

by the use and occupation of the land required by the said company, and also the benefits or advantages to accrue to the owner or owners by the construction of said inlet as a set off to said damages, but only in extinguishment of the claims for damages, and not for the actual value of the land or other material taken ; and after having made a fair and just estimate of the advantages and disadvantages arising from the construction of the said inlet or canal for oyster planting they shall estimate and determine what amount of damages has been or may be sustained by the said owners respectively ; and the said jury shall reduce their inquisition to writing and sign and seal the same, and it shall then be returned by the sheriff to the clerk of the Circuit Court of the county and be filed by said clerk in his office, and shall be confirmed by said court at its next term, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of the company ; but if the same be set aside, the said court shall direct another inquisition to be taken in a manner described above ; and in case the second or any other inquisition which is confirmed by the court, shall not award to the land owner a larger amount of damages than was awarded by the first inquisition, the court may in its discretion order the costs of the said second or other inquisition to be paid by the said owner or owners of said land or materials condemned, and the inquisitions shall in all cases describe the property taken, or the bounds of the land condemned, and the character or duration of the interest in the same, valued for the company and such valuation when paid or tendered to the owner or owners of the property, his, her, or their legal representatives, shall entitle the said company to the estate or interest in the same thus valued as if it had been legally conveyed by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be recovered without costs from said company, by the owner or owners, his, her, or their legal representatives and the said sheriff shall keep the said jury together for a reasonable time until they shall agree upon and sign and seal the said inquisition ; and in case it shall happen that the jury cannot agree after being together as aforesaid, the sheriff may, in his discretion discharge the said jury, and without any further warrant from a justice of the peace shall, within five days thereafter, summon another jury of twenty male inhabitants as aforesaid, not upon the former jury, and the same proceedings shall be had in all respects as in hereinbefore provided ; and in case of a second or other disagreement of the jury the same proceedings shall be had until a verdict or inquisition shall be made and re-