

Jury of con-
demnation.

or neither party exercises said right, the sheriff shall strike off enough names to reduce the jury to twelve persons, and in every such valuation and assessment of damages the jury shall be and it is hereby instructed to consider, in determining and fixing the amount thereof, the benefit which will accrue to the owner from the constructing of the said canal through, or erecting any of the said works upon his land, and to regulate their verdict thereby, except that no assessment shall require any such owner to pay or contribute anything to the said company, where the benefit shall exceed the estimate of jury of the damages ascertained as aforesaid, and the inquisition thereon taken, signed by the sheriff and the jury, and returned by the sheriff to the clerk of the Circuit Court of the county in which said inquisition has been had, and unless good cause be shown against the said inquisition, it shall be affirmed by the court and recorded; but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may, at its discretion, as often as may be necessary, direct another inquisition to be taken in the manner above prescribed, and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the quantity and duration of the interest and estate in the same required by the said company for its use, and their valuation shall be conclusive on all persons, and shall be paid for by the said company to the owner or owners of the land, or to his or their legal representatives, and, on payment thereof, the said company shall be seized of such land as of an absolute estate in perpetuity, or with such less quantity and duration in interest or estate in the same, or subject to such partial or temporary appropriation, use or occupation, as shall be required and described as aforesaid, as if conveyed by the owner to them; and the *per diem* of the jury of such assessments and condemnation, and the fees of the justice of the peace and the sheriff and the fees for the witnesses of the company shall be paid by the company in the discretion of the court. That where the said canal crosses any public road which authoritatively is hereby granted the said company the said crossing must have it done to the satisfaction of the County Commissioners of Anne Arundel county, or if a draw is erected in the bridge over said canal as part of the public, it must be made to the satisfaction of the County Commissioners of Anne Arundel county, and the said company may raise any bridge in the line of its canal to a sufficient height to allow the passage of its boats, or erect a draw therein, either of which must be done to the satisfaction of the County Commissioners of Anne Arundel county.