

Proviso.

the line of the said railway may intersect the same and run on said road; *provided*, that in case the consent of the Commissioners of Baltimore county, and the consent of the owner or owners of any ground to be occupied by said railway cannot be obtained, that the President and Directors of said company may agree with the owners of land for the purchase and occupation of the land required for said road, and also for the purchase of stone, gravel, earth or timber required in the construction thereof; and in all cases where they are unable to agree with such owner or owners, or where he 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 Baltimore county to meet upon the land, and after four of the jurors so summoned are stricken off the panel by the President of said company or his agent, and four others by the person or persons interested in said land, or his or her agent, or in the absence or refusal to strike off such persons or their agent, the four to be stricken off by the Sheriff, the 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 or 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 said land required for the construction of said road shall take into the estimate the benefit resulting to 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 jury, and returned by the Sheriff to the Clerk of the Circuit Court of Baltimore county, and unless good and sufficient cause shall be shown against the said inquisition, but if the said inquisition shall be set aside the said company may, in