

(Chapter 18 b.)

Condemnation of Land for Railroads and Turnpikes.

An Act to prescribe the mode of condemning land for the use of railroad and turnpike companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

1. That when any railroad company authorized to construct and operate a railroad in this state shall be unable to contract with the owner of any land or material necessary for its use for the purchase thereof, it shall file in the office of the clerk of the county court a particular description of the land and material sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint three impartial housekeepers of the county, who shall be sworn to faithfully and impartially discharge their duties under this act.

2. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken which shall be stated separately; and they shall also award the damages if any, resulting to the adjacent lands of the owner, considering the purposes for which it is taken; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the construction and prudent operation of the railroad proposed to be constructed. They shall return a report in writing to the office of the clerk of said court stating their award and shall describe in their report the land and material condemned