

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 agents, four to be stricken off by the said 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 land required for the construction of said road, shall take into the estimate the benefits 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 or Harford county, as the case may be, and unless good and sufficient cause shall be shown against the said inquisition, it shall be affirmed by the said court at the term next succeeding the return of said inquisition, but if the said inquisition should 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; *and provided, also*, 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, gardens, lawns or orchards of any person or persons.

Proviso.

Sec. 8. *And be it enacted*, That upon the payment or tender of payment to the owner or owners of land so condemned, of the amount of damages that may have been assessed by such inquisition, after the same shall have been confirmed by the said courts, the said company shall be at liberty to take possession of said land, and to construct thereon, upon such grade as they may deem expedient, their said railway, and put the same in operation, and do all things that may be lawfully done for that purpose.

Possession to be taken.