levied and collected by warrant of distress against and sale of the goods and chattels of the person or persons so offending, to be issued summarily by the Justices

Three freeholders to be appointed.

And sworn.

The oath.

Adjournment until report is made.

First proviso.

Second proviso.

Third proviso.

Fourth proviso.

Fifth proviso.