

C H A P.
LXXVII.

tending, it shall be lawful for the persons, a condemnation of whose land may be desired, and for the mayor and city council, alternately to strike off a juror, until the number of jurors be reduced to twelve, the persons, a condemnation of whose land is claimed, beginning to strike off as aforesaid; and in case either party shall refuse or neglect to strike off the names of jurors, then it shall be lawful for the sheriff, or his deputy, who shall attend as hereafter directed, to strike off jurors for the party so refusing, until the number of jurors remaining be reduced to twelve as aforesaid; and it shall be the duty of the twelve jurors so remaining to inquire into, assess and ascertain, the sum or sums of money to be paid by the said mayor and city council for the land, real estate, spring, brook, water or water-course, which they may be desirous to purchase and hold for the purpose aforesaid, and also the sum or sums of money to be paid by the said mayor and city council for the right to enter and pass, dig canals, and lay pipes as aforesaid, in any other lands as aforesaid, through which the said mayor and city council may think expedient to conduct the said water into the said city as aforesaid, according to the marks, bounds, courses and distances, described in the plot aforesaid of the survey aforesaid, having regard to all circumstances of convenience, advantage and situation, attending the same; and it shall be the duty of the sheriff of Baltimore county, by himself or by deputy, on due notice given him by the mayor, to attend the meeting of the aforesaid persons at the time and place specified in such notice, and he or his deputy is hereby authorized and required to administer an oath, or affirmation, as the case may require, to every of the said jurymen, that he will justly, faithfully and impartially, discharge and perform the duties prescribed to him by this act, according to the best of his skill and judgment; and the same sheriff shall have power and authority to adjourn the said proceedings from day to day until the same shall be completed; and the inquisition thereupon taken, if signed by seven or more of the said jurymen, shall be also signed by the said sheriff, and shall then be binding and conclusive, to all intents and purposes whatsoever, upon the owner or owners, or persons interested as aforesaid, and upon the said mayor and city council; and the said inquisition, with the plot and certificate aforesaid, shall be returned, by the said sheriff, to the clerk of Baltimore county court, whose duty it shall be to record the same at the expence of the said corporation, and the same, or a true copy thereof, duly attested by the said clerk under his hand and seal of office, shall be good in evidence in all cases whatsoever to which it may relate, in any court of law or equity.

If jurymen do not appear, others shall be summoned, &c.

VI. AND BE IT ENACTED, That if twelve jurymen summoned as aforesaid shall not appear at the time and place appointed as aforesaid, the sheriff of Baltimore county, or his deputy, as the case may be, shall summon other freeholders of his county from the by-standers, or who can be speedily procured to attend said service, not interested as aforesaid, and being qualified as aforesaid, to make up the said jury to the number of twelve.

Jury to allow additional compensation, &c.

VII. AND BE IT ENACTED, That the jury aforesaid, in ascertaining the value of the lands, real estate, springs, brooks, water or water-courses aforesaid, and the grounds through which the said mayor and city council may be desirous of having a right of entry and way as aforesaid, and the damage done to the owner or owners, or person or persons interested therein, by reason of the condemnation which said jury are hereby authorized and empowered to make, shall allow to every such owner or owners, or person or persons interested as aforesaid, an additional compensation of fifteen per cent. over and above the real value of the property which shall be taken from them in virtue of this act; provided, that the mayor and city council of Baltimore shall not have the privilege of taking or using the waters, or any part of the waters, of Gwinn's Falls, Gwinn's Run, Jones's Falls or Herring Run, or of any other stream whereon a mill is erected, for the purposes aforesaid, without the permission and consent of all and every person who may have any lands or tenements adjoining the same, or who may have any benefit or advantage from the use of any of the said waters.

On payment, &c. right vested, &c.

VIII. AND BE IT ENACTED, That upon the payment of such sum or sums of money as shall or may be contracted or agreed for between the parties, or assessed by the jury as aforesaid, for the land, real estate, spring, brook, water or water-course as aforesaid, or a legal tender thereof made by the said mayor to such owner or owners, as such other person or persons interested therein, at any time after the same shall have been so agreed for, or assessed, or if he, she or they, cannot be found, upon the payment thereof into one of the banks of Baltimore for his, her or their use, the right to such land, real estate, spring, brook, water or water-course, and the right of way and user in such grounds as aforesaid, in the manner as aforesaid, as shall be mentioned and specified in the agreement, bargain or contract, as aforesaid, or in the inquisitions aforesaid, shall thenceforth be vested in the mayor and city council of Baltimore, and their successors, for ever, or for term or terms of years, according to the terms of said agreements or inquisition, and it shall and may then be lawful for the said mayor and city council of Baltimore, and their successors, their agents, workmen and servants,