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The New Orleans Bee.

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OFFICIAL PAPER OF THE STATE. NEW ORLEANS, TUESDAY MORNING, MARCH 9 1852.

THE DAILY BEE.

OFFICIAL JOURNAL OF THE STATE, GENERAL COUNCIL AND FIRST MUNICIPALITY COUNCIL

Tuesday Morning, March. 9, 1852.

WHIG NOMINATIONS.

ELECTION MONDAY, 29th MARCH.

FOR MAYOR
A. D. Crossman.

FOR TREASURER
Wm. H. Garland.

FOR COMPTROLLER
O. DeBuys.

FOR SURVEYOR
L. H. Pilie.

FOR STREET COMMISSIONER
James Jolice.

FOR RECORDERS
1st District—T. H. Sparks
2d " —J. L. Lewis
3d " —J. Sexton
4th " —

FOR ALDERMEN
1st District—C. E. Attic, L. Marks
2d " —W. P. Conelly, Jas. Strachan
3d " —W. C. Tompkins
4th " —C. Clark, E. Gibert, P. Pecquet
2d District—John Ludlam, R. Garland
4th District—

☞ The Northern Mail arrived through yesterday, with dates as late as due.

Attention! Whigs.

The Delegates from the Second District are requested to meet THIS EVENING at half past seven o'clock, at the Executive Room, corner of Custom House and Exchange Alley, for the purpose of nominating a candidate for Alderman to fill the vacancy occasioned by the resignation of Mr Dufour.

M. C. EDWARDS, President.

OUR PAPER. We are very reluctantly compelled to advance a few days to print the Bee in the old form, and consequently on a size much good for our wants. Our stock of paper has run out, and as the article we require is expressly manufactured for us, we have not yet been able to obtain a fresh supply. In a short time we hope to receive paper suitable to our enlarged dimensions.

☞ We are indebted to the Hon. S. W. Dickson for a copy of the annual report of the American Colonization Society.

HON. CLEMENS HORSKY.—We are requested to Mr Horsky to state that while deeply grateful to the Whig City Convention for the honor conferred on him, by his nomination as a candidate for Alderman of the Second District, he is constrained by the nature of his engagements, to decline the nomination, and he does so at once in order that the Convention may proceed to fill the vacancy without delay.

☞ The Orleans Navigation Company bill has been *vetoed* by Governor WALKER. We expected something of the sort. His Excellency seems to have set his face directly against every project that tends to improve New Orleans and to benefit her business.

☞ The Wards of the First Municipality are requested to meet at their respective Wards on WEDNESDAY, the 10th inst. at 7 o'clock P. M. for the purpose of selecting Assistant Aldermen, and of appointing Delegates to represent the District in the Convention to be held at Baton Rouge, on the 15th inst.

SOUTHERN QUARTERLY REVIEW.—We are indebted to the publishers, Walker & Richards, of Charleston, for the January number of this periodical. Its contents are as follows. The Invasion of Cuba. The Pre-Adamite Earth—Relations of Geology to Theology. Kennedy's Swallow Barn. Modern Art—Powers' Statue of Calhoun. Female Prose Writers of America. Battle of Corregidoro. Negro Manse—Race. Gift Books and Annuals. Pickett's History of Alabama. Treatment of Slaves in the Southern States. Garland's Letters in the Review of his Life of John Randolph. Arnold's History of Rome and other critical notices.

HON. DANIEL WEBSTER was entertained on Friday week at the residence of Anson G. Phelps, Jr. Esq. in New York, and, at the request of the lady of the house he addressed the ladies present in favor of the Colonization scheme.

CONGRESS

In the SENATE on the 1st Mr Dawson presented the joint resolutions of the Legislature of Georgia opposed to the departure from the past policy of the states of the Union. Mr. Seward moved that when the Senate adjourn it adjourn to meet on Monday. Messrs. Bayard and Dodge opposed the motion.

Mr Gwin supported the motion.

Mr Brodhead said that he understood this vessel was brought here for the purpose of exhibition; they complained that they were unable to compete with British interests, and he asks the steamer here as an exhibition to advance their interests. The manufacturers of Pennsylvania demanded protection; the cotton manufacturers desired protection; they could not obtain it, and now he asks for exhibition.

Mr Dawson said that the steamer had arrived and exhibited had done so. They had by open house and entertainments, been powerful friends upon the past resolution of the country. Their influence was felt here and by the time it should have arrived. If they had not brought their goods here to exhibit they had brought their money here and had used it in the effort.

Mr Brodhead said that the manufacturers could not bring their furnaces here, and he hoped Congress would not encourage this appeal for special protection.

Messrs Borland, Downs Mallory, and Jones of Iowa, continued the debate; opposition to the resolution, and Messrs Seward, Bayard and Mangum supported it.

Not one motion was agreed to—yeas 21, nays 24.

After reports the Iowa Land bill was taken up, and Mr Dawson opposed the bill, after which the Senate adjourned.

In the HOUSE, Mr Fitch of Indiana, moved to suspend the rules to enable him to introduce a resolution to the following effect: That we regard the binding efficacy of the compromises of the Constitution and believe it to be the determination of the people generally, and we hereby declare it to be our determination individually to abide by such compromise, and to sustain the laws passed to carry into effect the provision for the delivery of fugitive slaves, and that we deprecate all further agitation of the question growing out of the provisions embraced in the acts of the last Congress known as the Compromise, and of questions generally connected with the question of slavery as unnecessary and dangerous.

The yeas and nays having been ordered, a motion was carried for a call of the House which took place. When several members were excused, chiefly on account of ill health.

All further proceedings with reference to the roll have been suspended, the clerk proceeded to call the roll, when the motion to suspend the rules was rejected—yeas 119, nays 74, there not being a two third vote in the affirmative.

Mr Phelps, of Missouri, moved that the rules be suspended to enable him to submit a motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill authorizing the Secretary of the Treasury to pay the amount of judgment obtained against Col Mitchell for trespass committed in Mexico during the Mexican war. Which had been referred, and the yeas and nays having been ordered, the motion was carried—yeas 129, nays 44.

The bill was then taken up by the House, and a motion was made that it be read a third time, upon which the previous question was demanded. Pending which, a motion was made that when the House adjourn it adjourn till Wednesday, upon which the yeas and nays were ordered. The motion was carried—yeas 74 nays 24.

It was agreed to defer the further consideration of the bill till Monday next. The House then took up a bill, which had been reported, relative to Indian Affairs in California, and authorizing the appointment of a Superintendent in that State, with a clerk. An amendment substituting $4,000 as a salary for the Superintendent, instead of $5,000, was agreed to, and the bill read a third time and passed. The House then adjourned.

NEW MUSIC.—We are indebted to Mr. H. LEHMANN, for a copy of two musical compositions, of which he is the author, viz: the Bouquet, a Schottisch, and Le Bijou, a Polka, dedicated to his pupils, and arranged for the Piano. Both of them are agreeable and pretty.

ENGLISH GOODS WITHOUT RESERVE.—The particular attention of buyers is called to the catalogue sale of foreign and domestic Dry Goods, to take place THIS DAY, at 10 o'clock at F. H. Peltgnano' auction room, No. 6 Canal street. For particulars see advertisement.

☞ Attention of buyers is called to the sale of 175 packages and lots of fresh imported Dry Goods, comprising a full assortment of seasonable articles, This Day at 10 o'clock, without reserve, by Vincent & Co., 63 Bienville street. Also, by the same firm, the entire stock of Fancy Articles, consisting of upwards of one thousand lots, advertised in more No. 20 Chartres street, to be sold at the auctioneers.

Gliddon's Panorama of the Nile.

Applaudine every effort that cultivates in the minds of our fellow citizens taste for the beauties of art, and appreciation of historical, geographical, and other scientific knowledge, we take the occasion to express our opinion on the merits of an exhibition, than which nothing of the kind more excellent, or more elevating, has ever been offered to the intelligence and education of New Orleans. And first as to the *subject* of the Panorama. "Egypt was the land visited by Abraham in search of food, when there was a famine in his own country, the land to which Joseph was carried as a slave, and which he governed as prime minister. From Egypt Moses led the Israelites through the waves of the Red Sea. Here Jeremiah wrote his Lamentations. Here Thales, Solon, Pythagoras, Plato, Eudoxus, and other Greek philosophers, came to study. Here Herodotus, Hecatæus, Hellodotus, Diodorus, Strabo, Tacitus, and other renowned historians, came to travel. Here Alexander the Great came as a conqueror and here the infant Saviour was brought by his parents to avoid the persecution of Herod. Egyptian hieroglyphics, in which the characters are taken from visible objects, are the earliest form of writing, and the Hebrew and Greek alphabets were both borrowed from them. Egypt taught the world the use of paper made from its rush, the papyrus. In Egypt was made the first public library and the first college of learned men, namely, the Alexandrian Museum. There Euclid wrote his Elements of Geometry, and Theocritus his Poems, and Lucian his Dialogues. The beauty of Cleopatra, the last Egyptian Queen, held Julius Cæsar, and then Marc Antony, captive. In Egypt were built the first monasteries—the Christian Fathers, Origin and Athanasius, lived there—the Arian and Athanasian controversy began there."

But, if the ancient associations of the name of *Egypt* are powerfully embodied on the sweep of canvass which unroll to the spectator's eye glimpses of the great past, not less so are the modern scenes along 1,500 miles of the Nile in Egypt and Nubia. Mohammed Ali, and his court, ceremonially depicted. Turks, Arabs, Bedouins, Nubians in their variegated costumes, the manners and customs, life and usages, of the East, and the habitations of the present people on the river, alluvium, and desert, together with faithful delineations of the geological, botanical, conchyliological, ornithological, and even atmospherical singularities of this wonderful land—all these, and many more, delight the beholder.

As a work of Art, while all is admirable, the entire tableaux in this Panorama which cannot be surpassed on the same material, and naturally so, because some of the highest celebrities of England co-operated in its execution. Thus we learn, from the Hand Book, which contains the eulogiums bestowed by the London press on the two months exhibition of this identical Panorama in England, that, while such celebrities as Messrs. WARNS, BONOMI and FAHEY, aided by numerous assistants, conceived and executed the painting, MOTTS, the famed depicter of "Belshazzar's Feast," volunteered the exquisite *moonlight, sunset*, and other transparent scenes, where the effects of fire, light and heat are produced with such magical skill, that Congress volunteered those incidentes Arabian scenes, and WEBGATE the boats and similar objects that actually seem to spring forth from the canvass.

In short, a work of art of this high character has not yet been attempted by other panoramic painters. It is also the sole *train panorama* among the numberless panoramas exhibited in our country. The length of its story here, which cannot be above a week or two, must depend upon the encouragement given to it by our community.

The *modus*, too, of its exhibition, differs entirely from any Panorama in the United States. A full orchestra, composed of several musicians, accompanies some eighteen parts of the scenery, with exquisite and accurate *Oriental Music*, and Egyptian, Arabian, Turkish, Greek, and other Levant airs, unknown because unheard elsewhere in this country, lends an indescribable charm and novelty to each exhibition, by harmonizing with each tableaux.

Of the proprietor, Mr GLIDDON, we cannot refuse ourself the pleasure of saying a word or two in strict justice. Twenty three years residence in Egypt, extensive Eastern wanderings, and familiarity with all the tongues spoken around the shores of the Mediterranean, give him precedence over most in varied acquaintance with ancient and modern Egypt in particular, and the Levant in general. For eight years he was Consul at Cairo, and member of a family that for seventeen years has gratuitously upheld the honor of our flag, there are none of our citizens who have visited or written of Egypt, but vouch for the frank kindness they received from our Egyptian Consulates, from 1833 to 1849. As a lecturer on Hieroglyphical literature, he has been welcomed in all the larger cities of our Union during the last eight years, and as an author, who has done more than any man living to popularize the astounding discoveries of the Champollionists in ancient history, his works are universally known, and appreciated by the highest intelligencies of our age. He comes hence as as the representative of European scholarship in Egyptian sciences. We doubt not that our enlightened community will evince their own thirst for knowledge, by promptly encouraging a gentleman who possesses so many claims upon them.

ARRIVAL OF STEAMSHIP FALCON.

The U. S. mail steamship Falcon, Lieutenant Henry Rogers, U. S. Navy commanding, arrived here at 4 o'clock P. M. yesterday, from N. York and Havana.

The time the Havana mails and eleven passengers. The U. S. mail steamship Georgia left New York on the 28th February with upwards of 600 passengers for Chagres, all of whom were transferred to the steamship Ohio which left Havana on the morning of the 5th inst with over 1,000 passengers.

The principal news of importance at Havana was the appointment by the Queen of the Conde Mirasol as Governor General of Cuba, in place of La Concha, the present incumbent—The United States sloop of war Albany left Havana for Pensacola the day on which the Falcon sailed.

The following is a list of the passengers by the Falcon.

W D Hennen, Manuel Ruiz, R M Cuerto and wife, J A Meares, Peter Van Roster, P A Garrido, Santiago Hodgers, T J Delmon, Henrique Guibaird, Thomas Carpenter.

THE NEWS BY THE AFRICA.

The Cunard mail steamer *Africa*, from Liverpool, arrived at New York on the 28th ultimo, bringing three days later intelligence from Europe. The dates from London are to Feb. 14.

About eighty French and Hungarian refugees sailed from London for America on the 7th inst. They are being conveyed free of expense, and most of them have been provided with an outfit.

It is said that Austria and France have concluded a treaty, fixing the eventualities which shall cause the occupation of Switzerland by France or Austria. At Berlin the treaty had excited a sensation, as Prussia had not been consulted in a matter in which she is so deeply interested.

The London Morning Herald says that France has entered into confidential negotiations with several States of Italy for forming a federation of those States under the Protectorate of the French Republic.

Mr Layard, who has been for some time past an attache of the British Embassy at Constantinople, and who has recently achieved a high reputation as the author of the Nineveh discoveries, has succeeded Lord Stanly, of Alderly, in the office of Under-Secretary of State for Foreign Affairs.

After a rapid passage, the brigatine Apprentice, from Bussorah, has arrived at London with the remainder of Mr. Layard's collection of antiquities from Nineveh, among which there is one piece of sculpture far exceeding in size any brought home upon a former occasion; it weighs fifteen tons.

The correspondent of the London Daily News has the following in regard to the steps to be taken by Louis Napoleon for the removal of the triumphal monument on the field of Waterloo:

I am able now to assure you, on good authority, that one of the demands which M. de Bassano is charged to make from the Belgian Government is the removal of the monumental lion from the field of Waterloo, and the demolition of the pyramidal mound of triumph which it crowns. You are aware that soon after the revolution of July, the destruction of the same trophy was talked of as a point insisted on by the government of Louis Philippe; and when the French expedition returned from the siege of Antwerp, in passing over the plains of Waterloo, it was expected that they would have taken the law into their own hands, and hurled the offensive symbol of victorious force from his proud eminence. But they were disarmed from this violent project by an officer, who suggested that it would be much easier to stamp the trophy with ridicule than to overturn it. There now, he proposed that they should knock out the lion's teeth and pare his claws. This practical compromise was immediately approved, and the offensive emblem forthwith equipped for the operation. The application now made, by Louis Napoleon for the demolition of the trophy, is one that will, by Belgian delicacy, be considered as a great boon, when, after the Congress of Vienna, it was decided that the Congress should, by a vote, decree the erection of the monument.

LOUISIANA LEGISLATURE

Official Report of the Proceedings of the House of Representatives.

THURSDAY, Feb 26, 1852

The House met pursuant to adjournment, sixty one members present.

The journal of yesterday was read and approved.

Mr Prescott asked leave to record his vote on the final passage of the Citizens Bank bill, which being accorded he voted in the negative.

PETITIONS AND MEMORIALS.

Mr Routh, Petition of Thomas Dixon, a vete.

Mr McCutchen, Petition of citizens of parish of Caddo on Temperance.

REPORTS FROM COMMITTEES.

Mr White, from the committee on Federal Relations, reported back without amendment, the joint resolutions in relation to the obstructions of Bayou Lafourche.

Mr Curry, from the judiciary committee, reported back with amendments, the Senate bills entitled, "an act relative to the powers of Clerks of District Courts," and "an act to provide for the proper taxing of the Sheriffs and Clerks costs.

The same member reported by substitute on the act to prevent injuries to the Telegraphic lines in this State.

The same member reported back without amendment, the act to exempt cemeteries of Municipal corporations from seizure and sale for debt.

The same member reported unfavorably on

"An act in relation to rules of interest and establishing the usury laws."

"An act to establish the Second District Court, in and for the Third Judicial District of the parish of Jefferson, and

"An act to prohibit negroes and free colored persons from giving evidence in criminal cases, wherein any free white person of this State shall be indicted for any crime or misdemeanor under the laws of this State."

The same member reported back with amendments, the various bills providing for the organization of corporations in this State, and the Senate bill entitled "an act for the organization of corporations for works of public improvement and utility."

On motion, these bills were made the special order of the day for Wednesday, March 2nd, 1852.

The same member, on behalf of the judiciary committee, reported the following entitled bill:

"An act to amend articles 2, and 9 of the Code of Practice."

Mr Sever, on behalf of the judiciary committee reported by substitute, to a bill referred, as follows

"An act to repeal an act of the encouragement of the Volunteer corps belonging to the first division of the militia of the State of Louisiana, approved March 7, 1845."

Mr Munday, on behalf of the committee on claims, reported back without amendment, "an act for the relief of the heirs of J. E. Bennett."

Mr Carr, on behalf of the committee on Parochial affairs, reported back without amendment, "an act granting additional powers to the Police Jury of the right bank of river Mississippi, parish of Orleans."

Mr Canelly, on behalf of the committee on Internal Improvements, reported unfavorably on the following bills and resolutions:

An act to appropriate a certain sum of money to open a road from the city of Baton Rouge to Madisonville.

Resolution requiring the State Engineer to repair to the Amite and Manchac, for the purpose of removing the obstructions to the navigation of said streams.

Joint resolution requiring the State Engineer to examine the Bayou Manchac and report to the Legislature.

Joint resolution calling upon the State Engineer to run a line of levels along the Bayou Teche.

Resolution appropriating the sum of $[illegible] for the purpose of improving the market roads from the Mississippi State line to the towns of Covington and Madisonville.

Resolution instructing the Internal Improvement committee to report a bill giving the swamp land to their respective districts.

Memorial of the mayor and trustees of the town of Donaldsonville.

Memorial of G. A. Briant upon the subject of improving Grand river and cutting a canal to the Mississippi river.

The same member, on behalf of the same committee, asked the reference of the subjoined bills and resolutions, as follows

Resolution requiring the State engineer immediately to proceed with the bands appropriated to the Red River district, to the Sabine and the Black Lake and Black Lake Bayou.

To be referred to the third district board.

Joint resolution authorizing and instructing the State engineer to send a State Boat will a division of State Bands to remove obstructions to the navigation of the Tickfaw and other streams.

To be referred to the first district board.

Joint resolution for the improvement of Bar Creek, in the parish of Franklin.

To be referred to the fourth district board.

Petitions of the citizens of the parishes Rapides, Avoyelles and St Landry.

To be referred to the second district Board.

On motion the report was adopted and the resolutions made.

The same member from the same committee reported back without amendments, An act to grant power to the police jury of the parish of Catahoula to construct levees within her limits.

The same member on behalf of the same committee, to whom was referred sundry documents in relation to the improvement of the Atchafalaya Canal, reported the same back, to the House, and asked their reference to the committee on Judiciary, which was so ordered.

RESOLUTIONS.

The Joint resolutions offered by Mr Rivers in relation to the State Library, were then taken up and adopted.

Mr Campbell offered the following resolution, which was adopted

Resolved, That hereafter this House shall meet at 10 o'clock A. M.

NOTICE OF BILLS

Mr Solomon—An act to provide for the appointment of an interpreter of the French, Spanish and German languages for the First District Court of the parish of Orleans.

An act to amend an act entitled an act relative to divorces, approved March 19, 1842.

Mr Weldie—An act to amend an act entitled an act relative to advertisements of Sheriff's sales.

Mr Terrill—A bill for the relief of L. Peckins, of Caddo parish.

BILLS INTRODUCED

Mr Commandeur—An act to protect the parishes of Orleans and Jefferson from inundation, and to provide for the draining thereof.

Mr Powell—An act to organize Surveyor's districts in the State of Louisiana.

Mr Monday—An act to incorporate the town Port Hudson, in the parish of East Feliciana.

Mr Flemmer—An act concerning Justices of the Peace.

Mr Munday—An act to regulate the practice of lawyers in the State of Louisiana.

Mr McCutcheon—An act to reduce and regulate the salaries of officers.

An act to merge the offices of State Librarian and superintendent of the Bureau of Statistics, into that of superintendent of Public Education.

An act to abolish the Board of Currency.

An act to authorize the Adjutant and Inspector General to remove the state Arsenal to Baton Rouge.

With leave Mr Campbell introduced a petition from merchants of New Orleans on the subject of Inspection Laws. Referred to the committee on commerce.

SPECIAL ORDERS OF THE DAY.

The House then took up the bill of the Senate entitled an act relative to the expropriation of lands for railroads and other works of public utility.

The 1st and 2d sections having been adopted, Mr Payne moved to strike out in the third section the following: "In addition to the loss of the land by its appropriation to the uses of the company. Provided That in impanneling the jury, either party may challenge for cause, but no peremptory challenge shall be allowed." And to insert in lieu thereof "and in estimating the damage aforesaid they shall take into consideration the value which the said improvement may impart to said land from passing through said property."

Mr Moise objected to this amendment. To his mind, there was nothing more unjust than this mode of estimating damages. The amendment was against the spirit of the age and the rule of right, which should not be deviated from a hair's breadth, when property was forcibly taken from an individual. He therefore trusted that the amendment would not prevail.

Mr. Payne, in explanation of his reasons for offering the amendment, remarked, that his duties had recently compelled him to examine every act in the United States for the incorporation of railroads, from 1840 up to the present time, and that this provision had been engrafted on every one of the charters, so far as he was aware of. If the experience of the older States such as New York and Massachusetts, had demonstrated the necessity of making the valuation as he had proposed, surely that experience ought to go for something in Louisiana, where thus far we had not undertaken any extensive improvements of the kind.

Mr. Parham contended that the principle of taking into consideration the value of the lands as benefitted by the proposed improvement, was a wrong one.

After some further remarks from Messrs. Payne and Sever, in support of the measure, the amendment was laid on the table, and the bill passed as follows:

AN ACT

To provide for the expropriation of lands for railroads and other works of public utility.

Section 1. *Be it enacted* by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That, whenever any corporation constituted under the laws of this State, for the construction of a railroad or plank road, or a canal for navigation, cannot agree with the owner or owners of any land which may be wanted for the construction of such road or canal, or the works connected therewith, it shall be lawful for such corporation upon petition to the judge of the district in which such land may be situated, or if the lands extend into two districts, to the judges of either district, describing the lands wanted for their purposes, with a plan of the same, and a statement of the improvements thereon, if any, and the name of the owner or owners thereof, if known and persons interested therein, with a prayer that such land may be adjudged to the use of said corporation.

Section 2. That the said petition shall be filed in the office of the clerk of the court, and the petitioners shall give a bond with sufficient security, to be approved by the clerk, in a sum not less than one hundred dollars, conditioned to pay all costs and damages that may accrue to the owner or owners of the land in case the petition shall be dismissed, or the petitioners shall not obtain the land.

Section 3. Be it further enacted, &c. That immediately after the order shall have been made by the judge, as aforesaid, it shall be the duty of the clerk and sheriff to make a list of forty eight freeholders, residents of the parish or parishes in which the land lies, and not interested in the issue to be tried; from which list, twenty four shall be drawn, and summoned to attend on the tenth day after the date of the summons, or if that day be one of public rest, on the eleventh day after and date and from said twenty four freeholders, a jury shall be empanelled, which said jury shall, by a verdict, in which at least three fourths of their number shall concur, decide, after hearing the parties and their evidence, what is the value of the land described in the petition, with its improvements, and what damages, if any, the owner or owners should sustain, in addition to the loss of the land, by its appropriation to the uses of the company. Provided, that, in impanelling the jury, either party may challenge, for cause, but no peremptory challenge shall be allowed.

Sec 4. Be it further enacted, &c. That, in estimating the value of the property to be expropriated, as aforesaid, the basis of the assessment shall be the true value which the land possessed before the contemplated improvement was projected, and without deducting therefrom any amount for the benefit derived by the owner from the contemplated improvement or work.

Sec 5. Be it further enacted, &c. That an appeal to the Supreme Court, from the verdict of the jury and judgment of the lower court, made by either party, shall not suspend the execution of such judgment, but the payment of the amount of the verdict by the company to the owner, or the deposit thereof subject to the owners order, in the hands of the sheriff, shall entitle the corporation to the right, title and estate of the owner or owners in and to the land described in the petition, in the same manner as a voluntary conveyance would do, provided, always, that in the event of any change be made by the Supreme Court in the decision appealed from, the corporation shall be bound to pay the additional assessment, or entitled to recover back the surplus paid as the case may be.

Sec 6. Be it further enacted, &c. That if the owner or owners of any land so required aforesaid be a feme covert, or a public minor, or be unknown or absent, and have left no tutor or agent in the state, it shall then be the duty of court to appoint a curator ad hoc, to represent and act for such owner or owners, and the price, which such absent owner or owners may be entitled to receive shall be deposited in the State Treasury, subject to the order of such owner or owners, and the receipt of the State Treasurer for the price shall vest the title in the corporation paying for the land, in the same manner as if the price were paid to the owner in person.

Sec 7. Be it further enacted, &c. That if the owner or owners of any land shall be of opinion that the quantity of land sought to be purchased by any corporation, exceeds what shall be reasonable or necessary, for the purpose intended by the company, it shall be lawful for the owner or owners to file a special plea setting forth this fact, and that in such case the jury shall decide, in addition to the value of the land to be expropriated, but also the extent of land over which the company may exercise the forced expropriation, the whole always subject to the decision of the Supreme Court on appeal.

Sec. 8 It further enacted, &c. That the right of expropriation, conferred by this act, shall in no case extend to grave yards, and shall not extend to the dwelling house, yard, garden and other appurtenances of the dwelling house, unless the jury shall find by their verdict, that the line of the projected railroad or canal can not be diverted from that purpose by the company without great public loss and inconvenience.

Sec 9 Be it further enacted &c. That in ascertaining the value of the property to be expropriated, as aforesaid, the basis of the assessment shall be the true value which the land possessed before the contemplated improvement was projected, and without deducting therefrom any amount for the benefit derived by the owner from the contemplated improvement or work.

Sec 10 Be it further enacted, &c. That an appeal to the Supreme Court, from the verdict of the jury and judgment of the lower court, made by either party, shall not suspend the execution of such judgment, but the payment of the amount of the verdict by the company to the owner, or the deposit thereof subject to the owners order, in the hands of the sheriff, shall entitle the corporation to the right, title and estate of the owner or owners in and to the land described in the petition, in the same manner as a voluntary conveyance would do, provided, always, that in the event of any change be made by the Supreme Court in the decision appealed from, the corporation shall be bound to pay the additional assessment, or entitled to recover back the surplus paid as the case may be.

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