

Sheriff re-
quired to sum-
mon Jurors,
&c.

where he, she or they shall be a feme covert, infant or non compos mentis, the said president, upon giving notice in writing, of not less than twenty days, to the parties interested, may apply to a Justice of the Peace of Baltimore County, who shall thereupon issue his warrant to the Sheriff of said county, commanding him to summon twenty disinterested persons qualified to act as jurors in the Circuit Court of said county, to meet upon the land, and after four of the jurors so summoned are stricken off the panel, by the president of the said company or his agent and four others by the person or persons interested in said land, or his, her or their agent, or in the absence or refusal to strike off, of such person or persons or their agent, four to be stricken off by the Sheriff; the said Sheriff shall qualify the twelve remaining jurors, either by oath or affirmation, as the case may be, justly, truly and impartially to value the damages which may be sustained by the owner and owners of said land, or materials required by said Company; and the said jury, in estimating the damages aforesaid supposed to be sustained by the owner or owners of the land required for the construction of said road shall take into the estimate the benefit resulting to the said owner or owners, but only in the extinguishment of the claim for damages; and the said jury shall reduce their verdict to writing in the shape of an inquisition, and sign and seal the same, and it shall then be retained by the Sheriff and returned by him to the Clerk of the Circuit Court of Baltimore County, and unless good and sufficient cause shall be shewn against the said inquisition, it shall be affirmed by the said Court, at the term next succeeding the return of the said inquisition; but if the said inquisition shall be set aside, the said Court may in its discretion, as often as may be necessary, direct another inquisition to be taken in the manner above described, *provided*, that it shall not be lawful without the consent of the owner or owners to condemn any line for the construction of said railway which shall pass through the buildings, yards and lawns of any person, or through any grave yard or burial place.

Proviso.