

Garey,
Gorman,

Steiner,
Welfley—14.

Mr. Bannon submitted the following amendment:

AMENDMENT PROPOSED.

Amend by adding:

“That before proceeding to grade the said Baltimore and Yorktown Turnpike for said Railroad, said Company shall agree with the owners of the land over which the said steam Railroad is made for the damages which may accrue to the said owners by reason of the construction of said Railroad; *provided, further*, that in event that said Baltimore and Yorktown Turnpike Company cannot agree with the owner of the land, or if any of them be an infant, *non compos mentis*, or out of the County where the land wanted lies, application may be made to any Justice of the Peace of such County, who shall therefore issue his warrant to the Sheriff of said County requiring him to summons a jury of twenty of the inhabitants not related to the parties, nor in any ways interested, to meet on the lands or other property wanted, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same, and if at said time and place any of said jurors summoned do not attend, the Sheriff shall summons as many persons similarly qualified as together with those in attendance, will furnish a panel of twenty jurors in attendance, and from the panel each party, his, her or their agent or attorney, or if either party be not present in person or by their agent, the Sheriff, for him, her, it or them, may strike off four persons, and the remaining twelve shall act as a jury of inquest of damages, and to each, before he acts as said juror, the Sheriff shall administer an oath or affirmation that he shall justly and impartially value the damages which the owner or owners of the fee will sustain by reason of the use or occupation of so much of their lands, now used as a Turnpike, as will be converted from the use of said Turnpike to the use of said steam Railroad; and the said jury shall reduce their inquisition to writing, and sign and seal the same, and it shall be returned by the Sheriff to the Clerk of the Circuit Court for his County, and be filed by said Clerk, and shall be confirmed by the said Court, at its next Term or Session, if no sufficient cause be shown, and when confirmed by said Clerk, at the expense of said Company; but if the same be set aside the said Court shall direct another inquisition to be taken, in the manner above described, and the inquisition shall, in all cases, describe the property taken or the bounds of the lands condemned, and the quantity or duration of the interest in the same, valued